

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Appellate Panel
Richland County
Trial Court Case No. 2004-WC-40-10622

WCC File No. 0710622

72352

Antonio Lazaro, by and through his GAL,
Decidora Lazaro, Employee, Respondent,

v.

Burriss Electrical, Inc., Employer, and
Comptrust AGC of the Carolinas, Carrier, Appellants.

MOTION FOR THE TAXING OF COSTS AND
ATTORNEY'S FEES AGAINST THE APPELLANTS

RECEIVED

JUN 02 2014

SC Court of Appeals

YOU WILL PLEASE TAKE NOTICE that pursuant to SCRAP Rule 222 and Rule 224 the Respondent hereby moves for the taxing of costs and attorneys' fees as allowed under the Rules. Said Motion is based upon the following:

1. That pursuant to the Remittitur dated May 23, 2014, and Order of the Court of Appeals dated and filed April 10, 2014 (attached hereto and incorporated herein by reference), the

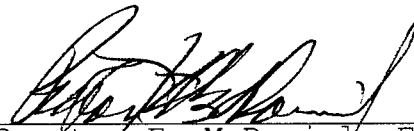
Petition for Rehearing filed by the Appellants was denied by the Court.

2. That South Carolina Appellate Court Rules, Rule 222, provides that where the Judgment on Appeal is affirmed, the Respondent is allowed to move for the taxing of costs and pursuant to the Rule, an Itemized Statement of Costs incurred by the Respondent is attached hereto and is incorporated herein by reference. Further, pursuant to the Rule the Respondent is entitled to the taxing of an Attorney's Fee of One Thousand Dollars and Zero Cents (\$1,000.00).

WHEREFORE, based upon the decision of the Court and the Rules of the Court the Respondent hereby moves for the taxing of the attorney fees and costs in this matter.

WE SO MOVE.

Respectfully submitted,



Preston F. McDaniel, Esquire
McDaniel Law Firm
1315 Elmwood Avenue
Columbia, SC 29201
(803) 771-7211

and

John E. Duncan, Esquire
LAW OFFICE OF JOHN DUNCAN
137 East Butler Street, Suite 3
Lexington, South Carolina 29072
(803) 951-2388

Attorneys for Respondent

May 29, 2014

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Appellate Panel
Richland County
Trial Court Case No. 2004-WC-40-10622

WCC File No. 0710622

Antonio Lazaro, by and through his GAL,
Decidora Lazaro, Employee, Respondent,

v.

Burriss Electrical, Inc., Employer, and
Comptrust AGC of the Carolinas, Carrier, Appellants.


The Appellate Court is requested to tax the following costs
against Burriss Electrical, Inc. and Comptrust AGC of the
Carolinas, the Appellants:

COSTS TAXABLE UNDER RULE 222, SCACR	NO. OF PAGES	RATE	REQUESTED	ALLOWED (For Court Use Only)
Cost of Printing or Copying Final Brief	340 pgs.	\$ 53.04	\$ 53.04	
Cost of Printing or Copying Final Reply Brief				

Cost of Printing or Copying Record on Appeal				
Filing Fee Paid Under Rule 203(d), SCACR				
Cost of Court Reporter's Transcript				
Attorney's Fee Provided By Rule 222(b), SCACR		\$ 1,000.00	\$ 1,000.00	
Other (specify and explain):				
COSTS TAXABLE UNDER RULE 242(j), SCACR				
Cost of Printing or Copying Brief				
Cost of Printing or Copying Reply Brief				
Cost of Printing or Copying Appendix				
Filing fee paid under Rule 242(c), SCACR				
Attorney's fee provided by Rule 242(j)(2), SCACR				
Other (specify and explain):				
		TOTAL:	\$1,053.04	

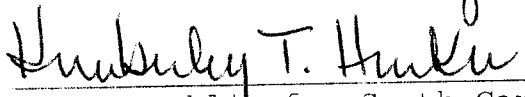
I, Preston F. McDaniel, do swear or affirm that the foregoing costs are correct and were necessarily incurred in

this action. A copy of this statement was (mailed to/served upon) opposing counsel.


Preston F. McDaniel

Attorney for the Respondent

Subscribed and sworn to before me
this 29th day of May, 2014


Notary Public for South Carolina

My Commission Expires: 4-26-20

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Appellate Panel
Richland County
Trial Court Case No. 2004-WC-40-10622

Appellate Case No. 2011-192272


Antonio Lazaro, by and through his GAL,
Decidora Lazaro, Employee, Respondent,

v.

Burriss Electrical, Inc., Employer, and
Comptrust AGC of the Carolinas, Carrier, Appellants.

PROOF OF SERVICE

I certify that I have served the on this day by depositing a copy of Respondent's MOTION FOR THE TAXING OF COSTS AND ATTORNEY'S FEES AGAINST THE APPELLANTS and ITEMIZED STATEMENT OF COSTS in the United States Mail, postage prepaid, on May 29, 2014, addressed to Counsel of Record: Helen F. Hiser, Attorney, McAngus, Goudelock & Courie, Post Office Box 650007, Mt. Pleasant, SC 29465 and Weston Adams, III, Esquire, McAngus, Goudelock & Courie, Post Office Box 12519, Capitol Station, Columbia, SC 29211.


