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Jan 13 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE SOUTH CAROLINA WORKERS'
COMPENSATION COMMISSION

WCC File No. 1514359

Appellate Case No. 2021-000633

Supreme Court Appellate Case No. 2024-001255

Rachel J. Turner, Employee.....Appellant-Respondent,

v.

Medustrial Healthcare Staffing Service and Condustrual, Inc.; Guarantee Insurance Company;
Countrywide Staffing Solutions Group, Inc.; South Carolina Department of Corrections; State
Accident Fund; and South Carolina Uninsured Employer’s Fund Respondents,

of which Condustrual, Inc. f/k/a Medustrial Healthcare Staffing Service, Employer, is the
Respondent-Appellant.

**RESPONDENTS SOUTH CAROLINA PROPERTY AND
CASUALTY INSURANCE GUARANTY ASSOCIATION ON BEHALF OF
GUARANTEE INSURANCE COMPANY’S AND COUNTRYWIDE STAFFING
SOLUTIONS GROUP, INC.’S RESPONSE TO RESPONDENT-APPELLANT
CONDUSTRUAL, INC.’S REQUEST TO ALLOCATE AMONG ALL RESPONDENTS
ANY ATTORNEY’S FEES AND COSTS THAT MAY BE AWARDED PURSUANT TO
APPELLANT-RESPONDENT RACHEL J. TURNER’S MOTION FOR COSTS AND
ATTORNEYS’ FEES**

Pursuant to Rule 222 and Rule 240, SCACR, Respondent South Carolina Property and
Casualty Insurance Guaranty Association on behalf of Guarantee Insurance Company (“South
Carolina Guaranty Association”) and Countrywide Staffing Solutions Group, Inc.
(“Countrywide”), by and through the undersigned counsel, hereby submits this Reply to

Respondent-Appellant Condustrual, Inc.'s ("Condustrual") Return to Appellant-Respondent Rachel J. Turner's ("Turner") Motion for Costs and Attorneys' Fees.

Turner filed a Motion for Costs and Attorney's Fees ("Motion") on December 23, 2024, requesting that \$10,142.12 in fees and costs be awarded to her and assessed against Condustrual. Condustrual filed its Return to Turner's Motion for Costs and Attorneys' Fees on January 2, 2025, asking for the Court to reject or scrutinize the Motion on various grounds. In the event the Court grants the Motion to any extent, Condustrual also argued that the Court should assess fees and costs pro rata against all Respondents. To this end, Condustrual notes that all Respondents joined Condustrual in its arguments opposing Turner's appeal.

The South Carolina Guaranty Association and Countrywide, however, object to any award of fees and costs to Turner being assessed pro rata against them. First, the Court should take note that Turner only sought fees and costs against Condustrual, the party who staffed Turner in a prison facility without providing her or ensuring that she had worker's compensation insurance in place. Moreover, the South Carolina Guaranty Association and Countrywide are unique among Respondents because they were only liable as to the merits of Turner's claims in this action if Condustrual could show that it obtained worker's compensation insurance for Turner through its contract with Countrywide, who then had a worker's compensation insurance policy in place for employees covered under that contract with The Guarantee Association. At every level of this litigation, it has been found that Condustrual failed to obtain any worker's compensation insurance for Turner. Thus, the South Carolina Guaranty Association and Countrywide only joined in any of Condustrual's arguments opposing Turner's appeal to the extent that the Court of Appeals reversed the Commissioner's and Appellate Panel's determination that no coverage was in place. Since it has been determined as a matter of law there was never any coverage in place in this matter, the

South Carolina Guaranty Association and Countrywide should not have to share in any fees and costs awarded to Turner on the merits of the compensation to be awarded to her.

Respectfully submitted,

s/ Beth B Richardson

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AND

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January 13, 2024

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of which Condustrual, Inc. f/k/a Medustrial Healthcare Staffing Service, Employer, is the
Respondent-Appellant.

PROOF OF SERVICE

I certify that I have served **Respondents South Carolina Property and Casualty Insurance Guaranty Association on behalf of Guarantee Insurance Company’s and Countrywide Staffing Solutions Group, Inc.’s Response to Respondent-Appellant Condustrual, Inc.’s Request to Allocate Among All Respondents Any Attorney’s Fees and Costs That May Be Awarded Pursuant to Appellant-Respondent Rachel J. Turner’s Motion for Costs and Attorneys’ Fees** on the following by electronically mailing a copy to counsel of record on **January 25, 2025**, at the addresses shown below:

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January 13, 2025