

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM SOUTH CAROLINA  
WORKERS' COMPENSATION COMMISSION **Aug 06 2020**

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**SC Court of Appeals**

Appellate Case No. 2018-000922

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Robert L. Evans, Employee, .....Appellant,

v.

Aqua Seal Manufacturing & Roofing, Employer, and  
Builders Mutual Insurance Company, Carrier, ..... Respondents.

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**RETURN IN OPPOSITION TO  
APPELLANT'S REQUEST FOR EXTENSION OF TIME**

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Pursuant to Rules 221 and 240, SCACR, Respondents Aqua Seal Manufacturing & Roofing and Builders Mutual Insurance Company hereby oppose Appellant Robert L. Evans' request for an extension of time in which to file his Petition for Rehearing. First, it is unclear whether Appellant's letter constitutes a motion for relief from this Court and/or whether he has submitted the required filing fee. Second, and more importantly, Rule 221 provides, in pertinent part, that a petition for rehearing "must be actually received by the appellate court no later than fifteen (15) days after the filing of the opinion, order, judgment, or decree of the court." Rule 221, SCACR. Appellant's argument is that he did not receive this Court's Opinion, No. 2020-UP-194 until July 15, 2020; however, Rule 221 runs from the date of *filing*, not *receipt*, of an opinion/order. In fact, this this Court's Opinion, No. 2020-UP-194 was posted on the Court of Appeals' website and C-Track on June 24, 2020. (Exh. A). The undersigned became aware of

this Court's filed Opinion, No. 2020-UP-194 on June 24, 2020 by checking the Court's website and C-Track posting. Attorneys and parties are expected to monitor the progress of their cases. *See, e.g., Goodson v. American Bankers Ins. Co.*, 295 S.C. 400, 403, 368 S.E.2d 687, 689 (Ct. App. 1988) ("a party has a duty to monitor the progress of his case"). Thus, because Appellant has no reasonable or acceptable excuse for failing to file his Petition for Rehearing within 15 days of the filing of this Court's Opinion, No. 2020-UP-194, his request should be denied.

Respectfully submitted,  
MCANGUS GOUDELOCK & COURIE



August 6, 2020

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Helen F. Hiser, S.C. Bar No.: 76124  
735 Johnnie Dodds Blvd., Suite 200 (29464)  
P.O. Box 650007  
Mount Pleasant, South Carolina 29465  
(843) 576-2900

*Attorneys for Respondents Aqua Seal  
Manufacturing & Roofing and Builders Mutual  
Insurance Company*

## *Court of Appeals Unpublished Opinions - June 2020*

**Note:** Beginning in June 2012, opinions will be posted as Adobe PDFs. You can download a free copy of Adobe Reader [here](#).

### **6-3-2020 - Opinions**

[2020-UP-166 - State v. Davis](#)

[2020-UP-167 - State v. Brown](#)

[2020-UP-168 - State v. Ervin](#)

[2020-UP-169 - State v. Biggs](#)

[2020-UP-170 - Deutsche Bank National Trust Company v. Legare-Gardner](#)

### **6-4-2020 - Opinions**

[2020-UP-172 - SCDSS v. Dowdy](#)

[2020-UP-173 - SCDSS v. Kirk](#)

[2020-UP-174 - SCDSS v. Clement](#)

### **6-8-2020 - Opinions**

[2020-UP-184 - SCDSS v. Finkle](#)

### **6-10-2020 - Opinions**

[2020-UP-175 - SCDMV v. Willey](#)

[2020-UP-176 - State v. Singletary](#)

[2020-UP-177 - Morgan v. Boyles](#)

[2020-UP-178 - State v. Himes](#)

[2020-UP-179 - State v. McDaniels](#)

[2020-UP-180 - State v. Matthews](#)

[2020-UP-181 - Malejko v. Corley](#)

[2020-UP-182 - State v. Colclough](#)

[2020-UP-183 - State v. Massey](#)

### **6-16-2020 - Opinions**

[2020-UP-189 - SCDSS v. Cruz-Torres](#)

### **6-17-2020 - Opinions**

[2020-UP-185 - State v. Price](#)

[2020-UP-186 - State v. Coffey](#)

[2020-UP-187 - Pressley v. SCDOT](#)

[2020-UP-188 - State v. McFadden](#)

Exh. A

**6-24-2020 - Opinions**2020-UP-190 - State v. Cramer2020-UP-191 - State v. Goodwin2020-UP-192 - State v. McFadden2020-UP-193 - The City of Columbia v. Rawlinson2020-UP-194 - Evans v. Aqua Seal Manufacturing2020-UP-195 - Heyward v. State2020-UP-196 - State v. Bowers2020-UP-197 - DiMarco v. DiMarco

|           | 2020 |
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| January   |      |
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# South Carolina Appellate Case Management System

CLERK'S OFFICE  
SUPREME COURT  
COURT OF APPEALS

Appellate Case No. ...

**Cases**

Case Search

Participant Search

**Disclaimer:** The information and documents available here should not be relied upon as an official record of action. Only filed documents can be viewed. Some documents received in a case may not be available for viewing. Some documents originating from a lower court, including records and appendices, may not be available for viewing.

