

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY  
South Carolina Workers' Compensation Commission

R. Michael Campbell, II, Commissioner; T. Scott Beck, Commissioner;  
Commission Chair

RECEIVED  
Gene McCaskill

JUN 01 2020

SC Court of Appeals

W.C.C. File No.: 1708722  
Appellate Case No.: 2020-000718

Timothy Clayton, Employee, Claimant, Appellant,

v.

South Carolina Department of Transportation, Employer; S.C. State Accident Fund,  
Carrier, Respondents.

**MOTION FOR EXTENSION**

Pursuant to South Carolina Appellate Court Rule 207 (b), the **Appellant** requests an extension of time for **Ordering the Transcript**. Appellant filed a Motion for Extension of time May 20, 2020, regarding Appellant's Initial Brief and Designation of Matter under the guise that the August 19, 2019, S.C. Workers' Compensation Commission Full Panel hearing transcript was received. The transcript was not ordered upon receipt of the March 23, 2020, S.C. Workers' Compensation Commission Full Panel Decision and Order due to a staff transition. The Appellant ordered the transcript May 29, 2020. (Attached). This is the first request for extension.

Respectfully submitted,

MCWHIRTER BELLINGER & ASSOC., P.A.

By:

Elizabeth McMahon Pentz, S.C. Bar Number 68426

119 East Main Street

Lexington, South Carolina 29072

803.359.5523 tele

803.359.1248 fax

[liz@mcwhirterlaw.com](mailto:liz@mcwhirterlaw.com)

*Attorney for Appellant, Timothy Clayton*

## Elizabeth McMahon Pentz

---

**From:** Elizabeth McMahon Pentz  
**Sent:** Friday, May 29, 2020 10:47 AM  
**To:** 'Creel Court Reporting Inc'; Elizabeth McMahon Pentz  
**Cc:** 'Erin Farthing'; EHollmon@wcc.sc.gov; 'transcripts@sccourts.org'  
**Subject:** RE: August 19, 2019, Timothy Clayton v. SCDOT; SCWCC: 1708722 Full Panel Hearing Transcript request  
**Attachments:** Appeal Transcript request form200501LIZ.PDF

Ms. Crowell: In the interim, I spoke with the S.C. Court of Appeals who instructed that I complete the attached form. I did select expedite and included the S.C. Court Administration on this email. Thanking you again, EM Pentz



**Elizabeth Pentz**

Attorney at Law  
Direct: 803-520-5067  
Mobile: 803-238-1933

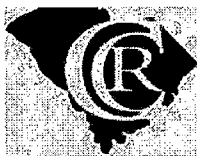
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**From:** Creel Court Reporting Inc <contact@creelreporting.com>  
**Sent:** Friday, May 29, 2020 10:38 AM  
**To:** Elizabeth McMahon Pentz <Liz@mcwhirterlaw.com>  
**Cc:** 'Erin Farthing' <efarthing@saf.sc.gov>; EHollmon@wcc.sc.gov  
**Subject:** RE: August 19, 2019, Timothy Clayton v. SCDOT; SCWCC: 1708722 Full Panel Hearing Transcript request  
**Importance:** High

Hi Ms. Pentz,

It was a pleasure speaking with you today! We are in receipt of your transcript request and has been submitted to the court reporter. Our normal turnaround is 10-14 days; **however, this can change depending on work flow. If there is a specific date you need your transcript by in the event it goes past 14 days, please let me know as soon as possible the latest you would need it back by.** We can also have it expedited at an extra cost if you need it before our normal turnaround time. If you have any questions or concerns, please give us a call.

