

**In The South Carolina Court of Appeals
On Appeal Form the South Carolina Workers' Compensation Commission
Appellate Case No: 2019-001936**

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Jul 14 2020

SC Court of Appeals

Jennie Cox, Employee

Appellant,

v.

Appellate Case No: 2019-001936

**Palmetto State Transportation, Employer
And Cherokee Insurance Company,
Respondents**

MOTION TO HOLD APPEAL IN ABEYANCE OR, IN THE ALTERNATIVE FOR EXTENSION OF TIME TO FILE APPELLANT'S INITIAL BRIEF

1. This matter is presently pending before the Court. The time period for submitting the Appellant's brief was previously extended pursuant to the Court's grant of Appellant's previous motions to extend.
2. Appellant now seeks an Order holding this matter in abeyance for a period of 60 days pending the outcome of recently renewed settlement negotiations with the Respondents. Counsel for Appellant has communicated with Counsel for Respondent regarding this request and, on information and belief, Respondents do not object to the appeal and all applicable deadlines being held in abeyance during the 60 day period.
3. Appellant would request that the Appellant's initial brief be deemed due at the expiration of the period of abeyance should the parties fail to reach a settlement of the matter.
4. Alternatively, should the Court determine that a period of abeyance is not appropriate at this juncture, Appellant would seek a 30 extension of time for filing the Appellant's initial brief, which is currently due.¹ Due to recent and ongoing COVID-19 Health Alerts, Shelter in Place Orders, and closures associated with the virus, Counsel has been unable to sufficiently conduct the research necessary to complete the Appellant's Initial Brief. Specifically, Counsel has not been able to access the USC School of Law Library as Counsel would under normal circumstances. As such, Counsel has not yet had an opportunity to complete the Appellant's Initial Brief.
5. Counsel for Appellant therefore requests an extension of time to file the Appellant's Initial Brief in the event the Court declines to hold the appeal in abeyance.

¹ Appellant's June 1, 2020 motion to extend the time for filing Appellant's initial brief was granted; however, the motion was not ruled upon until after the date set forth in Order setting the extended due date. Counsel for Appellant's office inadvertently calendared the extended due date upon receipt of the order as being 30 days from receipt of the Order as opposed to the actual due date listed in the order. This motion follows Counsel's discovery of this error, although Counsel had already communicated with Respondent's Counsel regarding holding the appeal in abeyance prior to receiving the Order granting the motion to extend.

6. Counsel for Appellant further requests that the applicable deadlines for perfecting the appeal be held in abeyance pending the Court's ruling on this motion.
7. This is the Appellant's first motion to Hold Appeal in Abeyance pending Settlement Negotiations.
8. This motion is not being made for purposes of delay; rather, the effects of the recent State and national Health Alerts, as well as Counsel's limited access to resources necessary to conduct research and counsel's heavy workload as a solo practitioner has necessitated this request.

Accordingly, Appellant requests an extension of time until July 1, 2020 to file and serve the Appellant's Initial Brief.

/s/ Adrienne L. Turner

Adrienne L. Turner
Bar # 6840
Counsel for Appellant

Greenville, SC
July 14, 2020

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the Motion to Hold Appeal in Abeyance or, alternatively, to Extend Time for Filing Appellant's Initial Brief was sent by electronic mail and/or United States Mail, postage prepaid, on June 1, 2020 to:

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And
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/s/ Adrienne L. Turner

Adrienne L. Turner