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May 23 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

**APPEAL FROM THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION**

Appellate Case No. 2022-000963

Helen Brown, Claimant,

Appellant,

v.

Wal-Mart Stores, Inc., Employer, and
New Hampshire Insurance Company, Carrier,

Respondents.

RESPONDENTS' MOTION FOR COSTS ON APPEAL

Johnnie W. Baxley, III, Esquire
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(843) 284-1082
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Attorney for Respondents

Other Counsel of Record:

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Attorney for Appellant

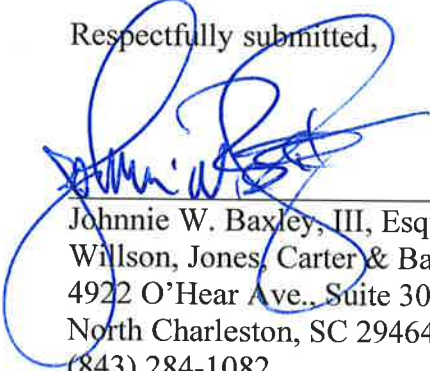
Respondents hereby move pursuant to Rule 222, SCACR, for the taxation of costs on appeal against the Appellant. The grounds for this motion are that the Respondents are entitled to the taxation of costs on appeal against the Appellant, as the following shows:

1. Rule 222(a), SCACR, provides that costs shall be taxed against the appellant when the judgment on appeal is affirmed, unless otherwise ordered by the appellate court or agreed by the parties.
2. This motion is timely. “A party desiring costs to be taxed shall, within fifteen (15) days of the issuance of the remittitur, serve and file a motion requesting that costs be assessed under this Rule.” Rule 222(d), SCACR. The remittitur was issued on May 17, 2024, less than fifteen (15) days before the service and filing of this motion.
3. The Respondents have incurred taxable costs in the amount of seventy-four dollars and ninety-six cents (\$74.96), as is shown on the attached itemized statement of costs.
4. Rule 222(b), SCACR, provides that the party entitled to recover costs shall also be entitled to recover an attorney’s fee in an amount which shall be set by Order of the Supreme Court. By Order dated January 17, 2018, the amount of attorney’s fee was set at two thousand five hundred dollars and zero cents (\$2,500.00) (The Respondents’ attorney’s fees on this appeal exceeded \$2,500.00).
5. The Respondents are entitled to an Order taxing costs against the Appellant in the amount of two thousand five hundred seventy-four dollars and ninety-six cents (\$2,574.96).
6. This case has an extensive procedural history. Notably, the Full Commission

issued an Order on June 24, 2022, from which the Claimant/Appellant filed this appeal. The South Carolina Court of Appeals affirmed the Full Commission's decision on May 1, 2024. The case was remitted to the Workers' Compensation Commission for adjudication of the remaining issues in controversy that were not subject to this appeal.

WHEREFORE Respondents pray for an Order taxing costs in the amount of two thousand five hundred seventy-four dollars and ninety-six cents (\$2,574.96), or in the alternative, in the amount deemed appropriate by the Court, against the Appellant in this appeal.

Respectfully submitted,



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Attorney for Respondents

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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Appellate Case No. 2019-001380

Paula Russell, Claimant,

Appellant,

v.

Wal-Mart Stores, Inc., Employer, and
American Home Assurance, Carrier,

Respondents.

CERTIFICATE OF SERVICE

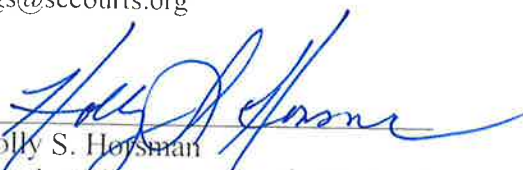
I, Holly S. Horsman, do hereby certify that I am the Legal Assistant for Johnnie W. Baxley, III, Esquire, Attorney for the Respondents with **WILLSON JONES CARTER & BAXLEY, P.A.** in North Charleston, South Carolina, and that on **May 23, 2024**, I served the foregoing **RESPONDENTS' MOTION FOR COSTS ON APPEAL** to the following via e-mail and by placing a copy thereof in the United States mail, proper postage affixed thereto:

E-Mail & Certified Mail/Return Receipt

George A. Taylor, Esquire, Attorney for Appellant
2801 Devine Street, Suite 300
Columbia, SC 29205

E-Mail & US Mail/First Class

Jenny Abbott Kitchings, Clerk
South Carolina Court of Appeals
PO Box 11629
Columbia, SC 29211
ctappfilings@sccourts.org


Holly S. Horsman

Legal Assistant to Johnnie W. Baxley, III, Esquire
WILLSON JONES CARTER & BAXLEY, P.A.
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May 23, 2024



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May 23, 2024

Via E-mail (ctappfilings@sccourts.org) and U.S. Mail
The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

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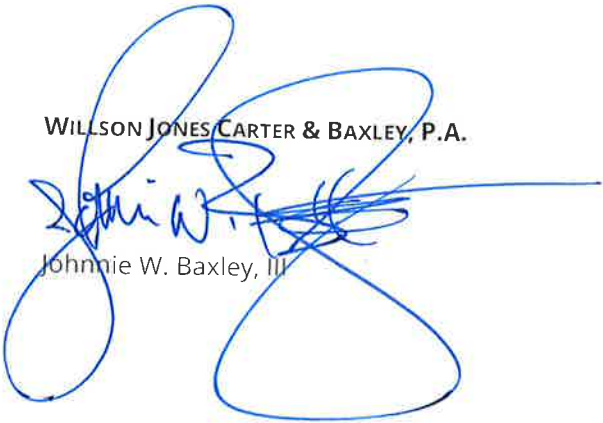
Re: Helen Brown vs. Walmart Inc.
WCC File No.: 1906764 DOI: 5/30/2019
Carrier: New Hampshire Insurance Company - Claim No.: 8832166
WJC&B File No.: 0170.03587
Appellate Case No.: 2022-000963

Dear Ms. Kitchings:

Enclosed please find a Motion for Costs on Appeal and Itemized Statement of Costs in the above-referenced matter, along with a check in the amount of \$50.00 in payment of the Court's filing fee. By copy of this correspondence, a copy of the Motion is being served upon George A. Taylor, Esquire, Counsel for Appellant.

With kindest regards,

WILLSON JONES CARTER & BAXLEY, P.A.


Johnnie W. Baxley, III

JWB/mth

Enclosures

cc (w/enclosure): George A. Taylor, Esquire (via e-mail and U.S. Mail)
Ms. Kelly Simpson (via e-mail)