

94027
RECEIVED

MAR 29 2021

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE WORKERS' COMPENSATION COMMISSION

Appellate Case No. 2020-001474

David Casey, Employee, Respondent

v.

APTIM Federal Services, LLC, Employer, and XL Specialty Insurance Company, Carrier,
Appellants.

**RESPONDENT'S MOTION TO STAY PROCEEDINGS AND REQUEST FOR
EXTENSION TO FILE INITIAL BRIEF AND DESIGNATION OF MATTER**

Pursuant to Rule 240, SCACR, David Casey, Respondent, hereby requests these proceedings be held in abeyance and, alternatively, a 30-day extension of time to serve and file Respondent's Initial Brief and Designation of Matter. The grounds for the Motion are as follows:

1. The above case is pending in the South Carolina Court of Appeals with Respondent's Initial Brief and Designation of Matter due on March 31, 2021.
2. The primary/sole issue set before the Court of Appeals is Respondent's entitlement to back-owed temporary compensation as ordered by the South Carolina Workers Compensation Commission Appellate Panel.
3. Contemporaneously, Appellants filed a Form 21, Request for Hearing, with the South Carolina Workers' Compensation Commission to address the remaining issues in the underlying workers' compensation claim, including Respondent's entitlement to permanent disability compensation and medical benefits.

4. The hearing for these lower court proceedings was originally scheduled for March 25, 2021 but has subsequently been rescheduled to April 15, 2021 due to scheduling conflicts.

5. Based on relevant information and belief, Respondent's Counsel does not see any scenario in which the issues before the South Carolina Workers' Compensation Commission are not appealed and ultimately heard by the Court of Appeals for the State of South Carolina.

6. As such, Respondent's Counsel believes that in the interest of judicial economy, it would be prudent to stay the current proceedings pending before the Court of Appeals until the current lower court proceedings reach the same court so that two concurrent appeals are not pending regarding the same case with the same underlying facts.

7. Respondent sees no prejudice in staying the current appellate proceedings, as Appellants are under no current/continuing obligation to provide Respondent anything based on the lower court's order until their appeal rights have been exhausted. Additionally, with an imminent appeal of the lower court proceedings forthcoming, both sides would be saddled with twice the costs associated with multiple appeals being litigated, but not tried simultaneously.

8. This stay, if granted, would suspend all current and future deadlines for the current Court of Appeals proceeding until the lower court proceedings reach the South Carolina Court of Appeals and can be joined with the current case.

9. Alternatively, if a stay is not granted, Respondent requests an extension of thirty (30) days for filing Respondent's Initial Brief and Designation of Matter. If granted, this would make April 30, 2021 the new deadline for service and filing of Respondent's Initial Brief and Designation of Matter.

10. Respondent has consulted with Appellants about our request, and they have stated they cannot agree.

Accordingly, Respondent respectfully requests that the Court grant their request for a stay or, alternatively, a 30-day extension.

A handwritten signature in black ink that reads "Chip Alexander". The signature is written in a cursive, flowing style.

Richard C. Alexander, Esq
Shelly Leeke Law Firm, LLC
3614 Ashley Phosphate Rd.
North Charleston, South Carolina, 29418
Telephone: (843) 297-8485
Facsimile: (843) 297-8497
chip@leekelaw.com

Attorney for Respondent

RECEIVED

MAR 29 2021

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE WORKERS' COMPENSATION COMMISSION

Appellate Case No. 2020-001474

David Casey, Employee, Respondent

v.

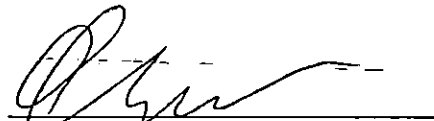
APTIM Federal Services, LLC, Employer, and XL Specialty Insurance Company, Carrier,
Appellants.

CERTIFICATE OF SERVICE

I certify that I have on this 25th day of March, 2021, served the all counsel of record, with a copy of Respondent's Motion to Stay Proceedings and Request For Extension to File Initial Brief and Designation Of Matter, as described below:

VIA E-Mail to: deller@etblawfirm.com & wchilders@etblawfirm.com

Daniel B. Eller, Esq.
William F. Childers, Jr.
Eller Tonnsen Bach, LLC
1306 South Church Street
Greenville, SC 29605



Mandi M. Whitaker
Paralegal to Richard C. Alexander, Esq
Shelly Leeke Law Firm, LLC
3614 Ashley Phosphate Rd.
North Charleston, South Carolina, 29418
Telephone: (843) 297-8485
Facsimile: (843) 297-8497
mandi@leekelaw.com



SHELLY LEEKE
LAW FIRM, LLC

Charleston Office
Shelly Leeke Law Firm, LLC
3614 Ashley Phosphate Road
North Charleston, SC 29418

Phone: 843.297.8485
Fax: 843.297.8497
www.LeekeLaw.com

Call For Additional Office Locations

March 25, 2021

RECEIVED

MAR 29 2021

SC Court of Appeals

VIA E-MAIL - CTAPPFILINGS@SCCOURTS.ORG &
VIA USPS

Jenny Abbott Kitchings, Clerk of Court
SC Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RE: *David Casey v. Aptim Federal Services*
Appellate Case No.: 2020-001474

Dear Honorable Kitchings:

Enclosed please find Respondent's Motion to Stay Proceedings and Request for Extension to File Initial Brief and Designation Of Matter & Certificate of Service. I have enclosed the filing fee of \$50.00 for the same. Please do not hesitate to contact me with any additional questions or concerns. By copy of this letter to Daniel B. Eller, Esq. & William F. Childers, Jr. via e-mail, I am serving upon the Appellants a copy of my Motion as reflected on the attached Certificate of Service.

I have consulted with Appellants, and they have stated they cannot agree.

Sincerely,

Richard C. Alexander
Attorney at Law

RCA/mmw

cc: Daniel Barry Eller, Esq. (w/encls) (via E-Mail)
William F. Childers, Jr. (w/encls) (via E-Mail)



SHELLY LEEKE
LAW FIRM, LLC

3614 Ashley Phosphate Road
North Charleston, SC 29418

CHARLESTON SC 294

25 MAR 2021

RECEIVED

MAR 29 2021

SC Court of Appeals

Jenny Abbott Kitchings, Clerk of Court
SC Court of Appeals
P.O. Box 11629
Columbia, SC 29211

FIRST-CLASS



US POSTAGE

02 7H

\$ 000.71⁰

0001299031

MAR 25 2021

MAILED FROM ZIP CODE 29418

29211-162929

