

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM THE SOUTH CAROLINA  
WORKERS' COMPENSATION COMMISSION

Avery B. Wilkerson, Jr. Chair  
T. Scott Beck, Commissioner  
R. Michael Campbell, II, Commissioner

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WCC File No. 1102937  
Appellate Case No. 2019-001141

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RECEIVED  
JUN 08 2023  
SC Court of Appeals

Barry Adickes, Claimant. .... Respondent,

v.

Philips Healthcare, Employer,  
and Fidelity & Guarantee  
Insurance Company, Carrier..... Appellants.

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**Motion For Costs**

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Pursuant to Rule 222, SCACR, Respondent, Barry Adickes, requests costs of this appeal be taxed against Appellants as detailed in the included Itemized Statement of Costs.

Rule 222, SCACR provides that, unless the Court orders otherwise or the parties agree otherwise, costs shall be taxed against the Appellant when the judgment(s) on appeal are affirmed. This Court's July 27, 2022, decision affirmed the Orders<sup>1</sup> of the Workers' Compensation Commission. The Court issued its opinion on July 27, 2022, and denied rehearing on September

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<sup>1</sup> Appellate Case No. 2019-001141 was a consolidation of Case No. 2019-001141 and Case No. 2019-001940. Each appeal dealt with separate orders of the Workers' Compensation Commission. The decision of the Court affirmed the orders underlying both case numbers.

22, 2022. The supreme court denied certiorari on May 24, 2023. The Court then issued a remittitur on May 25, 2023. In accordance with Rule 222(d), SCACR, a sworn, itemized statement of costs incurred is included with this motion.

Respectfully Submitted,

s/ James D. George, Jr.  
James D. George, Jr. # 103634  
William L. Smith, II # 5226  
SMITH, BORN, LEVENTIS, TAYLOR & VEGA  
P.O. Box 12330  
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(803) 929-3600  
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Attorneys for Respondent

June 6, 2023

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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WORKERS' COMPENSATION COMMISSION

Avery B. Wilkerson, Jr. Chair  
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Insurance Company, Carrier..... Appellants.

**Proof of Service**

The undersigned hereby certifies that on June 8, 2023, he served counsel for Appellants with the Respondent's Motion for Costs and Itemized Statement of Costs by emailing a copy of the same to the following via their email addresses as maintained in the Attorney Information System:

Brooke A. Payne  
bpayne@paynelg.com


Ryan D. Oxford  
roxford@paynelg.com

Enclosed with this Proof of Service is a copy of the transmittal email.

June 8, 2023

Respectfully Submitted,

s/ James D. George, Jr.  
James D. George, Jr.  
Chappell, Smith & Arden  
2801 Devine Street, Suite 300  
Columbia, SC 29205  
PH: (803) 509-5837

**From:** Jamie George [jgeorge@sbltv.law](mailto:jgeorge@sbltv.law)   
**Subject:** Adickes Motion for Costs  
**Date:** June 8, 2023 at 2:56 PM  
**To:** [bpayne@paynelg.com](mailto:bpayne@paynelg.com), [roxford@paynelg.com](mailto:roxford@paynelg.com)

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Good afternoon,

Attached please find our motion for costs, which will be filed momentarily with the Court of Appeals in the Barry Adickes matter.

Best,

JDG

Adickes Motion  
for Costs.pdf

Jamie George  
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Licensed to practice in  
South Carolina, North  
Carolina and Georgia

June 8, 2023

**RECEIVED**  
JUN 08 2023  
SC Court of Appeals

**Via Hand Delivery**

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

RE: Barry Adickes, Claimant, Respondent v. Philips Healthcare, Employer, and Fidelity & Guarantee Insurance Company, Carrier, Appellants  
Appellate Case No.: 2019-001141

Dear Ms. Kitchings:

Enclosed please find the following documents for filing regarding the above referenced matter:

1. Motion for Costs
2. Itemized Statement of Costs
3. Proof of Service

Pursuant to the supreme court's order of August 25, 2021, additional or bound copies are not being submitted at this time. Immediately upon notice from the Court, Respondent will submit any requested physical and bound copies per the Court's request.

Thank you for your assistance in this matter.

Very truly yours,

James David George, Jr.  
William L. Smith II  
Attorneys for the Respondent

cc: Brooke A. Payne, Esquire  
Ryan D. Oxford, Esquire