

THE STATE OF SOUTH CAROLINA
In The Court Of Appeals

APPEAL FROM SOUTH CAROLINA
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
APPELLATE PANEL

T. Scott Beck, Commissioner for the Appellate Panel;
Andrea C. Roche, Commissioner, and Avery B. Wilkerson, Jr., Commissioner,
concurring

WCC File No.: 1108188

Appellate Case No.: 2014-001676

Russell Goodwin, (Employee/Claimant),Appellant,
v.
Employbridge d/b/a Prologistix (Employer) and
American Casualty Company of Reading PA (Carrier), Respondents.

**RESPONDENTS' RETURN TO APPELLANT'S MOTION FOR
RECONSIDERATION**

Respondents, by and through the undersigned attorney, hereby file this Response to Appellant's November 12, 2014, Motion to Reconsider. Although Appellant's Proof of Service indicates that Respondents were served on November 12, 2014, Respondents never received a copy of Appellant's Motion until it was faxed on December 5, 2014. As such, Respondents appropriately respond to this motion within the ten (10) days allowed by Rule 240(e), SCACR.


Although the rules do not specifically set forth a test for a "motion to reconsider,"

the purpose of a petition for rehearing is not to present points which lawyers for the losing parties have overlooked or misapprehended, nor is the purpose of a petition for rehearing to have the case tried in the appellate court a second time. Kennedy v. South Carolina Retirement System, 564 S.E.2d 322, 349 S.C. 531 (S.C. 2001). In this case, the Court did not overlook or misapprehend any evidence or arguments of the Appellant, and the Court appropriately ruled that in accordance with Rule 263(b), SCACR, “the time prescribed by these Rules for performing any act *except for the time for serving the notice of appeal under Rules 203 and 243* may be extended or shortened by the appellate court, or by any judge or justice thereof.”

Conclusion

For the reasons set forth above, Respondents respectfully request the Court deny Appellant’s Motion for Reconsideration. Appellant has failed to demonstrate any points that were overlooked or misapprehended by the Court, and instead simply restates the previous arguments made before the Court.

Respectfully Submitted,



J. Gabriel Coggiola, Esquire
Justin T. Williams, Esquire
Willson, Jones, Carter & Baxley, P.A.
4500 Fort Jackson Boulevard
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(803) 227-2889
Attorneys for Respondents

December 8, 2014
Columbia, South Carolina

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PROOF OF SERVICE

The undersigned hereby certifies that on the date indicated below, she served Counsel for Appellant with a copy of **Respondents' Return to Appellant's Motion to Reconsider** by mailing a copy of the same by United States Mail with first class postage prepaid to the following address:

T. Jeff Goodwyn
Goodwyn Law Firm, LLC
2519 Devine Street, Suite A
Columbia, South Carolina 29205
Attorney for Appellant

Leigh Ball

Leigh Ball, Legal Assistant to J. Gabriel Coggiola, Esquire
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December 8, 2014
Columbia, South Carolina

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SC Court of Appeals

WILLSON JONES CARTER & BAXLEY, P.A.

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December 8, 2014

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

Re: Russell Goodwin vs Employbridge dba Pro Drivers
Appellate Case No.: 2014-001676
WCC File No.: 1108188 DOI: 7/5/2011
Carrier: American Casualty Company of Reading PA - Claim No.: 001196006729WC01
WJC&B File No.: 0090.01185

Dear Ms. Kitchings:

Pursuant to Rule 240(e), please find enclosed an original and six (6) copies of **Respondents' Return to Appellant's Motion for Reconsideration**, and Proof of Service for the same. By copy of this letter, I am serving the same upon T. Jeff Goodwyn, attorney for Appellant.

I appreciate your attention on this matter. If you have any questions or concerns, please do not hesitate to contact me.

With kindest regards,

WILLSON JONES CARTER & BAXLEY, P.A.



John Gabriel Coggiola

JGC/jgc
Enclosure(s)

cc: Ms. Adrian Bryant (via email)
T. Jeff Goodwyn, Jr., Esquire

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SC Court of Appeals



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NOV 27 2014
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