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**Jun 15 2020**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM THE SOUTH CAROLINA WORKERS  
COMPENSATION COMMISSION

T. Scott Beck, Commissioner

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Appellate Case No. 2019-001361

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Courtney Ray Mitchell,

Appellant,

v.

United Parcel Service and  
Liberty Corporation,

Respondents.

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**APPELLANT'S MOTION FOR  
WAIVER OF RULE 267(c) SCACR**

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On June 2, 2020, Appellant served the Record on Appeal to herein Respondents, by and through their counsel of record, by electronic mail, pursuant to South Carolina Supreme Court Amended Order 2020-05-29-02. On June 3, 2020, Respondents filed a Motion for Correction and/or Amendment of Record on Appeal, alleging that it did not contain certain pages from the transcript on the deposition of Appellant, taken on January 12, 2016. The omitted pages were designated as Item No. 14 on Respondents' Designation on Matter.

On June 8, 2020, Appellant filed his Reply to Respondents' motion, stating that Appellant is not and has never been in possession of said item and Respondents furnished him with a condensed version of the transcript. Appellant informed this Honorable Court that he attempted to request a full transcript from Court Reporter Trisha G. Rarick, who failed to respond.

Respondents opposed Appellant's Reply and recommended that Appellant file a motion for waiver of the rule prohibiting photographic reduction of any part of the Record on Appeal. (Rule 267(c) SCACR).

Appellant respectfully requests this Honorable Court to waive the requirements of Rule 267(c) and allow them to include the condensed version of the transcript of deposition of

Appellant, as designated by Respondents to complete the Record on Appeal. Appellant prays that the lack of resulting prejudice to opposing counsel will allow for the Court to grant this motion.



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*Attorney for Appellant*

Anderson, South Carolina  
June 11, 2020.

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**SC Court of Appeals**

**FORM 7  
PROOF OF SERVICE**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM THE SOUTH CAROLINA WORKERS  
COMPENSATION COMMISSION

T. Scott Beck, Commissioner

WCC File No.: 1322347  
Appellate Case No.: 2019-001361

Courtney Ray Mitchell,

Appellant,

v.

United Parcel Service and  
Liberty Insurance Corporation,

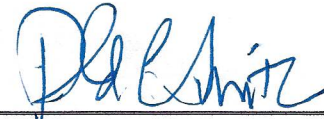
Respondents.

**PROOF OF SERVICE**

Pursuant to Supreme Court of South Carolina's Amended Order 2020-05-29-02, I certify that I have served a copy of Motion for Waiver of Rule 267(c) SCACR, and Proof of Service of same, upon The Honorable Jenny Abbott Kitchings, Clerk of South Carolina Court of Appeals, and the Respondents, by and through their counsels of record, Ms. Helen F. Hiser, Esquire and O. Shayne Williams, Esquire, via electronic mail in the addresses as follows:

Ms. Jenny Abbott-Kitchings	<a href="mailto:ctappfilings@sccourts.org">ctappfilings@sccourts.org</a>
Ms. Helen F. Hiser, Esquire	<a href="mailto:helen.hiser@mgclaw.com">helen.hiser@mgclaw.com</a>
Mr. Shayne Williams, Esquire	<a href="mailto:Shayne.williams@mgclaw.com">Shayne.williams@mgclaw.com</a>

The above-mentioned documents have been served on June 11, 2020.



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Anderson, South Carolina  
June 11, 2020

FORM 8  
LETTER TO THE APPELLATE COURT CLERK

June 11, 2020

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Jun 15 2020

SC Court of Appeals

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 copy of Appellant's Motion for Waiver of Rule 267(c) SCACR, and,
- (2) Proof of Service of same.

A check amounting to Fifty (\$50) Dollars as motion fee will be sent to your Honorable Court within five days upon this writing.

Sincerely,



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Donald L. Smith (Bar No.: 6699)  
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cc: Ms. Helen F. Hiser, Esquire  
Mr. O. Shayne Williams, Esquire