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Apr 28 2021
SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SOUTH CAROLINA
Workers' Compensation Commission

Appellate Case No: 2020-000718

Timothy Clayton, Claimant,.....Appellant,

v.

South Carolina Department of Transportation, Employer, and South Carolina State Accident
Fund, Carrier,.....Respondents.

**MOTION TO ALLOW FILING OF
SUPPLEMENTAL RECORD ON APPEAL**

Respondents, by and through its undersigned counsel, would respectfully show unto the
Court as follows:

I.

On April 9, 2021, Appellant served and filed the Record on Appeal in the above captioned
appeal. Accordingly, the filing deadline for the Final Brief of Respondent is April 29, 2021.

II.

While reviewing the Record on Appeal in order to prepare the Final Brief, Counsel for
Respondents discovered that a number of documents listed in Respondents' Designation of Matter
were mistakenly omitted from the Record on Appeal. Specifically, the following items included
in Respondents' Designation of Matter were not included in the Record on Appeal: (1) Defendants'
Form 21 filed on March 23, 2018; (2) Claimant's Form 50 filed on April 5, 2018; (3) Claimant's

Form 22 filed on May 1, 2018; (4) Defendants' Form 51 filed on May 4, 2018; and (5) the Full Commission panel's request for a proposed decision and order dated September 9, 2019.

III.

Furthermore, the caption of the Record on Appeal has the incorrect South Carolina Bar Number for Counsel for Respondents. The proper Bar Number is 76151. As such, the caption needs to be amended to reflect the proper information for Counsel for Respondents.

IV.

Respondents request this Court to require that Appellant file a Supplemental Record on Appeal containing the missing designated matter and including the proper South Carolina Bar Number for Counsel for Respondents. Furthermore, Respondents request this Court to hold the time period for the filing and service of the final briefs in abeyance until this motion has been ruled upon

WHEREFORE, Respondents pray that the Court require the service and filing of a Supplemental Record on Appeal containing all designated matter, and hold the time period for service and filing of the final briefs in abeyance; and for such other and further relief as the Court may deem just and proper.

Respectfully Submitted,



Erin F. Farthing, S.C. Bar No. 76151
South Carolina State Accident Fund
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Attorney for Respondents

Columbia, South Carolina
April 28, 2021

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Fund, Carrier.....Respondents.

CERTIFICATE OF MAILING

I hereby certify that I have served the foregoing Motion to Allow Filing of Supplemental
Record on Appeal on this 28th day of April, 2021 via e-mail, to the following e-mail address:
Liz@mcwhirterlaw.com.



Erin Farthing
State Accident Fund
PO Box 1166
Lexington, SC 29071

Erin Farthing

From: Erin Farthing
Sent: Wednesday, April 28, 2021 5:13 PM
To: Elizabeth McMahon Pentz
Subject: Clayton v. DOT, appellate case number 2020-718
Attachments: Motion for supp record.pdf

Liz,
Attached for service upon you is the Motion to Allow Filing of Supplemental Record on Appeal in the above claim. These documents are being filed with the Court via e-file today. Thank you.
Erin



Erin Farthing

Acting Director/Chief Counsel
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***** Please be advised that we are moving our location in the coming weeks. Beginning on March 1, 2021, please send all mail to PO Box 1166, Lexington, SC 29071.*****

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South Carolina State Accident Fund

Henry D. McMaster
Governor

Erin Farthing
Acting Director

April 28, 2021

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SC Court of Appeals

VIA E-File

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
1015 Sumter Street
Columbia, SC 29201

RE: Timothy Clayton v. SCDOT
Workers' Compensation File No. 1708722
Appellate Case No.: 2020-718

Dear Ms. Kitchings:

Attached for filing is the Motion to Allow Filing of Supplemental Record on Appeal, and Proof of Service.

By copy of this letter, I am serving Appellant with a copy of the same via e-mail.

Sincerely,

A handwritten signature in black ink that reads "Erin Farthing".

Erin Farthing
Chief Counsel, State Accident Fund
S.C. Bar Number 76151

cc: Elizabeth McMahan Pentz, Esquire (via e-mail)