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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SOUTH CAROLINA
Workers' Compensation Commission

WCC File No. 1514359

Appellate Case No. 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 RESPONDENT-APPELLANT CONDUSTRUAL'S RETURN
TO APPELLANT-RESPONDENT TURNER'S MOTION FOR COSTS
AND ATTORNEYS FEES**

Appellant-Respondent, by and through her undersigned attorney, hereby files her Reply to
Condustrual's Return.

ARGUMENT

- 1. Turner is a prevailing party both as appellant and a respondent, thus she is entitled to attorney's fees and costs.**

Condustrual argues that because Turner prevailed on one of three issues as an appellant and two of two issues on appeal that she and Condustrual essentially broke even, such that "the outcome of the cross-appeals between Turner and Condustrual was, for lack of a better term, a wash."

[Condustrial Return, page 2]. For it to be a wash, the Court would have to have affirmed on all issues. It did not. Turner was a prevailing party on Condustrial's appeal. She was a prevailing party – at least in part – on her own appeal.

To be sure, costs are only as ordered by the Court rather than mandatory because the Court reversed on only one of the three issues appealed by Turner. Nonetheless, she is still a prevailing party on a material issue that ultimately will make a large difference in her eventual compensation.

The purpose of awarding costs to prevailing parties is to recognize that appeals have significant costs, such that prevailing parties are entitled to have costs taxed against non-prevailing parties. In this particular case, the financial burden of the appeal to Rachel Turner is substantial. This case is the longest hearing and largest record in the history of South Carolina Workers' Compensation. The cost of the printing the records and briefs is substantially larger than the norm. And because Turner appealed first, she bore the burden of creating and printing the Record on Appeal, as well as her briefs. Needless to say, \$2,500.00 is far less than the attorney time needed to prosecute and defend this appeal.

It would be an injustice to deny Turner costs and fees from Condustrial.

2. Fees and Costs should not be assessed pro rata among all Respondents.

Although this issue has no direct effect on Turner, she agrees that in fairness, the presence of the other parties in this case was necessitated by Condustrial's actions in misclassifying its employees, breaching its contract with SCDC, and bringing in Guarantee and Countrywide under a specious claim that they covered undisclosed and uninsurable employees. The ongoing tragedy of this case – beyond the initial kidnaping and is entirely due to Condustrial's actions. SCDC, Guarantee and Countrywide are merely victims of the scheme.

3. The actual costs of producing the Record on Appeal and Final Briefs are not excessive nor undocumented.

Condustrial contends the claimed amount “appears excessive on its fac t, even for a voluminous record. Turner would note her attorney certified the costs via affidavit. Additionally, Condustrial asked for invoices *w*hich were provided, yet persists in arguing the amount is excessive. To put a final end to this controversy, Turner hereby attaches copies of the invoices from the printing company documenting the actual payments she made.

THEREFORE, Turner’s Motion for Attorney’s Fees and Costs should be granted.

Respectfully submitted,



Stephen B. Samuels, SC Bar No. 15394
SAMUELS REYNOLDS LAW FIRM, LLC
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stephen@samuelsreynolds.com

Attorney for Appellant-Respondent

Columbia, South Carolina
January 13, 2025

CP & G COLUMBIA PRINTING & GRAPHICS

2238 B Sumter Street | Columbia, SC 29201
803.779.1299 | columbiaprinting@bellsouth.net

A#: Wanda

No. 63940

INVOICE

1180

SAMUELS LAW FIRM
1320 RICHLAND STREET
COLUMBIA SC 29201
DANIELA

DATE

6/27/2022

PO NUMBER

QUANTITY	DESCRIPTION	AMOUNT
1	RACHEL TURNER_(RECORD ON APPEAL)	4,825.70
Account Type: Charge Account		
Wanted: RACHEL TURNER		
		SUB 4,825.70
		TAX 386.06
		SHIPPING
		TOTAL 5,211.76

