

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

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APPEAL FROM GEORGETOWN COUNTY  
Court of Common Pleas

Benjamin H. Culbertson, Circuit Court Judge

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Opinion No. 4923 (S.C. Ct. App. filed December 21, 2011)

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Christopher Price,.....Claimant,

v.

Peachtree Electrical Services, Inc. and  
Builders Mutual Insurance Company,  
Employer/Carrier,.....Petitioners,

v.

Bob Wire Electric, Inc. self-insured  
Employer, through South Carolina  
Home Builders Association SIF.....Respondents.

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**RETURN TO PETITION FOR REHEARING**

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Bob Wire Electric, Inc. and South Carolina Home Builders Association SIF, Respondents in the above-named matter, by and through their undersigned counsel, hereby respectfully request that the Court deny the Petition for Rehearing filed on November 21, 2013, by which the Petitioners request the Court reconsider its Order granting attorneys fees and costs on appeal.

The Respondents' requests based upon the following:

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1. The Respondents respectfully contend that the Court did not overlook or misapprehend any issue or argument in granting the Respondents' Motion for Attorneys Fees and Costs under Rule 222, S.C.A.C.R..

2. Pursuant to Rule 222(b), Respondents are entitled to recover the cost of the court reporter's transcript, the cost of printing the record on appeal, the cost of printing the party's final brief, and an attorney's fee set by the Supreme Court. Furthermore, the cost of printing the supplemental record on appeal were also properly included because under Rule 212, the supplemental record on appeal is part of the record on appeal.

3. In addition, Rule 222(b) provides that additional costs will be allowed in extraordinary circumstances. The facts of this case are clearly extraordinary, as the case has been ongoing for over seven years, entirely because of the frivolous claims made by Petitioners resulting in over \$66,000 in attorney fees and costs for the Respondents. Ultimately, the South Carolina Court of Appeals and the South Carolina Supreme Court agreed with Respondents and found that Petitioners had inexplicably pursued its subrogation claim in a venue with no subject matter jurisdiction against an improper party, despite the Petitioners' abandonment of a statutory lien for pennies on the dollar. In light of these extraordinary circumstances, and considering the significant amount of money Respondents spent defending themselves, the Respondents respectfully contend that the Court properly granted the Motion for Attorneys Fees and Costs.

4. Lastly, Rule 221(c), S.C.A.C.R., plainly states that the "appellate court will not entertain petitions for rehearing on a motion or petition unless the action of the court on the motion or petition has the effect of dismissing or finally deciding a party's

appeal.” In the present case, the appeal was finally decided by the Court’s Opinion Number 27314, filed on September 11, 2013 and; therefore, the Respondents respectfully submit that the Petition for Rehearing *sub judice*, which has no impact on the finality of the Petitioner’s appeal, is improper under Rule 221(c). *See also* Rule 240(i), S.C.A.C.R..

**CONCLUSION**

For the reasons stated above, the Respondents respectfully request that the Petition for Rehearing be denied..

Respectfully Submitted,

November 25, 2013



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**PROOF OF SERVICE**

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The undersigned hereby certifies that the above-named Petitioners, Peachtree Electrical Services, Inc. and Builders Mutual Insurance Company, were served with a copy of the Respondents' Return to Petition for Rehearing this 25th day of November 2013, by depositing a copy of the same in the United States Mail, first class postage prepaid, addressed to their attorney of record, as follows:

Richard C. Detwiler, Esq.  
P.O. Box 1390  
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