

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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APPEAL FROM RICHLAND COUNTY
APPELLATE PANEL, WORKERS' COMPENSATION COMMISSION

S.C. Supreme Court

Opinion No. 5020 (S.C. Ct. App. filed Aug. 8, 2012)

Ricky Rhame, Petitioner,

v.

Charleston County School District, Respondent.

MOTION TO ARGUE AGAINST PRECEDENT

This motion is filed pursuant to Rule 217 of the South Carolina Appellate Court Rules.


Oral argument is scheduled for November 18, 2014, which is 15 days from the date of this motion. See Rule 217 (deadline for this motion is 15 days prior to argument).

The precedents in question are this Court's decisions in *Pikaart v. A & A Taxi* and *Stone v. Roadway Express*, as well as the decision of the Court of Appeals in *Nettles v. Spartanburg School District # 7*. The petitioner has asked this Court to overrule these decisions to the extent they stand for the proposition that the losing party in a workers' compensation case may not ask the Workers Compensation Commission to rehear a decision.

The full citations are *Pikaart*, 393 S.C. 312, 713 S.E.2d 267 (2011); *Stone*, 367 S.C. 575, 627 S.E.2d 695 (2006); and *Nettles*, 341 S.C. 580, 535 S.E.2d 146 (Ct. App. 2000).

November 3, 2014

Respectfully submitted,



Blake A. Hewitt, Bar No. 73674

John S. Nichols, Bar No. 4210

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PROOF OF SERVICE

The undersigned hereby certifies that on the date indicated below she served counsel for the Respondent with a copy of the *Motion to Argue Against Precedent* by mailing copies of the same by United States Mail with first class postage prepaid to the following address:

Stephen L. Brown, Esquire
Catherine H. Chase, Esquire
Leslie M. Whitten, Esquire
Young Clement Rivers, LLP
Post Office Box 993
Charleston, South Carolina 29402



Erin Bridges
BLUESTEIN, NICHOLS,
THOMPSON & DELGADO, LLC

November 3, 2014
Columbia, South Carolina



BLUESTEIN · NICHOLS · THOMPSON · DELGADO LLC
ATTORNEYS AT LAW

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S.C. Supreme Court

VIA HAND DELIVERY

The Honorable Daniel E. Shearouse
Clerk of Court
Supreme Court of South Carolina
Post Office Box 11330
Columbia, South Carolina 29211

RE: Ricky Rhame v. Charleston County School District
Case Tracking No.: 2012-213148

Dear Mr. Shearouse:

Please find enclosed for filing the original and seven (7) copies of a Motion to Argue Against Precedent in reference to the above case. I have also enclosed a proof of service of this document upon counsel for the respondent and a check in the amount of \$25.00 for filing this motion. Please return the additional filed copy to me via our courier.

Thank you for your attention to this matter. If you need any additional information, please do not hesitate to contact me.

Sincerely,

Erin Bridges

Paralegal to Blake A. Hewitt
BLUESTEIN, NICHOLS, THOMPSON &
DELGADO, LLC

/emb

Enclosures

cc: Kenneth W. Harrell, Esquire
Patrick L. Jennings, Esquire

Stephen L. Brown, Esquire
Catherine H. Chase, Esquire
Leslie M. Whitten, Esquire