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Jun 05 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM THE WORKERS' COMPENSATION COMMISSION

The Honorable Aisha Taylor, Commissioner

Appellate Case No. 2024-000533

S.C. W.C.C. File No. 1112328

Samuel Rose,

Claimant,

v.

JJS Trucking and Chris Thompson Services (Statutory Employer),

and

Bridgefield Casualty Insurance Co. (Carrier for Statutory Employer) and
South Carolina Uninsured Employers' Fund, Carriers,

Defendants,

of which Chris Thompson Services and Bridgefield Casualty Insurance are the

Appellants

and South Carolina Uninsured Employers' Fund is the

Respondent,

Reply to Return to Motion for Costs on Appeal

The Appellants, Chris Thompson Services and Bridgefield Casualty Insurance, respectfully contend that the Respondent's Return to the Motion for Costs on Appeal (captioned "Respondent's Reply in Opposition") mistakes the procedural posture of the case and the ministerial nature of the relief sought by the Appellants. Importantly, by their Return, the Respondent ("UEF") does not dispute that the Appellants have actually incurred \$350,365.21 in

costs, including \$346,451.24 in conditional payments made to Samuel Rose, as a result of the UEF's denial of liability for the past 15 years.

The Court of Appeals has now finally resolved the merits of the UEF's denial, concluding that all liability for Samuel Rose's claim must be transferred to the UEF under S.C. Code Ann. § 42-1-415, which specifically mandates that the Appellants "must be relieved of any and all liability" and that they "must be reimbursed from the Uninsured Employers' Fund." *See Richland Cnty. v. S.C. Dep't of Revenue*, 422 S.C. 292, 309, 811 S.E.2d 758, 767 (2018) (explaining that "the legislature's use of the term 'must' in a statute means that the action is mandatory"). Therefore, what the Appellants now seek is a purely ministerial order from the Court taxing the undisputed costs incurred pending appeal against the party liable for these costs as a matter of law. *See Wilson v. Preston*, 378 S.C. 348, 354, 662 S.E.2d 580, 583 (2008) (holding that an action "is ministerial when it is absolute, certain, and imperative, involving merely the execution of a specific duty arising from fixed and designated facts ... It is ministerial if it is defined by law with such precision as to leave nothing to the exercise of discretion.") (internal citations omitted).

To the extent that the UEF characterizes \$346,451.24 of the Appellant's costs as "statutory obligations to an injured worker," these "statory obligations" now rest solely with the UEF in accordance the Court's February 25, 2026 Opinion. The Appellants respectfully contend that these conditional payments were necessary, not only "to preserve rights pending appeal," but were actually required by this Court's 2015 decision as a condition precedent the Appellant's right to judicial review. At that time, this Court confirmed, and the UEF admitted, that the UEF "would be required to reimburse Appellants" for their incurred costs, specifically including conditional payments to (or on behalf of) Samuel Rose, if a transfer of liability was ultimately

ordered. Now that a transfer of liability has been ordered by the Court, all that remains is the ministerial function of taxing the undisputed costs on the party with whom liability finally rests.

While the UEF suggests that there exists some “statutory procedure” or “alternative mechanism for relief that belongs in Commission proceedings,” the UEF did not elucidate what this procedure might be, nor did the UEF explain why additional litigation before the Workers’ Compensation Commission is now necessary to enforce the Appellant’s mandatory right to reimbursement of undisputed costs. The Appellants respectfully contend that the additional delay and cost of yet more litigation would undermine the legislative intent of S.C. Code Ann. § 42-1-415 and this Court’s unequivocal decision to transfer liability to the UEF.

Therefore, the Appellants respectfully request that their undisputed costs in the amount of \$350,365.23 be taxed against the Respondent, UEF, as necessary “costs on appeal” pursuant Rule 222, S.C.A.C.R.. The Appellants respectfully contend that Rule 222 permits the ministerial taxation of such costs under these extraordinary circumstances to promote fairness and judicial economy and to honor this Court’s 2015 promise of “an adequate remedy” for, and reimbursement of, the mandatory costs incurred by the Appellants as a prerequisite to judicial review.

Respectfully submitted,



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Claimant,

JJS Trucking and Chris Thompson Services (Statutory Employer)

and

Bridgefield Casualty Insurance Co. (Carrier for Statutory Employer) and
South Carolina Uninsured Employers' Fund, Carriers

Defendants,

of which Chris Thompson Services and Bridgefield Casualty Insurance
are the

Appellants

and South Carolina Uninsured Employers' Fund is the

Respondent,

PROOF OF SERVICE

The undersigned hereby certifies that a copy of the Appellant's Reply to Return to the Motion for Costs was served on Samuel Rose and the South Carolina Uninsured Employers Fund by emailing and depositing a copy of the same in the United States Mail, first class postage prepaid, on the 5th day of June 2026 addressed to the parties of record as follows:

Matthew J. Story, Esq.
126 Seven Farms Drive, Suite 200
Charleston, SC 29492
matt@cslaw.com

and

Stephen B. Samuels, Esq.
1320 Richland Street
Columbia, SC 29201
stephen@samuelslawfirm.net

June 5, 2026

Kirsten Leslie Barr

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TRASK
HOWELL
WORKERS' COMPENSATION DEFENSE

Reply to
Kirsten L. Barr
(843) 881-1027
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June 5, 2026

Via Email-ctappfilings@sccourts.org/U.S. mail

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P. O. Box 11629
Columbia, SC 29211

Re: Samuel A. Rose v. JJS Trucking, LLC/SCUEF and
Chris Thompson Services, LLC/Bridgefield Casualty Insurance Company
Appellate Case No.: 2024-000533
W.C.C. File No.: 1112328
Carrier File No.: 0196-943450
Date of Accident: August 10, 2011

Dear Ms. Kitchings:

Enclosed, please find the Appellant's Reply to the Return to the Motion for Costs, as well as our proof of service upon all parties in interest. We appreciate the Court's consideration of our Motion and Reply.

Yours very truly,



Kirsten L. Barr

KLB/mkb/les

Enc.

cc: Tracy Hayes, Summit Holdings (w/enc.) (via email only)
Mike Jalovec, Summit Holdings (w/enc.) (via email only)
Ted Dunlap, Summit Holdings (w/enc.) (via email only)
Chris Thompson, Chris Thompson Services, LLC (w/enc.)
Stephen B. Samuels, Esq. (w/enc.) (via email only)
Matthew J. Story, Esq. (w/enc.) (via email only)

