

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM SOUTH CAROLINA
Workers' Compensation Commission

Opinion No. 2022-UP-081
(S.C. Ct. App. Filed February 23, 2022)

Gena Cain-Davis, Claimant, Respondent,

v.

SC Department of Corrections, Employer,
and State Accident Fund, Carrier, Petitioners.

**MOTION FOR LEAVE TO FILE
RETURN TO PETITION FOR WRIT OF CERTIORARI
OUT OF TIME**

Respondent, by and through her undersigned attorney hereby moves this Honorable Court for leave to file her **RETURN TO PETITION FOR WRIT OF CERTIORARI** out of Time.

The Petition for Writ of Certiorari was filed and served on April 27, 2022. As such, the Return to the Petition was due thirty-days later on May 27, 2022.

Counsel for Respondent inadvertently calculated the deadline to be May 31, 2022 based on mis-calendering the thirtieth day to be Saturday, May 28, 2022. Counsel discovered the error as he was completing the final draft over the Memorial Day Weekend.

Respondent requests the Court accept the Return as filed. As grounds for granting the motion, Respondent would show: (1) Respondent missed the deadline due to an inadvertent error in calendering the due date; (2) the Return was filed one business day late; and (3) there is no prejudice to Petitioners as the deadline to file a Reply would also be extended by one day.

Therefore, Respondent moves the Court to grant the motion and permit the **RETURN TO PETITION FOR WRIT OF CERTIORARI** to be filed out of time.

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S.C. SUPREME COURT

Respectfully Submitted



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

May 31, 2022

Columbia, South Carolina