

Feb 20 2026

S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

The Honorable Alison R. Lee, Circuit Judge

Appellate Case No. 2023-001663

South Carolina Workers' Compensation Commission, Respondent,

v.

WestPoint Home, LLC, Appellant.

MOTION FOR LEAVE TO FILE AN *AMICUS CURIAE* BRIEF
BY INJURED WORKERS' ADVOCATES

Pursuant to Rule 213, SCACR, Injured Workers' Advocates ("IWA") hereby moves this Honorable Court for leave to file an *amicus curiae* brief on the issues related to the South Carolina Court of Appeals recent interpretation of S.C. Code Ann. § 42-11-70 and 42-15-40 in its opinion filed in this matter on September 17, 2025.

IWA does not seek to take a position on the other issues presented by this appeal.

IWA is a nonprofit association of attorneys dedicated to protecting and advancing the rights and legal remedies for South Carolina workers who are victims of occupational injury or disease. Therefore, IWA is interested in this matter because the decision of the Court on the above-described issues could have a dramatic effect on the rights, remedies, and damages available to South Carolina workers with a latent occupational disease. Consequently, the development, scope, and refinement of the law as it relates to their

workers' compensation clients who have a latent occupational illness or disease are of keen interest to members of IWA.

The Court's determination of the subject issues will impact the ability of IWA members to represent their clients in workers' compensation claims involving latent occupational disease because it will affect, among other things, the time frame in which an injured worker has to file a claim despite the fact that they may not receive a definite diagnosis of their occupational disease for years or decades after their last date of exposure.

In the matter at hand, Appellants seek to have this Court overturn the Court of Appeals' current interpretation of § 42-11-70 as a statute of repose as this interpretation does not take into account the long latency periods of occupational diseases and effectively bars claims before disablement occurs, leaving workers without compensation or a tort remedy.

An *amicus curiae* brief will provide the Court with additional considerations from the injured worker's perspective that may be helpful to the Court as it considers and weighs Appellant's Petition for Certiorari for review. Consequently, we respectfully ask the Court to consider IWA's *amicus* brief, a copy of which it has conditionally filed with this motion.

Respectfully submitted,

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Columbia, South Carolina