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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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JUN 01 2020

APPEAL FROM SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

SC Court of Appeals

Appeal No.: 001535

Ex Parte: Christine Bradley, Surviving Spouse,Appellant.

In re: Albert Bradley, Employee,

v.

Southern Industrial Constructors, Inc., Employer,
and Zurich American Insurance Company

c/o Zurich North America, Carrier, Respondents.

**MOTION TO DISMISS APPEAL OR, IN THE ALTERNATIVE,
FOR ORDER DIRECTING APPELLANT
TO SERVE THE RECORD ON APPEAL**

Pursuant to Rules 210, 240 and 260, SCACR, Respondents Southern Industrial Constructors, Inc. and Zurich American Insurance Company c/o Zurich North America move this Court to dismiss this appeal due to Appellant Christine Bradley's failure to prosecute her appeal or, in the alternative, for an Order requiring Appellant to serve the Record on Appeal on Respondents in a timely manner. This appeal, in which Appellant contests death benefits and funeral expenses that were awarded to her by the South Carolina Workers' Compensation Commission, has been pending before this Court since August 2018. Due to delays and repeated failures on the part of Appellant to comply with Appellate Court Rules, this appeal has not progressed past the initial briefing stage. In other words, in 21 months, Appellant has filed her Initial Brief and various versions of a Designation of Matter, and Respondents have filed their Initial Brief, but the appeal has

progressed no farther due to Appellant's repeated failures to comply with this Court's appellate rules. The "South Carolina Appellate Court Rules are not mere technicalities but provide the parties and this Court with an orderly mechanism through which to guide appeals in this State." Henning v. Kaye, 307 S.C. 436, 415 S.E.2d 794 (1992). Where a party refuses to comply with this Court's Appellate Court Rules and, moreover, fails to comply with an Order of this Court, the appeal can and should be dismissed. *See, e.g.,* Diamond v. Powell, 271 S.C. 183, 184, 246 S.E.2d 233, 234 (1978) (dismissing appeal due to appellant's failure to comply with appellate court rules).

Respondents recognize that Appellant is proceeding *pro se*; however, a *pro se* litigant "who knowingly elects to represent himself assumes full responsibility for complying with substantive and procedural requirements of the law." State v. Burton, 356 S.C. 259, 265 n.5, 589 S.E.2d 6, 9 n.5 (2003); Goodson v. American Bankers Ins. Co. of Fla., 295 S.C. 400, 403, 368 S.E.2d 687, 689 (Ct. App. 1998) (*pro se* litigants held to the same standard as attorneys). As a result of Appellant's repeated failure to comply with this Court's Rules and Orders, Respondents request this Court to dismiss Appellant's appeal pursuant to Rule 260, SCACR.

In the alternative, this Court should order Appellant to serve a proper Record on Appeal on Respondents within thirty (30) days.

This motion conforms with Rules 240 and Rule 267, SCACR.

[SIGNATURE ON FOLLOWING PAGE]

McANGUS GOUDELICK & COURIE, LLC

May 29, 2020

A handwritten signature in black ink, appearing to read 'H. Hiser', is written over a solid horizontal line.

Helen F. Hiser, S.C. Bar No.: 76124
P.O. Box 650007
Mount Pleasant, South Carolina 29465
(843) 576-2900

*Attorneys for Respondents Southern Industrial
Constructors, Inc., Employer, and Zurich American
Insurance Company c/o Zurich North America,
Carrier*

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PROOF OF SERVICE

I certify that on the 29th day of May 2020, I served the Respondents' **Motion to Dismiss Appeal or, in the Alternative, for Order Directing Appellant to Serve the Record on Appeal** on Christine Bradley by depositing a copy of it in the United States Mail, postage prepaid, addressed as follows:

Christine Bradley
475 Lower Lee School Rd.
Mayesville, South Carolina 29104



Mackenzie Broughton
Legal Assistant to Helen F. Hiser
McAngus, Goudelock & Courie LLC
735 Johnnie Dodds Blvd., Suite 200
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Mount Pleasant, South Carolina 29465
(843) 576-2900

*Attorneys for Respondents Southern
Industrial Constructors, Inc., Employer, and
Zurich American Insurance Company c/o
Zurich North America, Carrier*



Reply To

HELEN F. HISER
Direct Dial: (843) 576-2930
helen.hiser@mgclaw.com

May 29, 2020

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SC Court of Appeals

VIA U.S. MAIL

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

RE: Albert Bradley v. Southern Industrial Constructors and Zurich American
Insurance Company c/o Zurich North America
Date of Accident: May 16, 2011
WCC File No.: 1105628
Our File No.: 20216.11055
Claim No.: 2800074691
Appeal No.: 2018-001535

Dear Ms. Kitchings:

Enclosed please find the original and seven (7) copies of Respondents' Motion to Dismiss Appeal or, in the Alternative, for Order Directing Appellant to Serve the Record on Appeal, and the original and one copy of the Proof of Service in the above-referenced matter. Please file the originals and return a clocked-in copy in the enclosed self-addressed, stamped envelope.

If you have any questions, please do not hesitate to contact me.

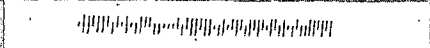
Yours truly,



Helen F. Hiser

Attachments

cc: Christine Bradley, *Pro Se*



mgc | INSURANCE
DEFENSE

POST OFFICE BOX 12519
COLUMBIA, SC 29211

JUN 01 2020
SC Court of Appeals

20216.11055/HFH/mtb
The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201