

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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SC Court of Appeals

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APPEAL FROM CHESTERFIELD COUNTY

Paul M. Burch, Circuit Court Judge  
Trial Court Case No.: 2012-CP-13-00362

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SC Court of Appeals

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Appellate Case No.: 2012-213511

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

v.

John F. Stroud & Sons, Inc. and  
American Home Assurance Co.,.....Respondents

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

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The Respondents, John F. Stroud & Sons, Inc. and American Home Assurance Co., 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 7, 2013.

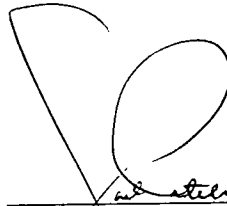
Respondents would show unto the Court that they are seeking an Entry of Judgment from the Chesterfield County Court of Common Pleas in the first instance,

as an Entry of Judgment has yet to be filed with respect to this matter as contemplated by Rule 58, SCRCP. Rule 58, SCRCP, 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), SCRCP 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 Chesterfield County Court of Common Pleas to allow Respondents to file a motion with that court to enter judgment and subsequent supplemental entries of judgments providing for interest pursuant to Rule 58, SCRCP and S.C. Code Ann. § 34-31-20 (1976).

**[SIGNATURE PAGE FOLLOWS]**

Respectfully submitted,



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Jared M. Pretulak (S.C. Bar No. 74884)  
Gallivan, White & Boyd, P.A.  
P.O. Box 10589  
Greenville, SC 29603  
(864) 271-5354

Attorney for Respondents

June 11, 2013

Greenville, SC

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**CERTIFICATE OF SERVICE**

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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 Faye Sellers  
Clerk of the Circuit Court  
Chesterfield County  
200 W. Main Street  
Chesterfield, SC 29709

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



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Jared M. Pretulak (S.C. Bar No. 74884)  
Gallivan, White & Boyd, P.A.  
P.O. Box 10589  
Greenville, SC 29603  
(864) 271-5354

Attorney for Respondents

June 11, 2013