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Aug 29 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Appeal No. 2022-000864

William D. Downes, Employee Respondent,

v.

Bon Secours Mercy Health, Inc., Employer,
Safety National Casualty Corporation, Carrier, Appellants.

**REPLY TO RETURN TO
PETITION FOR WRIT OF SUPERSEDEAS**

Appellants/Petitioners Bon Secours Mercy Health, Inc. and Safety National Casualty Corporation hereby conditionally withdraw their Petition for Writ of Supersedeas, filed with this Court on August 22, 2022, seeking a stay of the back surgery ordered by the Commission until this appeal is finally resolved. Appellants/Petitioners believe their Petition is proper before this Court because, more likely than not, it is fruitless to seek such relief initially from the South Carolina Workers' Compensation Commission. However, the thrust of Respondent William D. Downes' opposition to the Petition is that Appellants/Petitioners should first move the Commission for such relief. Appellants/Petitioners are filing a Motion for Stay Pending Appeal with the Commission on this date and, consequently, conditionally withdraw their Petition to this Court pending the outcome of their Motion for Stay before the Commission.

Appellants/Petitioners request that their filing fee be held in the event they are required to return to this tribunal for relief in the form of a stay while this appeal is pending.

Respectfully submitted,

MCANGUS GOUDELICK & COURIE, LLC

August 29, 2022

s/Helen F. Hiser

Helen F. Hiser

S.C. Bar No.: 76124

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Attorneys for Appellants Bon Secours Health System, Inc. and Safety National Casualty Corporation

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PROOF OF SERVICE

I certify that I have served the Appellants' **Reply to Return to Petition for Writ of Supersedeas** on William D. Downes, by emailing it to his attorneys of record as follows:

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MCANGUS GOUDELICK & COURIE, LLC

August 29, 2022

By: s/Helen F. Hiser

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Reply To

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SC Court of Appeals

Via S.C. Courts E-filing

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

RE: William Downes v. Bon Secours Mercy Health and Bon Secours Health System, Inc. c/o Cannon Cochran Management Services, Inc.
Date of Accident: April 17, 2018
WCC File No.: 1809996
Our File No.: 2024.22054
Claim No.: 18J28K142496
Appeal No.: 2022-000864

Dear Ms. Kitchings:

Enclosed please find the original of Appellants' Reply to Return to Petition for Writ of Supersedeas, and the Proof of Service in the above-referenced matter. We are serving counsel of record via email only. Pursuant to the Supreme Court's Order, 2021-08-25-03, Reduced Number of Copies Required in Appellate Matters, and Rule 267(f), SCACR, only one copy of Appellants' Return is being submitted.

Please let us know if you have any questions. Thanking you in advance for your assistance.

Sincerely,
McAngus Goudelock & Courie, LLC

Helen F. Hiser

Enclosures

cc: Donald E. Kamb, Jr., Esq.
Joe Mooneyham, Esq.