

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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JUN 14 2013
SC Court of Appeals

APPEAL FROM SPARTANBURG COUNTY

Clifton B. Newman, Circuit Court Judge
Trial Court Case No.: 2012-CP-42-8259

Appellate Case No.: 2013-000634

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South Carolina Second Injury Fund,..... SC Appellant Appeals

v.

Spartanburg Regional Healthcare System and
PHTS Risk Management Services..... Respondents

**REPLY TO APPELLANT'S RETURN TO
RESPONDENTS' MOTION FOR A
LIMITED REMAND**

The Respondents, Spartanburg Regional Healthcare System and PHTS Risk Management Services, by and through their undersigned counsel, hereby reply pursuant to Rule 240(f), SCACR, to Appellant's Return to Respondents' Motion for a Limited Remand, filed June 11, 2013.

Respondents would show unto the Court that they are seeking an Entry of Judgment from the Spartanburg County Court of Common Pleas in the first instance,

as an Entry of Judgment has yet to be filed with respect to this matter as contemplated by Rule 58, SCRCPC. Rule 58, SCRCPC, including subsection (b), indicates that only the trial court and associated clerk of court shall enter judgment as requested by Respondents in this instance. Subsection (b) merely provides a mechanism by which an appellate court may alter a previously entered judgment. Specifically, subsection (b) mandates that cross-reference be made to both the judgment of the trial court appealed from and the judgment of the appellate court; this language thus supports that for subsection (b) to be applicable, a judgment must have been entered by the trial court in the first instance. That is not the facts presented by the instant action, as Respondents are seeking limited jurisdiction to allow the trial court to enter judgment consistent with its Order. Accordingly, Appellant's reliance upon subsection (b) of Rule 58(b), SCRCPC is misplaced.

Appellant has failed to show cause as to why the relief requested by Respondents should not be granted. Accordingly, Respondents request the Court grant limited jurisdiction to the Spartanburg County Court of Common Pleas to allow Respondents to file a motion with that court to enter judgment providing for interest pursuant to Rule 58, SCRCPC and S.C. Code Ann. § 34-31-20 (1976).

[SIGNATURE PAGE FOLLOWS]

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jared M. Pretulak", written over a horizontal line.

Jared M. Pretulak (S.C. Bar No.74884)
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Attorney for Respondents

June 11, 2013

Greenville, SC

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CERTIFICATE OF SERVICE

I do hereby certify that on the 11th day of June, 2013, I served a copy of the **RESPONDENTS' REPLY TO APPELLANT'S RETURN TO RESPONDENTS' MOTION FOR A LIMITED REMAND** upon the Clerk of Court for the South Carolina Court of Appeals, the attorney for the Appellant, and others as specified below, by placing a copy of the same in the United States Mail, with due and proper postage affixed thereto, to the following:

Latonya D. Edwards, Esq.
Dilligard Edwards, LLC
3790 Fernandina Road, Ste. 103
Columbia, SC 29210

The Honorable Hope Blackley
Clerk of the Circuit Court - Spartanburg County
County Courthouse
180 Magnolia Street
2nd Floor, Suite 500
Spartanburg, SC 29306

Ms. Virginia L. Crocker
Judicial Director
S. C. Workers' Compensation Commission
P O Box 1715
Columbia, SC 29202



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June 11, 2013