

The Supreme Court of South Carolina

Suzanne Roerig Mendenall,
Personal Representative of
the Estate of Everette
Eugene Mendenall,

Plaintiff,

v.

Anderson Hardwood
Floors, L.L.C., Shaw
Industries, Inc., and Shaw
Industries Group, Inc.

Defendants.

ORDER

Pursuant to Rule 244, SCACR, the Court will answer the following question certified to this Court by order of the Honorable David C. Norton, United States District Judge for the District of South Carolina, Charleston Division:

Does the "dual persona" doctrine allow an injured employee to bring an action in tort against his employer as a successor in interest who, through a corporate merger, received all liabilities of a predecessor corporation that never employed the injured person but allegedly performed the negligent

acts that later caused the employee's injuries, or is such an action barred by the exclusivity provision of the South Carolina Workers' Compensation Act?

The parties shall proceed to serve and file briefs as provided by Rule 244(d), SCACR.

IT IS SO ORDERED.


C. J.
FOR THE COURT

Columbia, South Carolina

May 8, 32012