

RECEIVED

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

Appellate Case Number 2021-000633

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

**REPLY TO RETURN OF RESPONDENT-APPELLANT CONDUSTRUAL INC.'S
RETURN TO
APPELLANT-RESPONDENT RACHEL J. TURNER'S MOTION FOR COSTS AND
ATTORNEY'S FEES**

Pursuant to Rule 222, SCACR, Respondents, South Carolina Department of Corrections
and State Accident Fund (hereinafter "Respondents SCDC/SAF") by and through its undersigned
counsel, hereby submits this Reply to the Return of Condustrual to Appellant-Respondent Rachel
Turner's Motion for Costs and Attorney's Fees. Respondents SCDC/SAF opposes the relief
requested based on the following:

1. This Court, in an Unpublished Opinion No. 2024-UP-110, affirmed and reversed in part
the decision of the South Carolina Workers Compensation Commission ("Commission").

2. The South Carolina Department of Corrections and the State Accident Fund did not appeal any of the Commission's findings to this Court.
3. Rule 222, SCACR, provides that when an appeal is affirmed or reversed in part or is vacated, costs shall be allowed only as ordered by the appellate court.
4. This Court affirmed two of the three issues briefed by Respondents SCDC/SAF and thus, this Court should not assess any attorney's fees or costs against them.
5. If this Court decides to award the Appellant-Respondent attorneys' fees and/or costs, Respondents SCDC/SAF oppose any pro rata allocation of those attorney's fees and/costs against Respondents SCDC/SAF. As stated above, this Court affirmed two of the three issues briefed by Respondents SCDC/SAF and thus they are prevailing parties. Therefore, any allocation of attorney's fees and costs against them would be inequitable to Respondents SCDC/SAF.
6. Additionally, if this Court decides to award the Appellant-Respondent attorneys' fees and/or costs and allocate any portion thereof against Respondents SCDC/SAF, Respondents SCDC/SAF seek a reduction in the amount of costs to be awarded based upon the unreasonable and ambiguous costs listed by Appellant-Respondent. Specifically, Respondents SCDC/SAF assert that the listed cost of "Printing or Copying Record on Appeal" in the amount of \$5,211.76 is unreasonable, ambiguous, and not clearly defined. Therefore, Respondents SCDC/SAF request a reduction in the amount of costs awarded pursuant to Appellant-Respondent's Motion.

WHEREFORE, Respondent SCDC/SAF respectfully request that this Court deny any request for attorneys' fees and costs to be assessed against Respondent SCDC/SAF. In the

alternative, SCDC/SAF request this Court reduce the requested costs and fees accordingly for the reasons set forth above.

Respectfully submitted,



Edwin P. Martin, Jr., Chief Counsel
SC Bar #64172
South Carolina State Accident Fund
PO Box 1166
Lexington, SC 29071
Attorney for Respondents South Carolina
Department of Corrections and State Accident Fund

January 13, 2025

RECEIVED

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

Appellate Case Number 2021-000633

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

PROOF OF SERVICE

I certify that I, Wendy James, Paralegal for the State Accident Fund, have served the
Reply to Return to Motion for Costs and Attorney Fees filed on behalf of the SC Department of
Corrections and the State Accident Fund, on the following by electronically mailing a copy to
counsel of record at the addresses below on this 13th day of January, 2025:

Amy Bracy, Judicial Director
SC Workers' Compensation Commission
PO Box 1715
Columbia, SC 29202
judicial@wcc.sc.gov

Gregory M. Alford, Esq.
PO Drawer 8008
Hilton Head, SC 29938
gregg@alfordlawsc.com

Jasmine Smith, Esq.
Robinson, Gray, Stepp & Laffitte, LLC
PO Box 11449
Columbia, SC 29211
Jsmith@robinsongray.com

Lauren Daniels, Esq.
SC Uninsured Employers' Fund
PO Box 1815
Lexington, SC 29071
ldaniels@saf.sc.gov

Beth Richardson, Esq.
Robinson, Gray, Stepp & Laffitte, LLC
PO Box 11449
Columbia, SC 29211
brichardson@sowellgray.com

Grady L. Beard, Esq.
Robinson, Gray, Stepp & Laffitte, LLC
PO Box 11449
Columbia, SC 29211
gbeard@robinsongray.com

James P. Newman, Jr., Esq.
Hower, Newman, Besley, LLC
PO Box 12009
Columbia, SC 29211
jnewman@hnblaw.com

George D. Gallagher, Esq.
Speed, Seta, Martin, Trivett & Stubley
PO Box 11669
Columbia, SC 29211
ggallagher@speed-seta.com

Stephen B. Samuels, Esq.
Samuels, Reynolds Law Firm, LLC
1320 Richland Street
Columbia, SC 29201
stephen@samuelsreynolds.com

s/Wendy M. James
Wendy James, Paralegal
State Accident Fund

January 13, 2025



South Carolina State Accident Fund

Henry D. McMaster
Governor

Erin Farthing
Director

January 13, 2025

RECEIVED

Jan 13 2025

SC Court of Appeals

The Honorable Jenny Abbott Kitchings
Clerk of the South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

Re: Rachel J. Turner v. Medustrial Healthcare Staffing and Condustrual Inc. et.al
Appellate Case No. 2021-000633

Dear Ms. Kitchings:

Enclosed please find our Reply to Return to Motion for Costs and Attorney Fees on behalf of the South Carolina Department of Corrections and the State Accident Fund. Please return a clocked copy to us.

By copy of this letter with enclosures to counsels of record, we are serving them each with a copy of our Reply to Return to Motion for Costs and Attorney Fees as evidenced in the attached Proof of Service.

Thank you for your consideration. If you should have any questions or need anything further from us, please let us know.

Sincerely,

s/Wendy M. James
Wendy M. James, Paralegal
To Edwin P. Martin, Jr.

/wmj
Enclosures

cc: Amy Bracy, Judicial Director, SCWCC
Gregory Alford, Esq.
Jasmine Smith, Esq.
Lauren Daniels, Esq.
Beth Richardson, Esq.
Grady Beard, Esq.
James P. Newman, Jr., Esq.
George Gallagher, Esq.
Stephen Samuels, Esq.