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April 19, 2013

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

**Re: Kerry Levi v. Northern Anderson County EMS
Berkshire Hathaway Homestate Companies
Date of Injury: 03/29/2011, WCC File No: 1104304
CB&S File No. 08020-53203**

RECEIVED

APR 22 2013

SC Court of Appeals

Dear Ms. Kitchings:

I am in receipt of the reply to my return to the Appellant's Motion To Stay in the above-referenced matter dated April 12, 2013. While a response to a response is technically not allowed I would like this letter placed in the file so that the Court can take note of the fact that Ms. Levi's attorneys are adding new matters that were not argued in the original motion. Particularly, they are arguing the direct merits of the appeal concerning whether the issue was properly before the Commission.

First, this was not raised in the original motion and second, this was not raised before the Single Commissioner or the Full Commission and, therefore, is not proper before this Court.

It remains the position of the Defendants that this motion did not stay the appeal, which has not been addressed by Appellant in her return and second, that Appellant is attempting to argue the merits of the appeal through a motion.

Finally, the Respondents would request the Court take into account the fact that the return to the motion was not properly forwarded to me on the date it was due, April 12, 2013. I have attached a copy of a letter of April 17, 2013 in which Erin Bridges at Bluestein Nichols Thompson & Delgado admits that she misaddressed the envelope to the wrong suite

Ms. Kitchings
April 19, 2013
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and, therefore, the return was not mailed until April 17, 2013 and was not received by me until April 19, 2013.

Once again, I would appreciate it if this letter would be placed in the file as my response to Appellant's reply.

Yours truly,

CONSTANGY, BROOKS & SMITH, LLP

A handwritten signature in black ink, appearing to read "D. Keller", with a long horizontal stroke extending to the right.

David H. Keller

DHK/dhf
Enclosures

cc: John S. Nichols, Esq. (w/enclosures)



BLUESTEIN NICHOLS THOMPSON DELGADO LLC
ATTORNEYS AT LAW

Margaret Miles Bluestein
John Shannon Nichols
Stacy Elizabeth Thompson
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Allison Paige Sullivan
Ashley Trout Thompson
Blake Alexander Hewitt
Kenneth Henry Dojaquez

OF COUNSEL
Osborne Eugene Powell, Jr.

April 17, 2013

David H. Keller, Esquire
Constangy, Brooks & Smith, LLP
105 N. Spring Street, Suite 105
Greenville, SC 29601

RE: Kerry Levi v. Northern Anderson County EMS, Employer, and
Berkshire Hathaway Homestate Insurance Company, Carrier
Case Tracking No.: 2012-212631

Dear Mr. Keller:

Enclosed please find a copy of the *Reply in Support of Motion for Stay* filed April 12, 2013 with the Court of Appeals. Our copy to your office was returned due to an incorrect suite number in your address. Please accept my sincerest apologies for this oversight.

Thank you for your attention to this matter. If you have any questions or need any additional information, please do not hesitate to contact me.

Sincerely,

Erin Bridges
Paralegal to Blake A. Hewitt
BLUESTEIN, NICHOLS, THOMPSON &
DELGADO, LLC

/emb
Enclosures

RECEIVED

APR 22 2013

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
APPELLATE PANEL, WORKERS' COMPENSATION COMMISSION

W.C.C. File No. 1104304

Kerry Levi,Appellant,

v.

Northern Anderson County EMS and
Berkshire Hathaway Homestate Insurance
Company,Respondents.

PROOF OF SERVICE

I, Dana Free, do hereby certify that on this 19th day of April, 2013, I have served the Respondents' Response to Appellant's Reply on the following person(s) by placing a copy thereof in the United States mail, first class, with the correct amount of postage affixed thereto:

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South Carolina Court Of Appeals
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D. Free

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