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Payment Due By: 8/31/2022

Account No. 1180

SAMUELS LAW FIRM
1320 RICHLAND STREET
COLUMBIA SC 29201
*

Statement Date: 8/1/2022

DATE	INV#	DESCRIPTION	DATE	BALANCE
7/22/2022	64060	31518 JEFFERY MCCOY		1,148.59
7/22/2022	64059	31517 RACHEL TURNER		207.04
				(QB)
CURRENT	30 DAYS	60 DAYS	90 + DAYS	
1,350.63	0.00	0.00	0.00	1,350.63 207.04

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SAMUELS LAW FIRM
1320 RICHLAND STREET
COLUMBIA SC 29201
WANDA

DATE

8/17/2022

PO NUMBER

31537

QUANTITY	DESCRIPTION	AMOUNT
1	RACHEL TURNER	226.17
Account Type: Charge Account		
Wanted: RACHEL TURNER		
		SUB 226.17
		TAX 18.09
		SHIPPING
		TOTAL 244.26

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Cherie Schaus

DATE



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No. 64453

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SAMUELS LAW FIRM
1320 RICHLAND STREET
COLUMBIA SC 29201
WANDA

DATE

9/15/2022

PO NUMBER

QUANTITY	DESCRIPTION	AMOUNT
1	RACHEL TURNER	110.80
Account Type: Charge Account		
Wanted: RACHEL TURNER		
		SUB 110.80
		TAX 8.86
		SHIPPING
		TOTAL 119.66

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SAMUELS LAW FIRM
1320 RICHLAND STREET
COLUMBIA SC 29201
WANDA

DATE

9/21/2022

PO NUMBER

31544

QUANTITY	DESCRIPTION	AMOUNT
1	RACHEL TURNER	256.80
Account Type: Charge Account		
Wanted: RACHEL TURNER		
	SUB	256.80
	TAX	20.54
	SHIPPING	
	TOTAL	277.34

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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, Wanda Powell, Paralegal for the Samuels Reynolds Law Firm
have caused the **Reply to Respondent-Appellant Condustrual's Return to
Appellant-Respondent Turner's Motion for Costs and Attorneys Fees** to be
served on the parties clearly marked as indicated below, addressed as follows

The Honorable Jenny Abbott Kitchings
Clerk of the South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201
Via email: ctappfilings@sccourts.org

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Wanda Powell
Paralegal to Stephen B. Samuels

January 13, 2025



STEPHEN B. SAMUELS
P. JASON REYNOLDS
C. DAVID BEALE, JR.
MICHAEL R. PARKS
ATTORNEYS AT LAW

January 13, 2025

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

RE: Rachel J. Turner v. Medustrial Healthcare Staffing and Condustrial, Inc.
Appellate Case No.: 2021-000633

Dear Ms. Kitchings:

Enclosed for filing please find our **Reply to Respondent-Appellant Condustrial's Return to Appellant-Respondent Turner's Motion for Costs and Attorneys Fees** in the above-referenced matter. Please have your staff date stamp and return to us a copy of the **Reply to Respondent-Appellant Condustrial's Return to Appellant-Respondent Turner's Motion for Costs and Attorneys Fees**.

By copy of this letter and attachment to counsels of record, we are serving them with a copy of our **Reply to Respondent-Appellant Condustrial's Return to Appellant-Respondent Turner's Motion for Costs and Attorneys Fees** as indicated by the attached **Proof of Service**.

If you have any questions or concerns, please do not hesitate to contact me. Thank you for your consideration.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Wanda Powell', is written over a blue circular stamp.

Wanda Powell
Paralegal to Stephen B. Samuels

/wp
Enclosure(s) as stated

cc: Erin Farthing, Esquire
Gregory M. Alford, Esquire
Lisa C. Glover, Esquire
Jasmine Smith, Esquire
Beth Richardson, Esquire
Grady L. Beard, Esquire
James P. Newman, Jr., Esquire
George D. Gallagher, Esquire
Edwin P. Martin, Jr., Esquire