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STATE OF SOUTH CAROLINA)
COUNTY OF Lexington)
~~COLUMBIA~~)

IN THE COURT OF COMMON PLEAS

ALEXANDER GUICE,)
)
Claimant,)

Civil Action No. 2013-CP-32-01272

v.)

US FOODSERVICE, INC.,)
)
Employer,)

ORDER GRANTING DEFENDANTS'
MOTION TO DISMISS

and)

ACE AMERICAN INSURANCE)
COMPANY C/O GALLAGHER)
BASSETT SERVICES, INC.,)

Carrier,)

Defendants.)

FILED
2013 JUN 13 P 3:21
BETH A. CARRIGG
CLERK OF COURT
LEXINGTON, SC

This matter came before the Court on June 3, 2013, upon Defendants' US Foodservice, Inc. and their workers' compensation insurance carrier by and through defense counsel for an Order dismissing this claim for lack of proper jurisdiction as the above-referenced Claimant has failed to exhaust his administrative remedies within the workers' compensation forum. Present at the hearing was Erin L. Hantske, Esquire, on behalf US Foodservice, Inc. and their workers' compensation insurance carrier. The *pro se* Claimant was not present at the hearing. The *pro se* Claimant had been provided notice of the hearing by the Lexington County Clerk of Court. Prior to the hearing, the *pro se* Claimant's name was called without an answer. At the call of the case, the *pro se* Claimant was not present or accounted for.

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SC Court of Appeals

After reviewing the submissions including the Complaint, the Motion to Dismiss and the Memorandum in Support of Defendants' Motion to Dismiss, and listening to the arguments of counsel, I find the following:

1. The Claimant in the above-referenced case has failed to exhaust all administrative remedies within the workers' compensation forum prior to initiating this appeal in the Court of Common Pleas.

2. As such, the Court of Common Pleas does not have jurisdiction to hear the matters presented before it.

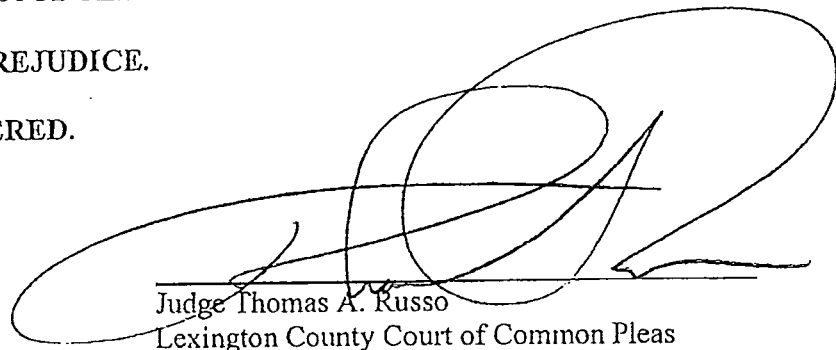
3. Upon exhaustion of all administrative remedies, the above-referenced Claimant may have an appeal to the Circuit Court once that agency has reached a final decision.

4. I find that Defendants' US Foodservice, Inc. and their workers' compensation insurance carrier's Motion to Dismiss is GRANTED and this matter is dismissed WITH PREJUDICE.

Based upon a review of the submissions and Defendants' Motion to Dismiss, it is therefore

ORDERED, ADJUDGED AND DECREED that Claimant's Complaint is hereby **DISMISSED WITH PREJUDICE.**

IT IS SO ORDERED.



Judge Thomas A. Russo
Lexington County Court of Common Pleas

Date: 6/10/13