Thank you,



**Cyreeta Crowell**

Office Manager  
Creel Court Reporting, Inc.  
P (803) 252-3445  
[contact@creelreporting.com](mailto:contact@creelreporting.com)

---

**From:** Elizabeth McMahan Pentz [<mailto:Liz@mcwhirterlaw.com>]

**Sent:** Friday, May 29, 2020 10:28 AM

**To:** Creel Court Reporting Inc <[contact@creelreporting.com](mailto:contact@creelreporting.com)>

**Cc:** Elizabeth McMahan Pentz <[Liz@mcwhirterlaw.com](mailto:Liz@mcwhirterlaw.com)>; Erin Farthing ([efarthing@saf.sc.gov](mailto:efarthing@saf.sc.gov)) <[efarthing@saf.sc.gov](mailto:efarthing@saf.sc.gov)>; [EHollmon@wcc.sc.gov](mailto:EHollmon@wcc.sc.gov)

**Subject:** August 19, 2019, Timothy Clayton v. SCDOT; SCWCC: 1708722 Full Panel Hearing Transcript request

May 29, 2020

Please accept the Claimant's request for a complete copy of the August 19, 2019, Full Panel Hearing Transcript in the above referenced case.

The attached S.C. Workers' Compensation Commission directives indicate that Ms. Amber Scarborough was the assigned court reporter.

Thank you to Cyreeta Crowell for her kind assistance today. Please advise if any additional information is required.

Thanking you in advance, EM Pentz



**McWhirter, Bellinger  
& Associates, P.A.**  
Attorneys at Law



**Elizabeth Pentz**  
Attorney at Law

**T** 803-359-5523

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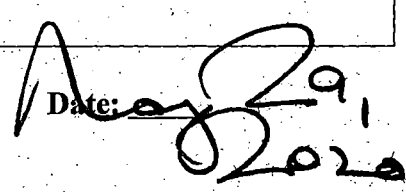
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## Transcript Request Form

Pursuant to Rule 207 and 607 of the South Carolina Appellate Court Rules, the transcribed paper copy is the official record of court proceedings. You may request a transcript by completing this form and emailing it to the Court Reporter and to South Carolina Court Administration at [transcripts@sccourts.org](mailto:transcripts@sccourts.org). Click [here](#) for instructions on how to find the court reporter's email and mailing addresses. Once the court reporter receives your request, it will be processed pursuant to Rule 207 and 607 of the SCACR. Rule 607(h) governs the fees for transcripts, which are not provided for free or at reduced rates to any party. Please send by mail a money order or certified bank check to the court reporter in order to obtain the transcript. Some court reporters may accept personal checks. Please check with the court reporter to see if this option is available. Once your request is received, you will receive a copy of this form with the bottom portion completed. Please promptly submit your payment in order for the transcript to be provided. If you need to cancel the transcript request for any reason, you are responsible for paying for the pages of the transcript that have already been completed at the time of the cancellation.

Requestor's Information			
<b>Full Name</b> Elizabeth McMahon Pentz	<b>Phone Number</b> 803-359-5523	<b>Email Address</b> liz@mcwhirterlaw.com	
<b>Mailing Address</b> 119 East Main Street	<b>City</b> Lexington	<b>State</b> SC	<b>Zip Code</b> 29072
Transcript Information			
<b>Docket Number</b> 1708722	<b>Case Caption (i.e. State v. John Doe or Smith v. Smith)</b> Timothy Clayton v. SCDOT		
<b>Date(s) of Proceeding</b> August 19, 2019	<b>Circuit</b> <input type="checkbox"/> <b>Family</b> <input type="checkbox"/>	<b>County</b> Richland	
<b>Presiding Judge</b> S.C. Workers' Compensation Commission Full Panel	<b>Expedited</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
<b>Court Reporter(s)</b> Amber Scarborough	<b>Opposing Counsel</b> Erin F. Farthing		

**Requestor's Signature:**   
(Typed name will serve as signature)

**Date:** 

**Note:** If you are ordering a transcript pursuant to Rule 207(a)(1), SCACR, you must contemporaneously furnish all parties, the Office of Court Administration, and the clerk of the appellate court with copies of all correspondence with the court reporter.

For Court Reporter Use Only			
<b>Full Name</b>	<b>Date Received</b>	<b>Email Address</b>	
<b>Notice of Estimate to Requestor Party</b>			
Date: _____	Number of Pages: _____	Estimated Amount: _____	
<b>Mailing Address for Payment</b>	<b>City</b>	<b>State</b>	<b>Zip Code</b>

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM RICHLAND COUNTY  
South Carolina Workers' Compensation Commission

R. Michael Campbell, II, Commissioner; T. Scott Beck, Commissioner; Gene McCaskill,  
Commission Chair

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W.C.C. File No.: 1708722  
Appellate Case No.: 2020-000718

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Timothy Clayton, Employee, Claimant, Appellant,

v.

