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Jun 02 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE SOUTH
CAROLINA WORKERS'
COMPENSATION COMMISSION

Case No. 2021-000517

Shelia Hutchins, Employee,

Appellant,

v.

Security Group, Inc.,
Employer, and Hartford
Accident and Indemnity Co.,
Carrier,

Respondents.

MOTION TO DISMISS AND ENLARGEMENT OF TIME

Respondents would respectfully show unto the Court that:

1. This Court previously issued an order on November 17, 2021, striking Appellant's Brief and portions of her Designation of Matter to be Included in the Record on Appeal in this case.

2. On April 14, 2022, this Court issued an additional order again striking Appellant's Amended Initial Brief and Designation of Matter to be Included in the Record on Appeal in this case.

3. Appellant filed the Record on Appeal with this Court on May 20, 2022.

4. Following receipt of the Record from Appellant and after thorough review, Respondents determined that there are gaps in numbering, misnumbered pages, and pages that are out of sequence.

5. Rule 210(c) of the South Carolina Appellate Court Rules provides that each page of the Record on Appeal shall be numbered consecutively beginning with the index.

6. Following receipt of the Record from Appellant and after thorough review, Respondents also determined that Appellant included material previously ordered to be stricken from the Record on Appeal by this Court pursuant to Rule 210(c), SCACR. Specifically, this Court previously granted Respondents' second Motion to Strike as to "emails where I communicated with Amy Bracy at workers comp."

7. Included in Appellant's Record on Appeal on page 14 (as incorrectly numbered by Appellant), was – "Email where I wasn't allowed to reply to motion to compel after choosing to represent myself." This contains the email correspondence between Appellant, Deborah Hutto, and Amy Bracy that was stricken by this Court's order granting Respondent's second motion to strike.


8. Rule 260(a) of the South Carolina Appellate Court Rules provides that "Whenever it appears that an appellant or petitioner has failed to comply with the requirements of these Rules, the clerk shall issue an order of dismissal, which shall have the same force and effect as an order of the appellate court."

9. In the event this Court does not grant the Respondents' Motion to Dismiss, Respondents move for an Enlargement of Time for filing the final brief to allow Respondents to be able to properly cite to the Record on Appeal per Rule 211(b)(1),

WHEREFORE, Appellants respectfully move for an Order from the Court dismissing Appellant's appeal per Rule 210(c) and Respondents respectfully move for an Order from this Court granting an enlargement of time to file Respondents' Final Brief until the Court has ruled on Respondents' Motion to Dismiss.

Respectfully submitted,

WILLSON JONES CARTER & BAXLEY, P.A.


Tracy Welsh Tiddy
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325 Rocky Slope Road, Suite 201
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Attorney for Respondents

June 2, 2022

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PROOF OF SERVICE

I hereby certify that I served the Respondents' Motion to Dismiss and Enlargement of Time on Shelia Hutchins by depositing a copy of it in the United States Mail, Certified, postage prepaid, on June 2, 2022 addressed to 1391 Wilcox Avenue, Gaffney, SC 29341 and via electronic mail to sheliahutchins4@gmail.com.


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SC Court of Appeals

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

Re: Shelia Hutchins vs. Security Group, Inc.
Case No.: 2021-000517
WCC File No.: 1421297 DOI: 11/20/2014
Carrier: Hartford Accident and Indemnity Co - Claim No.: YKT78329C
WJCB File No.: 0100.02739

Dear Ms. Kitchings:

I enclose for filing Defendants' Motion to Dismiss and Enlargement of Time in the above-referenced case. I am also enclosing a check in the amount of \$50.00 in payment of the required filing fee. By copy of this correspondence, I am serving a copy of the Second Motion to Strike on Shelia Hutchins, the Appellant.

With kindest regards,

WILLSON JONES CARTER & BAXLEY, P.A.


Tracy Welsh Tiddy

TWT/jcw
Enclosures

cc: Ms. Shelia Hutchins (via certified mail)
Ms. Danielle Bruehl (via e-mail)