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Sep 21 2021

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SOUTH CAROLINA
Workers' Compensation Commission

Commissioners Aisha G. Taylor, Susan S. Barden and T. Scott Beck

Appellate Case No. 2021-000683

Thomas Contreras, Employee, Appellant,

v.

St. Johns Fire District Commission, Employer, and
State Accident Fund, Carrier, Respondents.

**THIRD MOTION FOR EXTENSION OF TIME TO FILE
INITIAL BRIEF OF APPELLANT**

Appellant, by and through his undersigned attorney hereby moves this Honorable Court for a 45-day extension in which to file the **Initial Brief of Appellant**. The Brief is currently due on September 24, 2021. If the Motion is granted, the due date will be extended to November 8, 2021.

As grounds for granting this Motion, Appellant would show the following:

1. On August 20, 2021, the Court issued an Order stating: "The time for serving and filing the appellants' initial brief and designation of matter is hereby extended until September 24, 2021. No further extension will be granted absent extraordinary circumstances."
2. The Appellate Court Rules do not define "extraordinary circumstances." The closest definition Counsel was able to locate appears under the code section defining eligibility for unemployment compensation. The statute provides: "'No finding of misconduct may be made for discharge resulting from an extreme hardship, emergency, sickness, or other extraordinary circumstance.'" S.C. Code Ann. § 41-35-120 (2)(a) (2015). The inclusion of *sickness* in the list of *extraordinary circumstances* shows the legislature considered temporary medical disability to be an extraordinary circumstance.
3. Since the Order was issued, the undersigned counsel for Appellant has developed a worsening problem in his left eye. Counsel is scheduled for a corneal transplant on

September 23, 2021. The recovery period is anticipated to be approximately 14 days.

4. Due to the worsening vision problem and the need to remove a contact lens from the left eye 10 days prior to surgery, counsel has been physically unable to complete the brief due to inability to work on a computer other than for short periods of time.
5. Counsel anticipates that 45 days will be sufficient time to recover and complete the brief.
6. Per the attached letter, Counsel for Respondent states she has no objection to granting the requested continuance.

Therefore, as the temporary disability from an eye condition requiring transplant surgery is an exceptional circumstance and Respondents have no objection to granting the extension, Appellant requests that the Court issue an Order granting an additional 45-day extension for the time to file the Initial Brief of Appellant.

Respectfully submitted,



Stephen B. Samuels
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1320 Richland Street
Columbia, SC 29201
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ATTORNEY FOR APPELLANT

September 21, 2021
Columbia, South Carolina



Margaret M. Urbanic
Licensed in SC
purbanic@clawsonandstaubes.com
SC Certified Circuit Court Mediator

September 20, 2021

File No.: 20111005.000

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
PO Box 11629
Columbia, SC 29211-1629

Re: Thomas Contreras, Claimant, Appellant v. St. Johns Fire District Commission,
Employer, and State Accident Fund, Carrier, Respondents
2021-00683

Dear Ms. Kitchings:

It is my understanding that Appellant's attorney, Stephen Samuels is having eye surgery, the week of September 20, 2021 and needs an additional extension to file his brief, I have no objection.

Very truly yours,

CLAWSON and STAUBES, LLC

A handwritten signature in black ink, appearing to read "M. Urbanic".

Margaret M. Urbanic

MMU/

cc: Stephen Samuels

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Thomas Contreras, Employee, Appellant,

v.

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PROOF OF SERVICE

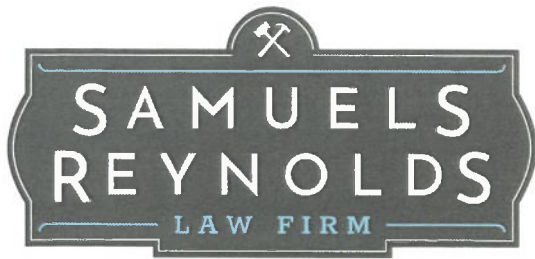
I certify that I, Wanda Powell, Paralegal to Stephen B. Samuels have caused the **Third Motion for Extension of Time to File the Initial Brief of Appellant** to be served on the parties below, by placing a copy of the same in the United States mail, with sufficient postage affixed thereto and return address clearly marked on the date indicated below, addressed as follows:

Margaret M. Urbanic, Esquire
Clawson and Staubes, LLC
126 Seven Farms Drive, Suite 200
Charleston, SC 29492-8144
Purbanic@clawsonandstaubes.com

Erin Farthing, Esquire
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efarthing@saf.sc.gov

Wanda Powell, Paralegal

September 21, 2021



STEPHEN B. SAMUELS
P. JASON REYNOLDS
ATTORNEYS AT LAW

September 21, 2021

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SC Court of Appeals

The Honorable Jenny Abbott Kitchings
Clerk of the South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

RE: Thomas Contreras v. St John's Fire District Commission and State Accident Fund
Appellate Case No.: 2021-000683

Dear Ms. Kitchings:

Enclosed for filing please find our **Third Motion for Extension of Time to File the Initial Brief of Appellant** regarding the above referenced matter. We have also enclosed our law firm's check made payable to SC Court of Appeals in the amount of \$50.00 as payment of the filing fee

If you would kindly have your staff file the **Third Motion for Extension of Time to File the Initial Brief of Appellant and Proof of Service** and return a clocked copy to me.

Respectfully,

A handwritten signature in blue ink, appearing to be "SBS", is written over a faint, larger blue outline of the signature.

Stephen B. Samuels

SBS/wp
Enclosure(s) as stated

cc: James G. Christmas, Esquire
Margaret M. Urbanic, Esquire
Erin Farthing, Esquire

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