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THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM THE SOUTH CAROLINA
WORKERS COMPENSATION COMMISSION
APPELLATE PANEL

73278

W.C.C. File No. 0725187

Appellate Tracking No. 2012-211392

George W. Thomas,
Respondent,

v.

Five Star Transportation,
Appellant,

And S.C. Uninsured Employers Fund.
Carrier.

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SC Court of Appeals

RESPONDENT'S MOTION TO ARGUE AGAINST PRECEDENT

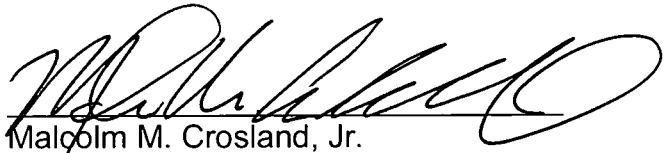
The Respondent, through his undersigned attorney, respectfully moves before the South Carolina Court of Appeals pursuant to SCACR 217 for permission to present oral argument against precedent. In support of the Respondent's Motion the Respondent would show unto the Court as follows;

FIRST: The Respondent's Final Brief in the above-captioned matter was filed with the Court on December 9, 2013. One of the issues for determination by this Court is the

applicability of the Putative Marriage Doctrine to South Carolina Jurisprudence. During the pendency of this appeal the South Carolina Supreme Court issued its decision in Hill v. Bert Bell/Pete Roselle NFL Player Retirement Plan, 405 S.C. 423. 747 S.E.2nd 791 (2013), addressing the issue of the applicability of the Putative Marriage Doctrine. While the Court in the Hill case found the Putative Marriage Doctrine did not apply to the facts of Hill, the Respondent requests permission to argue against that precedent and distinguish the Hill case from the facts at hand. In the present case, the Respondents deceased husband, unlike the deceased husband in Hill, obtained a divorce from his first wife before his death. Here Thomas' wife asks only that she be granted benefits which would normally flow to her as the deceased's wife under the Putative Marriage Doctrine. The Respondent's wife does not ask this Court to invalidate or validate through the Putative Marriage Doctrine her marriage to the Respondent. She requests that she be granted the same presumption of law the Respondent's wife would be entitled to under the facts of this case.

SECOND: Due to the nature of this Motion, the Respondent does not believe a Memorandum with citation of authorities in support of this Motion is appropriate as required by Rule 240(c)(2) as required.

WHEREFORE, based upon the foregoing the Respondent requests the South Carolina Court of Appeals permit Respondent oral argument against precedent as required by Rule 217 SCACR.



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Date: 8/13/14

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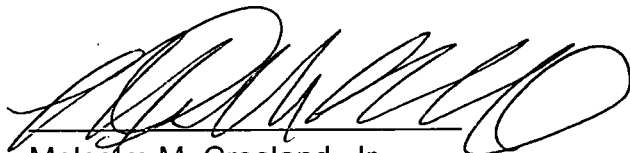
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CERTIFICATE OF COUNSEL

The undersigned certified that this Motion complies with Rule SCACR.

August 18, 2014



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PROOF OF SERVICE

I certify that this 18 day of August, 2014 that I have served a copy of

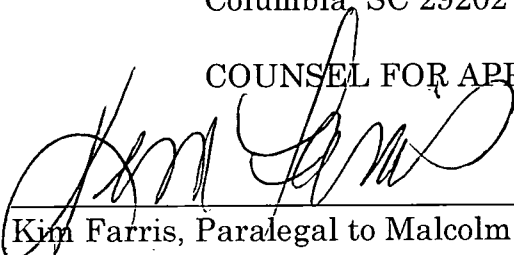
FINAL BRIEF OF RESPONDENT upon counsel of record by mailing same, postage prepaid in the United States mail addressed to the following:

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August 15, 2014

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

RE: George W. Thomas, Respondent, v. 5 Star Transportation and S.C.
Uninsured Employers' Fund, Appellants
Appellate Case No.: 2012-211392
Trial Case No.: 07251187

Dear Ms. Kitchings:

Enclosed you will find the Respondents Motion to Argue Against Precedent and six (6) copies in keeping with SCACR 217, as well as the Respondents Filing Fee of \$25.00 and Proof of Service and Certificate of Counsel.

If there is anything further you need from my office, please do not hesitate to let me know.

With kindest regards, I am

THE STEINBERG LAW FIRM

Malcolm M. Crosland, Jr.

MMC/kf
Enclosure
cc: Lisa Glover, Esquire (w/encl)
Michael E. Chase, Esquire (w/encl)
Carmelo B. Sammataro, Esquire (w/encl)

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