South Carolina Department of Transportation, Employer; and S.C. State Accident Fund,  
Carrier, Respondents.

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**PROOF OF SERVICE**

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Counsel for **Appellant** certifies that she served the **Appellant's Motion for Extension of Time (Order Transcript)** on the South Carolina Department of Transportation, Employer; and S.C. State Accident Fund, Carrier, Respondents, by depositing a copy of the same into the United States Postal Service with proper postage affixed on May 29, 2020, and addressed as follows:

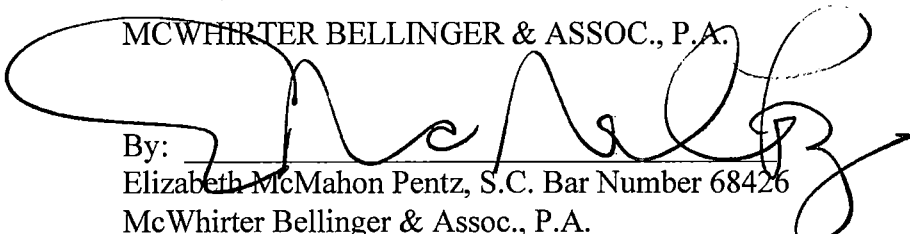
Erin F. Farthing  
Deputy Chief Counsel  
South Carolina State Accident Fund  
PO Box 102100  
800 Dutch Square Boulevard, St. 160  
Columbia, South Carolina 29221-5000  
*Attorney for Respondents*

S.C. Workers' Compensation Commission  
PO Box 1715  
1333 Main Street, Suite 500  
Columbia, South Carolina 29202-1715  
*Administrative Tribunal*

[SIGNATURE PAGE FOLLOWS]

Respectfully submitted,

MCWHIRTER BELLINGER & ASSOC., P.A.

By:   
Elizabeth McMahon Pentz, S.C. Bar Number 68426

McWhirter Bellinger & Assoc., P.A.

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*Attorney for Appellant, Timothy Clayton*

**Motion for Extension of Time (Order  
Transcript)**

Columbia, South Carolina  
May 29, 2020

LAW OFFICES  
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L. LISA McPHERSON  
ELIZABETH McMAHON PENTZ

RICHARD W. SIMMONS, II  
JOHN P. MEADORS  
AMANDA N. PITTMAN  
CHRISTOPHER M. CUNNINGHAM  
MADELYN E. DUKES  
EMMA B. TAYLOR  
ANGELA J. JOHNSON

May 29, 2020

**VIA UNITED STATES POSTAL SERVICE:**

The Honorable Jenny Abbott Kitchings  
Clerk of the South Carolina Court of Appeals  
1220 Senate Street  
Columbia, South Carolina 29201

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JUN 01 2020

**SC Court of Appeals**

RE: Timothy Clayton, Employee, Appellant v. South Carolina Department of Transportation, Employer; and S.C. State Accident Fund, Carrier, Respondents.  
APPELLATE CASE NO.: 2020-000718  
SCWCC FILE NO.: 1708722

Dear Ms. Kitchings:

Please find enclosed for filing the original and seven (7) copies of the **Appellant's Motion for Extension of Time (Order Transcript)** in this case. Also enclosed is a **Proof of Service** on counsel for the Respondents and Administrative Tribunal. Please return the additional filed copy to me in the enclosed self-addressed stamped envelope.

Please advise if additional information is required. Thanking you in advance, I am

Respectfully yours,

  
Elizabeth McMahon Pentz, *Attorney for the Appellant*

cc:

Erin F. Farthing  
Deputy Chief Counsel  
South Carolina State Accident Fund  
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800 Dutch Square Boulevard, St. 160  
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SC Court of Appeals

*The Honorable Jany Abbott Kitchens  
Clerk of the South Carolina Court of Appeals  
1220 Senate Street  
Columbia SC 29201*



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App Store.