

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

Susan S. Barden, Aisha Taylor and T. Scott Beck, Commissioners

Case No. 2014-000225 (WCC FILE NO. 1023410)

75091

Michael W. Dority, Claimant, Appellant,

v.

CTR of the Carolinas, Inc., et al., Employer, and Twin City Fire Insurance Company, Carrier,
Respondents.

MOTION AND MEMORANDUM FOR EXPEDITED ORAL ARGUMENT

Jeffrey T. Eddy, Esquire
109 Wappoo Creek Drive
Suite 1-A
Charleston, SC 29412
(843) 795-5666
Bar Number 1834
Attorney for Appellant

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FEB 19 2015

SC Court of Appeals

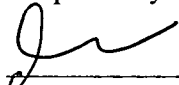
AND NOW COMES APPELLANT, by and through the undersigned counsel, and pursuant to South Carolina Appellate Court Rule 240 moves the Court for expedited oral argument.

Appellant submits the following memorandum in support of this motion, to wit:

- 1) Appellant filed this workers' compensation claim for benefits alleging his pulmonary disease was caused by his occupation;
- 2) Appellant is permanently and totally disabled as a result of end stage pulmonary fibrosis and has been unable to earn wages since September 17, 2010;
- 3) Appellant is on oxygen twenty-four (24) hours a day and requires daily in-home care as a result of his lung disease;
- 4) Appellant was given a free prescription of an experimental drug, Esbriet, for his lung disease by his treating pulmonologist, Dr. John Doty, and this drug has significantly improved appellant's breathing;
- 5) The supply of Esbriet given Appellant will run out on February 20, 2015;
- 6) If Appellant is to continue his use of Esbriet, he will be required to purchase it a \$7,800.00 (Seven-Thousand Eight-Hundred Dollars) a month;
- 7) Appellant cannot afford to purchase Esbriet at \$7,800.00 a month;
- 8) Appellant is in dire financial distress as a result of his lung disease.

Appellant submits the Affidavit attached hereto as Exhibit 1 in support of this Motion for Expedited Oral Argument.

Respectfully submitted,



Jeffrey T. Eddy

109 Wappoo Creek Drive
Charleston, SC 29412
Counsel for Appellant

February 17, 2015

EXHIBIT 1

STATE OF SOUTH CAROLINA)
)
COUNTY OF YORK)
)
AN ADULT OVER THE AGE OF 18) **AFFIDAVIT**

PERSONALLY appeared before me, Michael W. Dority, who first being duly sworn,
deposes and attests that:

- 1) I am permanently and totally disabled as a result of end stage pulmonary fibrosis and have been unable to earn wages since September 17, 2010;
- 2) I am on oxygen twenty-four (24) hours a day and require daily in-home hospice care as a result of my lung disease;
- 3) I was given a free prescription of an experimental drug, Esbriet, for lung disease by my treating pulmonologist, Dr. John Doty, and this drug has significantly improved my breathing;
- 4) The supply of Esbriet given me will run out on February 20, 2015;
- 5) If I am to continue my use of Esbriet, I will be required to purchase it a \$7,800.00 (Seven-Thousand Eight-Hundred Dollars) a month;
- 6) I cannot afford to purchase Esbriet at \$7,800.00 a month;
- 7) I am in dire financial distress as a result of my lung disease.

Sworn to and Subscribed before me)

5th day of February, 2015)

Bretlany H. Adams)
Notary Public for South Carolina)

My Commission Expires 11/24/24)

Michael W Dority)
Signature of Affiant)



THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE SOUTH CAROLINA WORKERS' COMPENSATION
COMMISSION

Susan S. Barden, Aisha Taylor and T. Scott Beck, Commissioners

Appellant Case No. 2014-000225 (WCC File No. 1023410)

Michael W. Dority, Claimant, Appellant,


v.

CTR of the Carolinas, Inc., et al., Employer, and Twin City Fire Insurance
Company, Carrier, Respondents.

CERTIFICATE OF SERVICE

In accordance with Rule 240, SCACR, I certify that I have served a copy of the Appellant's Motion and Memorandum for Expedited Oral Argument on Respondents by depositing a copy of it in the United States Mail, postage prepaid, on February 17, 2014 addressed to their attorney of record, Jason A. Griggs, at his office at 872 S. Pleasantburg Drive, Greenville, South Carolina 29607.

February 17, 2015



Jeffrey T. Eddy
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(843) 795-5666
Attorney for Appellant

Jeffrey T. Eddy, Attorney at Law, LLC

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Tel (843) 795-5666 | Fax (843) 762-0449 | E-Mail: jeddylaw@bellsouth.net

February 16, 2015

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29201

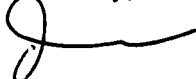
RE: Michael W. Dority, Claimant, Appellant, v. CTR of the Carolinas, Inc., et al.,
Employer, and Twin City Fire Insurance Company, Carrier, Respondents.
Appellate Case No. 2014-000225

Dear Ms. Kitchings:

In accordance Rule 240, SCACR, enclosed for filing with the Court, you will please find an original and six (6) copies of the Appellant's Motion and Memorandum for Expedited Oral Argument in the above-referenced case along with a Certificate of Service certifying service on counsel for the Respondents.

Also enclosed you will please find check number 1396 in the amount of \$25.00 (Twenty-Five Dollars) in payment of the fee required by Rule 240, SCACR.

Sincerely,



Jeffrey T. Eddy

cc: Jason A. Griggs, Esquire

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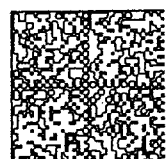
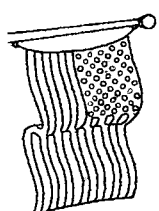
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