

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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AUG 03 2020

SC Court of Appeals

APPEAL FROM SOUTH CAROLINA  
WORKERS' COMPENSATION COMMISSION

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 RESPONDENTS WITH THE RECORD ON APPEAL  
AND ANY OTHER FILINGS**

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 as is required the South Carolina Appellate Court Rules. 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 nearly 24 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. At this point, Appellant appears to be filing documents with the Court but not serving Respondents. 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). This is especially true where there are repeated failures to comply, as is the case here.

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 that this Court dismiss Appellant's appeal pursuant to Rule 260, SCACR.

In the alternative, this Court should order Appellant to serve the Record on Appeal on Respondents, and to serve Respondents with any documents filed with or submitted to the Court.

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

McANGUS GOUDELOCK & COURIE, LLC

July 30, 2020



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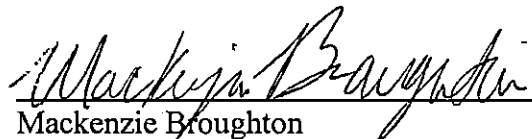
Southern Industrial Constructors, Inc., Employer,  
and Zurich American Insurance Company

c/o Zurich North America, Carrier, ..... Respondents.

**PROOF OF SERVICE**

I certify that on the 30th day of July 2020, I served the Respondents' **Motion to Dismiss Appeal or, in the Alternative, for Order Directing Appellant to Serve Respondents with the Record on Appeal and Any Other Filings** 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

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**VIA FACSIMILE & 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 of Respondents' Motion to Dismiss Appeal or, in the Alternative, for Order Directing Appellant to Serve Respondents with the Record on Appeal and Any Other Filings, along with the Proof of Service in the above-referenced matter.

We will send our firm's check in the amount of \$50 for filing the motion via U.S. Mail with a copy of this letter.

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

Yours truly,

Helen F. Hiser

Attachments

cc: Christine Bradley, *Pro Se*, via U.S. Mail

**mgc**

**INSURANCE  
DEFENSE**

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**20216.11055/HFH/mtb**  
The Honorable Jenny Abbott Kitchings  
South Carolina Court of Appeals  
1220 Senate Street  
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29201-376999

