

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM THE SOUTH CAROLINA
WORKERS COMPENSATION COMMISSION

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WCC File No.: 0818219

South Carolina Court of Appeals Opinion No. 2013-UP-127
filed March 27, 2013

S.C. SUPREME COURT

Joe A. Osmanski, Employee, Petitioner/
Appellant,

v.

Watkins & Shepard Trucking, Inc.,
Employer, and Zurich North American
Insurance Company, Carrier Defendants

Of Whom Zurich North American
Insurance Company, Carrier, is the Respondent.

RESPONDENTS' MOTION TO CORRECT CAPTION

Pursuant to Rule 240, SCACR, Respondents Watkins & Shepard Trucking, Inc. and Zurich North American Insurance Company hereby move this Court to correct the caption in the above-referenced appeal to reflect the fact that both Watkins & Shepard Trucking, Inc., Employer, and Zurich North American Insurance Company, Carrier, are Respondents in this appeal. Although the South Carolina Court of Appeals adopted the above caption, which was used by Petitioner/Appellant Joe A. Osmanski in filings with the Court of Appeals, the caption

incorrectly identifies only Zurich North American Insurance Company as the Respondent herein.

The corrected caption should be as follows:

Joe A. Osmanski, Employee, Petitioner,

v.

Watkins & Shepard Trucking, Inc.,
Employer, and Zurich North American
Insurance Company, Carrier Respondents.

Respondents note that Petitioner Osmanski did not follow the Court of Appeals' caption in either his Petition for Writ of Certiorari ("Petition") or the Appendix he filed with this Court. His Petition identifies himself as "Petitioner/Appellant" and both Watkins & Shepard Trucking, Inc. and Zurich North American Insurance Company as "Respondents/Defendants." The Appendix identifies Mr. Osmanski as "Petitioner" and both Watkins & Shepard Trucking, Inc. and Zurich North American Insurance Company as "Defendants." Respondents believe both captions utilized by Petitioner are incorrect as well and that the above-referenced corrected caption should be adopted. Respondents also note that the Appellate Panel of the South Carolina Workers' Compensation Commission identified both Watkins & Shepard Trucking, Inc. and Zurich North American Insurance Company as "Defendants/Respondents." (See Appx. p. 7).


CONCLUSION

For the reasons set forth herein, this Court should grant Respondents' Motion to correct the caption in this appeal.

Respectfully submitted,

McANGUS GOUDELICK & COURIE LLC

June 26, 2013



Weston Adams, III, S.C. Bar No. 64291
Jason W. Lockhart, S.C. Bar No. 68612
Meridian 10th Floor
1320 Main Street
P.O. Box 12519
Columbia, SC 29211-2519

Helen F. Hiser, S.C. Bar No. 76124
735 Johnnie Dodds Blvd., Suite 200
P.O. Box 650007
Mount Pleasant, SC 29465
(843) 576-2900

*Attorneys for Respondents Watkins & Shepard
Trucking, Inc. and Zurich North American
Insurance Company*

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PROOF OF SERVICE

I certify that on the 27th day of June 2013, I served the **Respondents' Motion to Correct Caption** on Joe A. Osmanski by depositing a copy of it in the United States Mail, postage prepaid, addressed to his attorney of record:

Kevin B. Smith, Esq.
Hoffman Law Firm
7087 Rivers Ave.
North Charleston, SC 29406

J. Kevin Holmes
David T. Pearlman
The Steinberg Law Firm
P.O. Box 9
Charleston, South Carolina 29402



Gayle McDaniel
Assistant to Helen F. Hiser
McAngus, Goudelock & Courie LLC
735 Johnnie Dodds Blvd., Suite 200
P.O. Box 650007
Mount Pleasant, South Carolina 29465
(843) 576-2900
Attorneys for Respondents