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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE WORKERS' COMPENSATION COMMISSION

Appellate Case No.: 2021-000696

Dana L. Dixon, Appellant

v.

S.C. Department of Mental Health,
Employer and State Accident Fund,
Carrier, Respondents.

**RESPONDENTS' REPLY TO APPELLANT'S RETURN REGARDING
RESPONDENTS' MOTION FOR EXTENSION TO FILE FINAL BRIEF
NOS: 2021-000696**

George D. Gallagher, Esquire
Speed, Seta, Martin, Trivett, Stubley &
Fickling, LLC
Post Office Box 11669
Columbia, SC 29211
803-748-2259
ggallagher@speed-seta.com
Attorney for Respondents

Dana Dixon
698 Stabler Farm Road
St. Matthews, SC 29135
470-422-0591
Appellant, *Pro Se*

Pursuant to SCACR 240, Respondents hereby offer the following Reply to Appellant's Return to Respondents' Motion for Extension to File Final Brief.

Respondents filed their Motion for Extension to File Final Brief based on the Respondents' pending Motion to Supplement the Record on Appeal. Appellant responded to that Motion, filing a Return on April 27, 2022. In that Return, Appellant argued that the Amended Record on Appeal she submitted on March 1, 2022, contained all materials specified in Respondents' Designation of Matter to be Included in the Record on Appeal. However, after reviewing Appellant's amended record on appeal, it is clear that multiple pages of the APA submissions previously designated by Respondents, are notably absent from the Record.

Respondents filed their Motion to Supplement the Record on Appeal to include the following designated materials which are currently absent from Appellant's Amended Record on Appeal, specifically:

1. APA Submissions, Pages 32-45 of Appellant's medical records;
2. APA Submissions, Pages 59-64 of Appellant's medical records;
3. APA Submissions, Pages 67-96 of Appellant's medical records.

The exclusion of the materials listed above from the Record on Appeal is the basis for Respondents' Motion for Extension. Respondents intend to reference multiple documents included in the omitted APA submissions in their Final Brief and cannot do so until the Record on Appeal is properly supplemented, subject to the Court's decision on the pending Motion to Supplement.

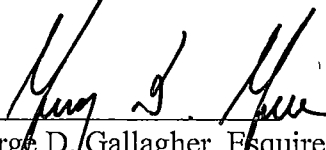
Additionally, Appellant purportedly filed a return regarding Respondents' Motion to Supplement on April 11, 2022. This return is improper under SC App. Ct. R. 240(c) and (e). Appellant never served this return on Respondents, which is evidenced by the fact that no certificate of service was filed with Appellant's Return to Respondents' Motion to Supplement the

Record on Appeal. Respondents were only made aware of said return upon review of the documents in the South Carolina Appellate Case Management System in preparation of this Reply.

In that return, Appellant makes allegations that Respondents are attempting to stall matters by filing their Motion to Supplement the Record on Appeal. Respondents deny such allegations and maintain that a full Record is necessary to adjudicate the matter on appeal and all materials designated by Respondents are proper and necessary to do so. Further, Respondents' Motion to Supplement is proper under SC. App. Ct. R. 212(b).

Therefore, in reply to Appellant's Return regarding Respondents Motion for Extension to File Final Brief, Respondents argue that the Motion for Extension is necessary and warranted because the Motion to Supplement the Record on Appeal has yet to be decided. Respondents cannot, reasonably, file their Final Brief with the Court until the Court has decided whether it will allow Respondents to supplement the Record on Appeal with the documents listed above. Therefore, Respondents respectfully request that Respondents' Motion for Extension to File Final Brief be granted.

Respectfully Submitted,



George D. Gallagher, Esquire
Speed, Seta, Martin, Trivett, Stublely &
Fickling, LLC
Post Office Box 11669
Columbia, SC 29211
803-748-2259
ggallagher@speed-seta.com
Attorney for Respondents

May 9, 2022

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PROOF OF SERVICE

I certify that I have served the Respondents' Reply to Appellant's Return Regarding Respondents' Motion for Extension to File Final Brief by depositing a copy of it in the United States Mail, postage prepaid, on **May 9, 2022**, addressed to Appellant, Dana L. Dixon, 689 Stabler Farm Road, St. Matthews, SC 29135.

May 9, 2022


George D. Gallagher, Esquire
Speed, Seta, Martin, Trivett
Stubley & Fickling, LLC
Post Office Box 11669
Columbia, SC 29211
803-748-2259
ggallagher@speed-seta.com
Attorney for Respondents

SPEED, SETA, MARTIN, TRIVETT, STUBLEY & FICKLING, LLC
ATTORNEYS AT LAW

WALLACE SPEED (1940-2020)
LESLI R. SETA (GA & FL)
SETH C. MARTIN (GA & FL)
ERIC L. TRIVETT (GA)
M. STEPHEN STUBLEY (SC)
JAMES E.L. FICKLING (SC & NC)
STEPHANIE A. ROCKWELL (GA & TN)
ANDREA S. OWEN (GA)
HUNTER CHANDLER (GA & TN)

REPLY TO
P.O. BOX 11669
COLUMBIA, SOUTH CAROLINA 29211
PHONE (803) 748-2919
FAX (803) 748-2735
www.Speed-Seta.com

ALEXANDER ADKINS (GA & TN)
ANDYNE B. ANDERSON (GA)
SCOTT H. ANDREWS (GA)
MELISSA CRUZ (GA & TN)
JEREMY T. ENGLAND (AL & MS)
C. BENTON HILBURN (GA)
SARA P. MORRIS (SC & NC)
CALEY A. PITTS (GA)
KELSIE L. QUEEN (SC & NC)
JENNIFER S. RAY (GA)
LAWRENCE ROSS (GA)
SARAH V. SNIPES (GA)
LINDSEY R. STEWART (GA)
MATTHEW W. STRUBLE (GA)
MARK M. STUBLEY, JR. (AL, NC & SC)
BRIGGS P. TUCKER (SC)
BRITTANY BELL TURNER (GA & FL)
LILY D. WILKERSON (GA & FL)
GEORGE D. GALLAGHER (SC)
CHARLES A. KINNEY (GA, NC & SC)

May 9, 2022

VIA EMAIL: CTAPPFILINGS@SCCOURTS.ORG

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

RE: Dana Dixon v. SC Department of Mental Health
Appellate Case No.: 2021-000696
WCC No.: 1623303
Claim No.: 2016-4177
DOA: 12/22/2016
Our File No.: 1200-0178

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Dear Ms. Kitchings:

Please find enclosed Respondents' Reply to Appellant's Return Regarding Respondents' Motion for Extension to File Final Brief in the above-referenced matter.

By copy of this letter to the pro se Appellant, Dana Dixon, I am serving her with a copy of the Respondents' Reply to Appellant's Return Regarding Respondents' Motion for Extension to File Final Brief.

Sincerely,


George D. Gallagher, Esquire

GDG/rs

Enclosures

cc: Dana Dixon (*via certified and regular mail*)
Shannon Bedell (*via email*)
Erin Farthing, Esquire (*via email*)

SPEED, SETA, MARTIN, TRIVETT, STUBLEY & FICKLING, LLC

ATTORNEYS AT LAW

P.O. BOX 11669

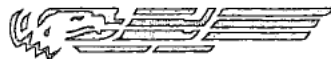
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