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Feb 14 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SOUTH CAROLINA
Workers' Compensation Commission

Commissioners T. Scott Beck, R. Michael Campbell, II, and Gene McCaskill

WCC File No. 1514359
Appellate Case No. 2021-000633

Rachel J. Turner, Employee, Appellant-Respondent,

v.

Medustrial Healthcare Staffing Service and Conustrial, Inc.;
Guarantee Insurance Company; Countrywide Staffing Solutions
Group, Inc.; South Carolina Department of Corrections; State
Accident Fund; and South Carolina Uninsured Employer's Fund, Respondents

of which Conustrial, Inc. f/k/a Medustrial Healthcare Staffing
Service, Employer, is the Respondent-Appellant.

**MOTION FOR LEAVE TO FILE
INITIAL RESPONDENTS' BRIEF AND DESIGNATION OF MATTER OF
APPELLANT-RESPONDENT OUT OF TIME**

Appellant-Respondent, by and through her undersigned attorney hereby moves this Honorable Court for leave to file her **Initial Reply Brief of Appellant-Respondent and Designation of Matter** out of Time. Respondent-Appellant served its corrected Initial Appellant's Brief on January 7, 2022. Counsel for Appellant-Respondent inadvertently calendared the deadline for February 14, 2022, based on the date the physical brief was received by mail rather than the date the brief was served electronically and by mail.

Appellant-Respondent requests the Court grant a 30-day extension from the date the brief was actually due, making the new due date March 8, 2022. As grounds for granting the motion, Appellant-Respondent would show: (1) Appellant-Respondent failed to timely file for an extension on January 7, 2022 due to an inadvertent calendaring error; (2) as this would be a first extension, it would have been freely granted by the Court; (3) the other Respondents have been granted extensions; (4) this is a complex case involved a 7-day trial and multiple complex legal issues

requiring a longer briefing process; (5) there is neither delay nor prejudice to Respondent-Appellant as other parties must also file briefs; and (6) the prejudice to Appellant-Respondent is manifest as if she is deemed to have admitted the allegations in Respondent-Appellant's Brief, then she would lose a case she won at trial.

Therefore, Appellant-Respondent moves the Court to extend the time for filing the Initial Respondent's Brief and Designation of Matter of Appellant-Respondent to March 8, 2022.

Respectfully Submitted



Stephen B. Samuels
Samuels Reynolds Law Firm, LLC
1320 Richland Street
Columbia, SC 29201
(803) 779-4000
stephen@samuelsreynolds.com
Attorney for Appellant-Respondent

February 14, 2022

Columbia, South Carolina

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Accident Fund; and South Carolina Uninsured Employer's Fund, . . . Respondents

of which Condustral, Inc. f/k/a Medustrial Healthcare Staffing
Service, Employer, is the Respondent-Appellant.

PROOF OF SERVICE

I certify that I, Wanda Powell, Paralegal to Stephen B. Samuels have caused the **Motion for Leave to File Initial Respondents' Brief and Designation of Matter of Appellant-Respondent Out of Time** to be served on the parties below, via electronic service addressed as follows:

Erin Farthing, Esquire
State Accident Fund
PO Box 1166
Lexington, SC 29071
efarthing@saf.sc.gov

Gregory M. Alford, Esquire
PO Drawer 8008
Hilton Head Island, SC 29938
gregg@alfordlawsc.com

Lisa C. Glover, Esquire
SC Uninsured Employers' Fund
PO Box 1815
Lexington, SC 29071
lglover@saf.sc.gov

T. Jeff Goodwyn, Esquire
2309 Devine Street
Columbia, SC 29205
Jgoodwyn@Goodwynlaw.com

Beth Richardson, Esquire
Robinson Gray Stepp & Laffitte, LLC
PO Box 11449
Columbia, SC 29211
brichardson@sowellgray.com

Grady L. Beard, Esquire
Robinson Gray Stepp & Laffitte, LLC
PO Box 11449
Columbia, SC 29211
gbeard@robinsongray.com

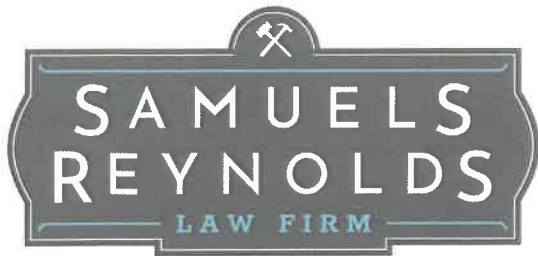
James P. Newman, Jr., Esquire
Howser, Newman, Besley, LLC
PO Box 12009
Columbia, SC 29211
jnewman@hnblaw.com

George D. Gallagher, Esquire
Speed, Seta, Martin, Trivett & Stublely
PO Box 11669
Columbia, SC 29211
ggallagher@speed-seta.com



Wanda Powell, Paralegal

February 14, 2022



STEPHEN B. SAMUELS
P. JASON REYNOLDS
ATTORNEYS AT LAW

February 14, 2022

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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: Rachel J. Turner v. Medustrial Healthcare Staffing Service and Condustrual, Inc.
Appellate Case No. 2021-000633

Dear Ms. Kitchings:

Enclosed for filing please find **Motion for Leave to File Initial Respondents' Brief and Designation of Matter of Appellant-Respondent Out of Time and Proof of Service** regarding the above referenced matter. We have also enclosed our check payable to South Carolina Court of Appeals in the amount of \$50.00 as payment of the filing fee.

If you would kindly have your staff file the **Motion for Leave to File Initial Respondents' Brief and Designation of Matter of Appellant-Respondent Out of Time and Proof of Service** and return a clocked copy to me.

Respectfully,

Stephen B. Samuels

SBS/wp
Enclosure(s) as stated

cc: Erin Farthing, Esquire
James P. Newman, Jr., Esquire
Lisa C. Glover, Esquire
Grady L. Beard, Esquire
Gregory M. Alford, Esquire
George D. Gallagher, Esquire
Beth Richardson, Esquire
T. Jeff Goodwyn, Esquire