

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM THE  
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

Appellate Panel  
T. Scott Beck, Commissioner

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WCC File No. 1103604

Michael Philip Worthen,  
Employee, Claimant,

Appellant,

v.

Laurens County, Employer,  
And SC Association of  
Counties SIF, Carrier,  
Defendants

Respondents.

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MAR 04 2015

**SC Court of Appeals**

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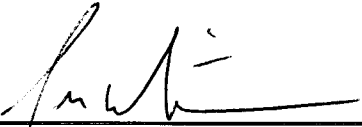
**RETURN IN OPPOSITION TO RESPONDENTS' MOTION FOR COSTS**

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Appellant, Michael Philip Worthen, hereby respectfully submits his Return in Opposition to the motion of Respondents, Laurens County and SC Association of Counties SIF, for an Order taxing costs against the Appellant in this case on the ground Respondents' motion is untimely pursuant to Rule 222 of the South Carolina Appellate Court Rules. Rule 222(d), SCACR, provides, in pertinent part, "[a] party desiring costs to be taxed shall, within fifteen (15) days of the issuance of the remittitur, serve and file a motion requesting that costs be assessed under this Rule." The remittitur in this case was issued on January 28, 2015. See Unpublished Opinion

No. 2015-UP-049. Respondents' motion for costs was not placed in the United States Mail for service and filing until February 18, 2015 – more than fifteen (15) days of the issuance of the remittitur. Therefore, Respondents failed to timely move pursuant to Rule 222, SCACR, for an Order taxing costs against the Appellant. Accordingly, Appellant respectfully requests Respondents' motion for costs be denied.

February 27, 2015



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J. Matthew Whitehead (S.C. Bar No. 73803)  
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Other Counsel of Record:

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Attorney for Respondents

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APPEAL FROM THE  
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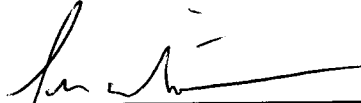
Respondents.

**PROOF OF SERVICE**

I certify that I have served Appellant's Return in Opposition to Respondents' Motion for Costs on Respondents Laurens County and SC Association of Counties SIF by depositing a copy of it in the United States Mail, postage prepaid, on February 27, 2015, addressed to their attorney of record, Richard B. Kale, WILSON JONES CARTER & BAXLEY, P.A., 872 S. Pleasantburg, Greenville, South Carolina 29607.

**(Signature on Following Page)**

February 27, 2015



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February 27, 2015

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

**RE: Michael Philip Worthen, Employer, Claimant, Appellant v. Laurens  
County, Employer, and SC Association of Counties SIF, Carrier,  
Defendants, Respondents  
Appellate Case No.: 2013-001515  
WCC File No. 1103604**

Dear Ms. Kitchings:

Please find enclosed for filing the original and six (6) copies of Appellant's Return in Opposition to Appellant's Motion for Costs in the above-referenced case. Also enclosed is the Proof of Service of the Return on the Respondents.

Sincerely,

THE CAROLINA LAW GROUP, LLC

J. Matthew Whitehead  
matt@thecarolinallawgroup.com

JMW/  
Enclosures  
cc: Richard B. Kale, Esquire

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**SC Court of Appeals**



\* Member Million Dollar Advocate Forum



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