

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
South Carolina Workers' Compensation Commission

R. Michael Campbell, II, Commissioner; T. Scott Beck, Commissioner; Gene McCaskill,
Commission Chair

W.C.C. File No.: 1708722
Appellate Case No.: 2020-000718

RECEIVED

Jun 28 2021

SC Court of Appeals

Timothy Clayton, Employee, Claimant, Appellant,

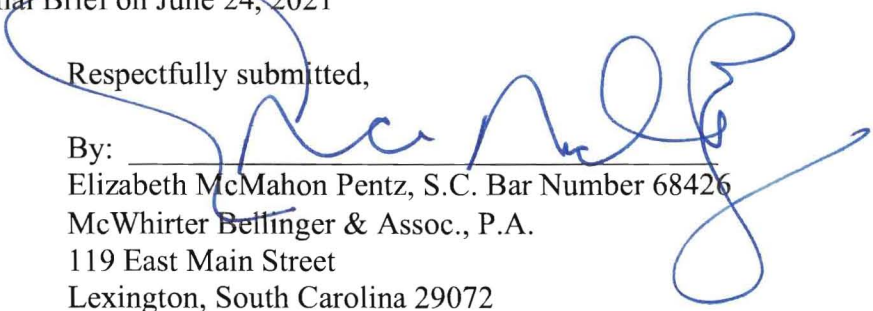
v.

South Carolina Department of Transportation, Employer; S.C. State Accident Fund,
Carrier, Respondents.

APPELLANT'S MOTION TO FILE FINAL BRIEF OUT OF TIME

Pursuant to South Carolina Appellate Court Rule 240, Appellant requests the Court allow and accept **Appellant's Final Brief out of time**. Appellant filed the unbound copy of the original April 9, 2021, Record on Appeal, and an Appendix to Record on Appeal June 4, 2021. Appellant calculated final briefs due date pursuant to Rule 211(a) as twenty (20) days after June 4, 2021. Appellant filed Appellant's Final Brief on June 24, 2021

Respectfully submitted,

By: 
Elizabeth McMahon Pentz, S.C. Bar Number 68426
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Attorney for Appellant, Timothy Clayton

Lexington, South Carolina
June 28, 2021

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Timothy Clayton, Employee, Appellant,

v.

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

FINAL BRIEF OF APPELLANT

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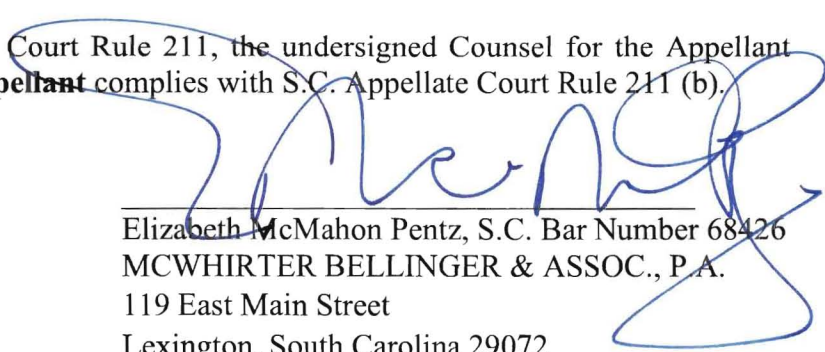
Timothy Clayton, Employee, Appellant,

v.

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

CERTIFICATE OF COUNSEL

Pursuant to S.C. Appellate Court Rule 211, the undersigned Counsel for the Appellant certifies that the **Final Brief of Appellant** complies with S.C. Appellate Court Rule 211 (b).



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Attorney for Appellant

Lexington, South Carolina
June 28, 2021

THE STATE OF SOUTH CAROLINA
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APPEAL FROM RICHLAND COUNTY
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PROOF OF SERVICE

Counsel for **Appellant** certifies that she served the **Appellant's Motion to file Final Brief Out of Time; Final Brief** electronic copies title page; and **Certificate of Counsel (Appellant's Final Brief** filed July 24, 2021) on the South Carolina Department of Transportation, Employer; and S.C. State Accident Fund, Carrier, Respondents, by electronic service only as noted.

