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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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OCT 04 2021

APPEAL FROM THE SOUTH CAROLINA WORKERS'
COMPENSATION COMMISSION

SC Court of Appeals

Appellate Case Number 2019-001936

Jennie Cox, Employee, Appellant,

v.

Palmetto State Transportation, Employer, and
Cherokee Insurance Company, Carrier, Respondents.

Motion for Dismissal

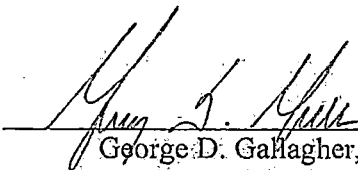
George D. Gallagher, Esquire
Speed, Seta, Martin, Trivett & Stubley, LLC
P.O. Box 11669
Columbia, SC 29211
(803) 748-2919
Attorney for Respondents

Pursuant to SCACR 240 and 260 Respondents hereby move the Court to Dismiss Appellant's appeal based on the following grounds:

- 1) SCAR 260 (a) states, in pertinent part, "[w]henver it appears that an appellant or a petitioner has failed to comply with the requirements of these Rules, the clerk *shall* issue an order of dismissal, which shall have the same force and effect as an order of the appellate court." (emphasis added)
- 2) By Order filed on August 23, 2021 the Court granted Appellant's THIRD extension of time for filing the final Record on Appeal until September 16, 2021. The Order states, "[n]o further extension will be granted absent *extraordinary circumstances*." (emphasis added).
- 3) As of the date of this filing on September 29, 2021 Appellant has failed to file the Record on Appeal in accordance with the appellate court rules.
- 4) Appellant initially filed her Notice of Intent to appeal the Commission's Decision to this Court on November 18, 2019. She has filed and received at least FIVE extensions for filing various appellate filings throughout this process resulting in numerous delays of a timely adjudication of this matter.
- 5) Undersigned counsel has only once opposed Appellant's requests for an extension but has never otherwise refused a courtesy request from Appellant's counsel. Nevertheless, Respondents have a substantial right to a timely disposition of the Appeal and have been prejudiced by Appellant's failure to timely prosecute.

THEREFORE, Respondents pray for an Order from this Court dismissing Appellant's appeal. Respondents further submit that the appeal should not be reinstated absent "good cause" per SCACR 260 and/or for "extraordinary circumstances" per the Court's Order dated August 23, 2021.

Respectfully Submitted,


George D. Gallagher, Esquire
Counsel for Respondents

Columbia, SC
September 29, 2021

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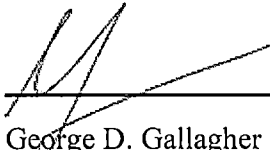
v.

Palmetto State Transportation, Employer, and
Cherokee Insurance Company, Carrier, Respondents.

PROOF OF SERVICE

I certify that I have served the Motion for Dismissal on Jennie Cox by electronic mail and/or by regular United States Mail **on September 30, 2021**, to her attorney, Adrienne L. Turner, Esquire at Turner Law, LLC, P.O. Box 210638, Columbia, SC 29221; aturner@turnerlawsc.com.

September 30, 2021



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ATTORNEYS AT LAW

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ERIC L. TRIVETT (GA)
M. STEPHEN STUBLEY (SC)
STEPHANIE A. ROCKWELL (GA & TN)
JAMES E.L. FICKLING (SC & NC)
ANDREA S. OWEN (GA)
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LILY D. WILKERSON (GA & FL)
∞
GEORGE D. GALLAGHER (SC)
CHARLES A. KINNEY (GA, NC & SC)

September 29, 2021

VIA EMAIL: CTAPPFILINGS@SCCOURTS.ORG

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RE: Jennie Cox v. Palmetto State Transportation
Appellate Case No.: 2019-001936
Claim No.: WC34192
DOA: 5/31/12
Our File No.: 1800-0061

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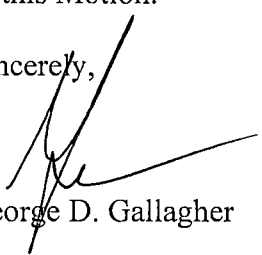
SC Court of Appeals

Dear Ms. Kitchings:

Please find enclosed our Motion for Dismissal in the above-referenced matter along with the \$50.00 filing fee.

By copy of this letter to Adrienne Turner, attorney for Appellant, I am serving her a copy of this Motion.

Sincerely,


George D. Gallagher

GDG/kgf
Enclosures

cc: Adrienne Turner, Esquire
Marjan Palushaj

SPEED, SETA, MARTIN, TRIVETT & STUBLEY, LLC

ATTORNEYS AT LAW

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COLUMBIA, SOUTH CAROLINA 29211

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The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
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