

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**

JUL 01 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 REPLY BRIEF OUT OF TIME**

Pursuant to South Carolina Appellate Court Rule 240, Appellant requests the Court allow and accept **Appellant's Reply 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, but inadvertently failed to include Appellant's Reply Brief. Therefore, the Appellant prays the Court will allow and accept **Appellant's Reply Brief out of time**.

Respectfully submitted,

By: 

Elizabeth McMahon Pentz, S.C. Bar Number 68426

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*Attorney for Appellant, Timothy Clayton*

Lexington, South Carolina  
June 30, 2021

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Timothy Clayton, Employee, Claimant, Appellant,

v.

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

**PROOF OF SERVICE**

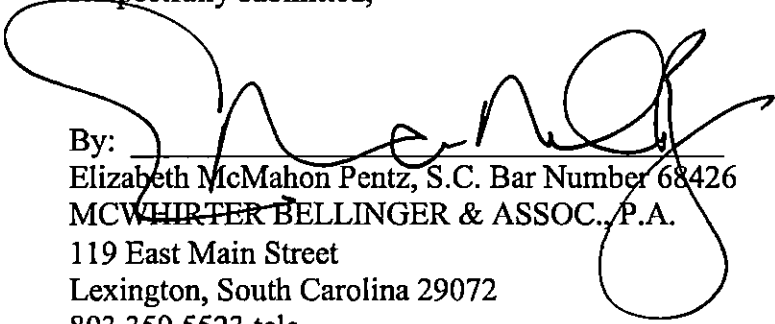
Counsel for the **Appellant** certifies that she served the **Appellant's Motion to file Reply Brief out of time and Appellant's Reply Brief** on the Respondents, South Carolina Department of Transportation, Employer; and SC State Accident Fund, Carrier; as well as the Administrative Tribunal by depositing a copy of the same into the United States Postal Service with proper postage affixed on June 30, 2021, and addressed as follows. Electronic service followed.

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*Administrative Tribunal*

[SIGNATURE PAGE FOLLOWS]

Respectfully submitted,



By:

Elizabeth McMahon Pentz, S.C. Bar Number 68426

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*Attorney for Appellant, Timothy Clayton*

**PROOF OF SERVICE Appellant's Motion to  
file Reply Brief out of time; Appellant's Reply  
Brief.**

Lexington, South Carolina  
June 30, 2021

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**SC Court of Appeals**

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JOSEPH R. DASTA  
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June 30, 2021

**VIA ELECTRONIC SERVICE [ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org) and U.S. Postal Service:**

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

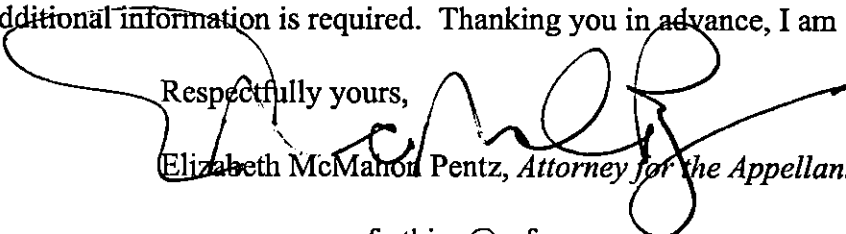
RE: Timothy Clayton, Employee, Appellant v. South Carolina Department of  
Transportation, Employer; and S.C. State Accident Fund, Carrier, Respondents.  
APPELLATE CASE NO.: 2020-000718  
SCWCC FILE NO.: 1708722

Dear Ms. Kitchings:

Please find enclosed for filing **Appellant's Motion to file Reply Brief Out of Time** pursuant to June 14, 2021, correspondence; one (1) bound and one (1) unbound copy **Appellant's Reply Brief with Certificate of Counsel**; and **Proof of Service** that the Respondents and administrative tribunal are served with a copy via electronic service and one (1) bound copy by U.S. Postal Service.

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

Respectfully yours,

  
Elizabeth McMahon Pentz, *Attorney for the Appellant*

Enclosures

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SC Court of Appeals

**MB**  
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To:

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