Erin F. Farthing (Electronic service only efarthing@saf.sc.gov;
Deputy Chief Counsel safservice@saf.sc.gov)
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Lexington, SC 29071
Attorney for the Respondents

South Carolina Workers' Compensation Commission [Electronic service only
PO Box 1715 appeals@wcc.sc.gov]
1333 Main Street, Suite 500
Columbia, South Carolina 29202-1715
Administrative Tribunal

[SIGNATURE PAGE FOLLOWS]

Respectfully submitted,

By: 

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Attorney for Appellant, Timothy Clayton

Appellant's Motion to file Final Brief Out of Time; Appellant's Final Brief electronic copies title page; and **Appellant's Certificate of Counsel** (**Appellant's Final Brief** filed July 24, 2021).

Lexington, South Carolina
June 28, 2021

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SC Court of Appeals

JOHN P. MEADORS
CHRISTOPHER M. CUNNINGHAM
EMMA B. TAYLOR
ANGELA J. JOHNSON
J. RHODES BAILEY
KERRI B. RUPERT
BENNETT E. CASTO

June 28, 2021

VIA ELECTRONIC SERVICE ONLY ctappfilings@sccourts.org:

The Honorable Jenny Abbott Kitchings
Clerk of the South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

RE: Timothy Clayton, Employee, Appellant v. South Carolina Department of Transportation, Employer; and S.C. State Accident Fund, Carrier, Respondents.
APPELLATE CASE NO.: 2020-000718
SCWCC FILE NO.: 1708722

Dear Ms. Kitchings:

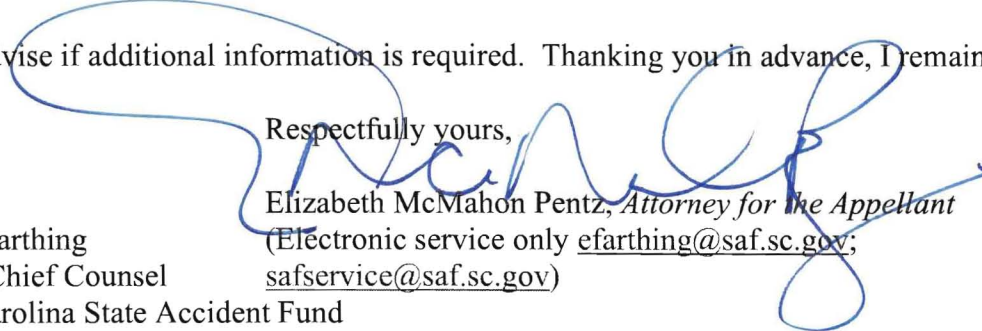
Please find attached:

1. **Appellant's Motion to file Final Brief Out of Time** pursuant to June 14, 2021, and June 28, 2021, correspondence;
2. **Appellant's Final Brief** title page inadvertently omitted from June 24, 2021, electronic service copies only; and
3. **Appellant's Certificate of Counsel** that June 24, 2021, **Appellant's Final Brief** complies with S.C. Appellate Court Rule 211(b).

Also included is a **Proof of Service** on counsel for the Respondents and Administrative Tribunal: **Appellant's Motion to file Final Brief Out of Time; Appellant's Final Brief** electronic copies title page; **Appellant's Certificate of Counsel (Appellant's Final Brief** filed July 24, 2021). **Appellant's Motion and Reply Brief** follows under separate cover.

Please advise if additional information is required. Thanking you in advance, I remain

Respectfully yours,


Elizabeth McMahon Pentz, *Attorney for the Appellant*
(Electronic service only efarthing@saf.sc.gov;
safservice@saf.sc.gov)

cc: Erin F. Farthing
Deputy Chief Counsel
South Carolina State Accident Fund
PO Box 1166
Lexington, SC 29071
Attorney for the Respondents

[SECOND PAGE FOLLOWS]

VIA ELECTRONIC SERVICE ONLY:

The Honorable Jenny Abbott Kitchings

Clerk of the South Carolina Court of Appeals

RE: Timothy Clayton, Employee, Appellant v. South Carolina Department of Transportation,
Employer; and S.C. State Accident Fund, Carrier, Respondents.

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SCWCC FILE NO.: 1708722

June 28, 2021

Page Two

Cc:

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