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and

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May 29, 2014 JUN 02 2014

Attorneys for Respondent

SC Court of Appeals



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

May 23, 2014

The Honorable Virginia Crocker
SC Workers' Compensation Commission
PO Box 1715
Columbia SC 29202

REMITTITUR

Re: Lazaro, Antonio v. Burriss Electrical
Lower Court Case No. 0710622
Appellate Case No. 2011-192272

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

V. Claire Allen, Deputy
CLERK

Enclosure

cc: Preston F. McDaniel, Esquire
John Earl Duncan, Esquire
Helen Faith Hiser, Esquire
Landon L. Hughey, Esquire
Weston Adams, III, Esquire

The South Carolina Court of Appeals

Antonio Lazaro, by and through his GAL Decidora
Lazaro, Employee, Respondent,

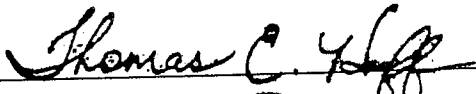
v.


Burriss Electrical, Inc., Employer, and CompTrust AGC
of the Carolinas, Carrier, Appellants.

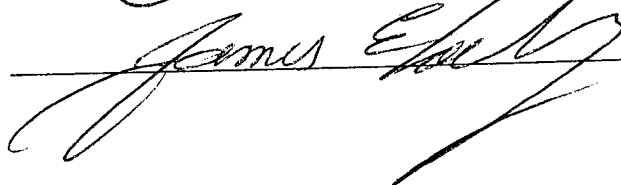
Appellate Case No. 2011-192272

ORDER

After careful consideration of the petition for rehearing, the Court is unable to discover any material fact or principle of law that has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.



 J.


 J.


 J.

Columbia, South Carolina

cc:

Preston F. McDaniel, Esquire
John Earl Duncan, Esquire
Helen Faith Hiser, Esquire
Landon L. Hughey, Esquire
Weston Adams, III, Esquire
Virginia Crocker

FILED

April 10, 2014

Columbia Printing & Graphics

1204 Sumter Street | Columbia, SC 29201
 Tel: 803.779.1299 | Fax: 803.799.9446
 e-mail: columbiaprinting@bellsouth.net

Lazarus 5943-08

No. 38299

INVOICE

*pd
1-14-13
CH #
8285
posted*

DATE

12/19/2012

PO NUMBER

109

PRESTON MCDANIEL
 1315 ELMWOOD AVENUE
 COLUMBIA SC 29201
 PRESTON MCDANIEL
 Phone: 771-7211

QUANTITY	DESCRIPTION	AMOUNT
20	ANTONIO LAZARO V. BURRISS ELECTRICAL INC.	49.57
Account Type: Charge Account File Originals Ship Via: Wanted:		SUB 49.57 TAX 3.47 SHIPPING TOTAL 53.04
		53.04

RECEIVED BY

[Signature]

DATE

12/19/12

PRESTON F. McDANIEL
McDANIEL LAW FIRM
COST ACCOUNT
1315 ELMWOOD AVENUE
COLUMBIA, SC 29201
(803) 771-7211

FIRST CITIZENS BANK
COLUMBIA, SC

8285

67-604/539

1/14/2013

PAY TO THE ORDER OF Columbia Printing & Graphics

\$ **53.04

Fifty-Three and 04/100***** DOLLARS

Columbia Printing & Graphics
1204 Sumter Street
Columbia, SC 29201



Preston F. McDaniel MP

MEMO Inv #38299 Antonio Lazaro

⑈008285⑈ ⑈05390604⑈ ⑈080078644409⑈

SECURITY FEATURES INCLUDED. DETAILS ON BACK.

PRESTON F. McDANIEL / McDANIEL LAW FIRM / COST ACCOUNT

Columbia Printing & Graphics

1/14/2013

8285

cp&g: hearing transcript: Lazaro, Antonio 5943-07

53.04

FC - Cost Acct. Inv #38299 Antonio Lazaro

53.04

PRESTON F. McDANIEL / McDANIEL LAW FIRM / COST ACCOUNT

Columbia Printing & Graphics

1/14/2013

8285

cp&g: hearing transcript: Lazaro, Antonio 5943-07

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FC - Cost Acct. Inv #38299 Antonio Lazaro

53.04

McDANIEL LAW FIRM
ATTORNEYS AND COUNSELORS AT LAW
1315 ELMWOOD AVENUE
COLUMBIA, SOUTH CAROLINA 29201

Proudly representing injured workers
for over 25 years.

Preston F. McDaniel
Matthew Robertson
OF COUNSEL:
Michael Johnson, P.C.

Telephone (803) 771-7211

Facsimile (803) 252-0709

May 29, 2014

Honorable Jenny Abbott Kitchings
Clerk, SC Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

**RE: Antonio Lazaro v. Burriss Electrical
Appellate Case No. 2011-192272**

Dear Ms. Kitchings:

Enclosed herewith for filing, please find the original and seven (7) copies of our **MOTION FOR THE TAXING OF COSTS AND ATTORNEY'S FEES AGAINST THE APPELLANTS** and **ITEMIZED STATEMENT OF COSTS**, along with the original Proof of Service of the same and required filing fee in the above-named matter. I would appreciate your returning a clocked-in copy to me in the enclosed self-address, stamped envelope.

By copy of this letter I am serving counsel for the Appellants with a copy of our Motion.

Sincerely yours,



Preston F. McDaniel

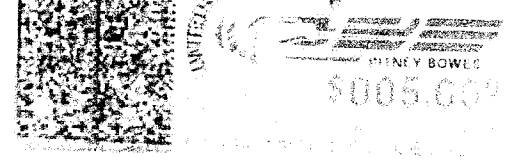
PFM/kth
Enclosures

cc: John E. Duncan, Esquire
Helen F. Hiser, Attorney at Law
Weston Adams, III, Esquire

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JUN 02 2014

SC Court of Appeals



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McDaniel Law Firm
1315 Elmwood Avenue
Columbia, SC 29201

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SC Court of Appeals

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