

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM THE WORKERS' COMPENSATION COMMISSION  
Judicial Conference Decision and Order

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W.C.C. File No.: 0517806  
Appellate Case No.: 2014-001720

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FEB 27 2015

SC Court of Appeals

Michael D. Ficklin..... Claimant, Appellant,

v.

Security Forces, Inc., and Sentry Insurance Company,..... Respondents.

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**MOTION FOR COSTS ON APPEAL PURSUANT TO RULE 222, SCACR**

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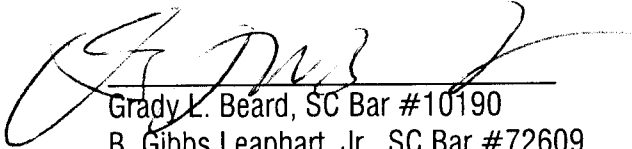
Pursuant to Rule 222 of the South Carolina Appellate Court Rules, Respondents Security Forces, Inc., and Sentry Insurance Company hereby move to recover their costs and attorney's fees on appeal in light of their prevailing on their Motion to Dismiss Appellant's appeal. Rule 222(a) provides that "costs shall be taxed against the appellant when the appeal is dismissed...." Rule 222(a), SCACR. Additionally, Rule 222(b) provides the Respondents "shall be entitled to recover an attorney's fee in an amount which shall be set by order of the Supreme Court." Rule 222(b), SCAR. The current fee allowed by the Supreme Court is \$1,000.

Appellant filed an appeal from the decision of the Honorable Judge Frank R. Addy, Jr. on August 5, 2014, who heard cross-appeals of the Parties from the Full Commission's Order. As to the Appellant's appeal, Judge Addy affirmed the Full Commission's decision in its

entirety. As to the Respondents' appeal, Judge Addy reversed the Full Commission as to both the date of maximum medical improvement (MMI), as well as the Respondents' entitlement to credit for temporary total disability (TTD) benefits paid since MMI. Judge Addy remanded the case to the Full Commission for the calculation of these two issues. It is from this Order that the Appellant appealed. Respondents subsequently moved to dismiss the appeal on the ground that it was not a final order and, therefore, was not immediately appealable.

On January 27, 2015, the Court of Appeals dismissed the Appellant's appeal. The basis for the dismissal was that which was argued by the Respondents—the Order was not a final decision (interlocutory) and not directly appealable. The Court of Appeals issued the remittitur on February 12, 2015.

Accordingly, pursuant to Rule 222(a), SCACR, Respondents hereby request an Order requiring Appellant to pay the applicable attorney fee in the amount of \$1,000.00 as set by the Supreme Court, and the allowable costs on appeal, which total of \$69.55. Attached to this Motion as **Exhibit A** is a sworn, itemized statement of the recoverable costs incurred by Respondents.



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Attorneys for Respondents

February 27, 2015

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**PROOF OF SERVICE**

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I certify that I have served the Motion for Costs on Appeal on the following parties by depositing a copy in the United States Mail, postage prepaid, on February 27, 2015, addressed to:

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