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Nov 29 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM THE SOUTH CAROLINA WORKERS' COMPENSATION  
COMMISSION

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Appellate Case No. 2019-001254  
WCC File No. 1506114

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Frankie Padgett, Claimant..... Respondent,

v.

Cast & Crew Entertainment Services, Inc., Employer,  
and American Zurich Insurance Company, Carrier, .....Appellants.

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APPELLANTS' RETURN TO RESPONDENT'S MOTION FOR COSTS  
AND ATTORNEYS FEES

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Respondent, Frankie Padgett, filed a Motion for Costs and Attorneys Fees pursuant to Rule 222, SCACR by letter dated November 22, 2023.

Specifically, Respondent seeks costs in the amount of \$250.00 for a filing fee paid in conjunction with his cross-appeal. Appellants dispute Respondent is entitled to this particular cost because the South Carolina Court of Appeals issued an Order dated January 10, 2020, concluding Respondents' Cross-Appeal was untimely served. Thus, Respondent's appeal was dismissed. The Court's Order is hereby attached.

Other than this disputed cost, Appellants have no dispute regarding Respondent's Motion for Costs and Attorneys Fees.

Therefore, if Appellants are correct in its legal assumption that the \$250.00 cost should be excluded, the total amount of attorneys fees and costs to be assessed is \$2,743.23.

Respectfully submitted,

McANGUS GOUDELOCK & COURIE, LLC

A handwritten signature in black ink that reads "Vernon F. Dunbar". The signature is written in a cursive style with a horizontal line underneath the name.

November 29, 2023

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Vernon F. Dunbar  
Post Office Box 2980  
55 East Camperdown Way, Suite 300 (29601)  
Greenville, South Carolina 29602  
(864) 239-4000  
Attorney for Appellants

# The South Carolina Court of Appeals

Frankie Padgett, Claimant, Respondent/Appellant,

v.

Cast and Crew Entertainment Services, Inc., Employer,  
and American Zurich Insurance Company, Carrier,  
Appellants/Respondents.

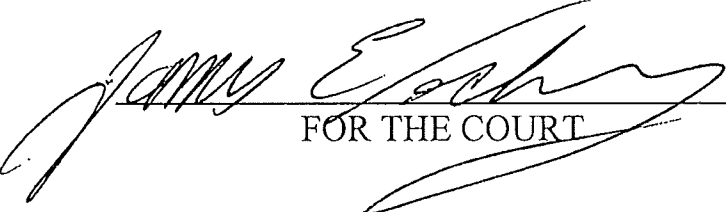
Appellate Case No. 2019-001254

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## ORDER

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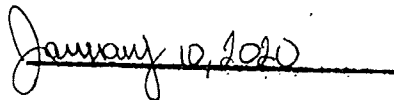
Because Respondent/Appellant's cross appeal was untimely served on Appellants/Respondents, the motion to dismiss is granted. *See Elam v. S.C. Dep't of Transp.*, 361 S.C. 9, 14–15, 602 S.E.2d 772, 775 (2004) ("The requirement of service of the notice of appeal is jurisdictional, i.e., if a party misses the deadline, the appellate court lacks jurisdiction to consider the appeal and has no authority or discretion to 'rescue' the delinquent party by extending or ignoring the deadline for service of the notice."). The partial remittitur will be sent as required by Rule 221, SCACR.

  
FOR THE COURT

Columbia, South Carolina

cc:  
Vernon F. Dunbar, Esquire  
Stephen Benjamin Samuels, Esquire  
Amy Bracy

**FILED**



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APPEAL FROM THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

Appellate Case No. 2019-001254  
WCC File No. 1506114

Frankie Padgett, Claimant..... Respondent,

v.

Cast & Crew Entertainment Services, Inc., Employer and  
American Zurich Insurance Company, Carrier..... Appellants.

**PROOF OF SERVICE**

I hereby certify that I have this 29th day of November 2023, caused to be served a copy of the Appellants' Return to Respondent's Motion for Costs and Attorneys Fees via electronic service a copy of same, to the following:

Stephen B. Samuels, Esquire  
Samuels Reynolds Law Firm  
1320 Richland Street  
Columbia, South Carolina 29201  
[stephen@samuelsreynolds.com](mailto:stephen@samuelsreynolds.com)

The Honorable Jenny Abbott Kitchings  
South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211  
[ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)



Vernon F. Dunbar  
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55 East Camperdown Way, Suite 300 (29601)  
Greenville, South Carolina 29602  
(864) 239-4000  
Vernon.dunbar@mgclaw.com  
Attorneys for Appellant



Reply To  
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SC Court of Appeals

November 29, 2023

[ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)

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

RE: Frankie Padgett v. Cast & Crew Entertainment Services, Inc. and American Zurich Insurance Company c/o Zurich American Insurance Group  
Appellate Case No.: 2019-001254  
WCC File No.: 1506114  
Our File No.: 20216.17069

Dear Ms. Kitchings:

Please find enclosed Appellants' Return to Respondent's Motion for Costs and Attorneys Fees in the above-referenced matter.

By copy of this correspondence and Return and attached Order of the Court to Stephen B. Samuels, counsel of record for Respondent, I am serving him with a copy of the Return and attached Order as is reflected by the attached Proof of Service.

With kind and warm regards, I remain

Very truly yours,

Vernon F. Dunbar

VFD/tls

cc: Stephen B. Samuels, Esquire, Samuels Reynolds Law Firm, LLC  
Vivian Hardin, Zurich American Insurance Group