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Feb 18 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 Condustrual, 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 Condustrual, Inc. f/k/a Medustrial Healthcare Staffing  
Service, Employer, is the Respondent-Appellant.

**AMENDED 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 Respondents' 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



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Attorney for Appellant-Respondent

February 18, 2022

Columbia, South Carolina

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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.

**PROOF OF SERVICE**

I certify that I, Wanda Powell, Paralegal to Stephen B. Samuels have caused the **Amended 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:

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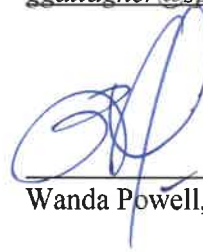
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Wanda Powell, Paralegal

February 18, 2022



STEPHEN B. SAMUELS  
P. JASON REYNOLDS  
ATTORNEYS AT LAW

February 18, 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 Condustral, Inc.  
Appellate Case No. 2021-000633

Dear Ms. Kitchings:

Enclosed for filing please find our **Amended 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.

Please note we are filing an amended motion because we inadvertently referred to the brief as a *Reply* brief rather than a *Respondent's* brief. Due to our error, the Court issued an Order enlarging the time to file a *Reply* rather than a *Respondent's* brief. The *Reply* brief was filed on February 11, 2022. We request additional time to file the initial Respondent's Brief.

If you would kindly have your staff file the **Amended 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