

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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**SC 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,



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Stephen B. Samuels  
SAMUELS REYNOLDS LAW FIRM, LLC  
1320 Richland Street  
Columbia, SC 29201  
(803) 779-4000  
stephen@samuelsreynolds.com  
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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Appellate Case No. 2021-000683

Thomas Contreras, Employee, ..... Appellant,

v.

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

**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](mailto:Purbanic@clawsonandstaubes.com)

Erin Farthing, Esquire  
State Accident Fund  
PO Box 102100  
Columbia, SC 29221  
[efarthing@saf.sc.gov](mailto: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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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 black ink, appearing to be "SBS", written over a horizontal line.

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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