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THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM THE SOUTH CAROLINA COURT OF APPEALS
AND S.C. WORKERS' COMPENSATION COMMISSION

S.C. SUPREME COURT

Susan S. Barden, S.C. Workers' Compensation Commissioner

Appellate Case No. 2012-212258

Stephen C. Whigham,

Petitioner,

v.

Jackson Dawson Communications, Employer
and The Hartford, Carrier,

Respondents.

RETURN TO MOTION FOR COSTS

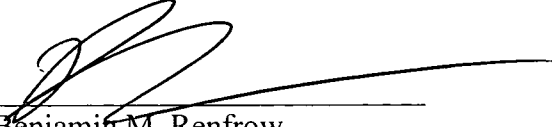
Respondents, Jackson Dawson Communications and The Hartford, by and through their undersigned counsel hereby file their Return to Appellant's Motion for Costs. As grounds for denying the Motion, the Respondents would show the following:

1. Respondents have filed a Petition for Rehearing in this matter which has yet to be ruled upon; therefore, Appellant's Motion for Costs is premature, as there has not been a final decision by this Court;
2. Rule 242(j)(1) states that costs shall be assessed against the respondent before the Court of Appeals when the decision of the Supreme Court has the effect of reversing the judgment of the lower court. In this instance, this Court's decision reversed *and remanded* this case back to the Workers' Compensation

Commission; therefore, if this Court denies Respondent's Motion to Rehear this case or, after a rehearing is held, chooses to leave its decision alone, there will not be a final decision in this matter until the Commission has reheard the case and there is an unappealed order from the Commission. The Commission may commit other errors of law or some other grounds for appeal, by either party, may exist after the claim is reheard. For this reason, assessing costs is premature at this time;

3. Assessing attorney's fees is improper because Appellant's counsel will be remunerated if and when his client receives an award from the Commission, based upon his fee agreement with his client. Respondents submit that it is unfair for Appellant's attorney to receive double attorney's fees.
4. Furthermore, Respondents respectfully request that this honorable court deny each and every request to "tax the following costs" against the Respondents.

Based upon all of the above Respondents respectfully request that the Court deny Appellant's Motion.



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September 19, 2014