**Case Information: 2018-000922**

**Court:** Court of Appeals      **Classification:** Appeal - Workers' Comp. Commission - Workers' Comp. Commission

**Short Title:** Robert Evans v. Aqua Seal      **Case Status:** Remittitur  
[View Full Title](#)

**Consolidated:**

**Filed Date:** 05/18/2018      **Oral Argument Date:**

**Disposition Date:** 06/24/2020      **Disposition Type:** Opinion

**Remittitur Date:** 07/15/2020

**Lower Court or Tribunal:** 1608009

**- Party Information**













| Appellate Role | Party Name                        | Former | Attorney(s)  |
|----------------|-----------------------------------|--------|--|
| Appellant      | Robert L. Evans                   | N      | Charles Edward Johnson, Sr.  |
| Respondent     | Aqua Seal Manufacturing & Roofing | N      | George Albert Taylor (Former)<br>Richard C. Detwiler (Former)<br>Helen F Hiser |
| Respondent     | Builders Mutual Insurance Company | N      | George Albert Taylor (Former)<br>Richard C. Detwiler (Former)<br>Helen F Hiser |

**Views**

**Display:** Descending ▾

**Event Information**

| Filed Date | Event Information  | Doc |
|------------|--|-----|
| 08/04/2020 | Deficiency - Deficiency Letter Sent for Motion for Costs   |     |
| 07/31/2020 | Correspondence - Incoming (Mailed Copy of Motion for Costs and Itemized Statement of Costs)      |     |
| 07/29/2020 | Motion - Costs   |     |
| 07/28/2020 | Rehearing - Petition for Rehearing   |     |
| 07/15/2020 | Remittitur - Remittitur Sent   |     |
| 06/24/2020 | Dispositional Decision - Opinion   |     |
| 05/01/2020 | Calendaring - Case Submitted   |     |
| 05/01/2020 | Correspondence - Outgoing (Letter - Notice of Submission)  |     |
| 08/13/2019 | Non-Dispositional Decision - Order granting substitution of counsel                              |     |
| 08/05/2019 | Motion - Substitute as Counsel   |     |
| 08/05/2019 | Non-Dispositional Decision - Order granting substitution of counsel for George Taylor            |     |
| 07/29/2019 | Correspondence - Incoming (deficiency correction to copy clients on counsel substitution molton) |     |
| 07/22/2019 | Motion - Substitute as Counsel for Respondents.  |     |
| 02/01/2019 | Deficiency - Correction (Supplemental Record on Appeal)  |     |
| 01/22/2019 | Deficiency - Deficiency Letter Sent (Record on Appeal)   |     |
| 01/22/2019 | Deficiency - Deficiency Letter Sent (Supplemental Record on Appeal)                              |     |
| 10/16/2018 | Correspondence - Incoming (No Objection to Supplemental Record on Appeal)                        |     |
| 10/16/2018 | Record - Supplemental  |     |
| 10/16/2018 | Final Brief - Respondent   |     |
| 10/02/2018 | Final Brief - Appellant  |     |
| 10/02/2018 | Record - Record on Appeal Filed  |     |

|            |   |   |
|------------|---|---|
| 09/28/2018 | Record - Proof of Service of Record on Appeal                               |   |
| 09/19/2018 | Correspondence - Outgoing (Unbound Originals Letter)                        |  |
| 09/18/2018 | Initial Brief - No Reply  |  |
| 08/31/2018 | Designation of Matter - Designation of Matter Filed (Respondent)            |  |
| 08/31/2018 | Initial Brief - Respondent  |  |
| 07/17/2018 | Non-Dispositional Decision - Extension Granted (Respondents' Initial Brief) |  |
| 07/16/2018 | Motion - Extension of Time (1st) (Respondents' Initial Brief)               |  |
| 07/02/2018 | Designation of Matter - Designation of Matter Filed (Appellant)             |  |
| 07/02/2018 | Initial Brief - Appellant   |  |
| 05/24/2018 | Deficiency - Correction (Notice of Appeal)                                  |  |
| 05/21/2018 | Deficiency - Deficiency Letter Sent (Notice of Appeal)                      |  |
| 05/21/2018 | Correspondence - Outgoing (Notice of Appeal Initial Letter)                 |  |
| 05/18/2018 | Transcript Documents - Transcript Ordered                                   |  |
| 05/18/2018 | Notice of Appeal (Civil) - Initial  |  |

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**PROOF OF SERVICE**

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I certify that on the 6th day of August 2020, I served Respondents Aqua Seal Manufacturing & Roofing and Builders Mutual Insurance Company **Return in Opposition to Appellant's Request for Extension of Time** on Robert L. Evans by emailing and depositing a copy of it in the United States Mail, postage prepaid, addressed to his attorneys of record as follows:

Mr. Charles E. Johnson, Esq.  
P.O. Box 12426  
Columbia, South Carolina 29211  
charles201102@att.net



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Helen F. Hiser  
McAngus, Goudelock & Courie LLC  
P.O. Box 650007  
Mount Pleasant, South Carolina 29465  
(843) 576-2900  
*Attorneys for Respondents Aqua Seal  
Manufacturing & Roofing and Builders Mutual  
Insurance Company*



**Reply To**

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

RECEIVED

Aug 06 2020

SC Court of Appeals

August 6, 2020

**Via Facsimile & U.S. Mail**

The Honorable Jenny Abbott Kitchings  
South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, South Carolina 29211

RE: Robert L. Evans v. Aqua Seal Manufacturing and Roofing, Inc. and Builders  
Mutual Insurance Company  
Date of Accident: June 3, 2016  
WCC File No.: 1608009  
Our File No.: 20809.19111  
Claim No.: WCV001030996  
Appeal No.: 2018-000922

Dear Ms. Kitchings:

Enclosed please find the original of Respondents' Return in Opposition to Appellant's Request for Extension of Time, and the Proof of Service in the above-referenced matter. We are serving counsel of record via email and U.S. Mail.

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

Sincerely,  
McAngus Goudelock & Courie, LLC

Helen F. Hiser

Enclosures

cc: Charles E. Johnson, Esq. (via Email & U.S. Mail)