



**HUFF**  
LAW FIRM LLC

E. Ros Huff, Jr.  
roshuff@colalaw.com

**RECEIVED**

September 21, 2011

SEP 21 2011

**Daniel E. Shearouse, Clerk of Court**  
Supreme Court of South Carolina  
P.O. Box 11330  
Columbia, SC 29211

**S.C. Supreme Court**

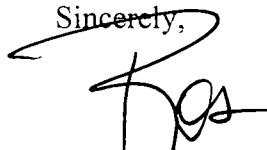
Re: Frances S. Hudson, Deceased Employee, by Kenneth L. Hudson and Keith B. Hudson, Co-Executors of her Estate, as well as Matthew Deese and or Andrew Deese, of whom Kenneth L. Hudson and Keith B. Hudson are Petitioners/Respondents v. Lancaster Convalescent Center, Employer, and Legion Insurance Company in liquidation through S.C. Property and Casualty Insurance Guaranty Association Carrier, Respondents/Petitioners.  
Case Tracking Number: 2011-194189

Dear Mr. Shearouse:

Please find enclosed herewith the original and eight (8) copies of the Respondents Reply to Petitioner's Return to Respondent's Petition for Writ of Certiorari and Certificate of Service. Please return two stamped copies in the self-addressed envelope provided.

By copy of this letter, I am hereby serving all other attorneys of record and both Guardian Ad Litem with copies of these documents.

Please do not hesitate to contact me if you have any questions.

Sincerely,  
  
E. Ros Huff, Jr.

ERH/shk

Enclosures

cc: Andrew Safran, Esquire  
Mark Cauthen, Esquire  
Ann Mickle, Esquire  
Pope Johnson, III, Esquire  
Tanya Gee, SC Court of Appeals

5400.001

Page 2  
September 21, 2011  
Shearhouse

bcc: Randy Mason

5400.0013



# HUFF

LAW FIRM LLC

E. Ros Huff, Jr.  
roshuff@colalaw.com

Shelby H. Kellahan  
skellahan@colalaw.com

September 12, 2011

**VIA FACSIMILE & U.S. MAIL**

The Honorable Brenda F. Shealy, Chief Deputy Clerk  
South Carolina Supreme Court  
Post Office Box 11330  
Columbia, South Carolina 29211

Re: Tracking # 2011-194189

FRANCES S. HUDSON, DECEASED EMPLOYEE, BY  
KENNETH L. HUDSON AND KEITH B. HUDSON,  
CO-EXECUTORS OF HER ESTATE, AS WELL AS  
MATTHEW DEESE AND OR ANDREW DEESE,  
OF WHOM KENNETH L. HUDSON AND KEITH B.  
HUDSON ARE

PETITIONERS/RESPONDENTS,

v.

LANCASTER CONVALESCENT CENTER, EMPLOYER, AND  
LEGION INSURANCE COMPANY IN LIQUIDATION  
THROUGH THE S.C. PROPERTY AND  
CASUALTY INSURANCE GUARANTY ASSOCIATION,  
CARRIER,

RESPONDENTS/PETITIONERS.

Dear Ms. Shealy:

Pursuant to my earlier telephone conversation with Debbie, I would respectfully request a ten (10) day extension to file the Respondent Lancaster Convalescent Center's Reply to Petitioners' Return to Respondents' Petition for Writ of Certiorari. I have discussed this matter with Andy Safran, attorney for Petitioners/Respondents, and he has no objection to this extension.

Today I am mailing a check in the amount of \$25.00 to your office to cover the extension fee. If you have any further questions please let me know.

Sincerely,

E. Ros Huff, Jr.

**RECEIVED**

SEP 14 2011

**S.C. SUPREME COURT**

Check # 12910  
\$25.00

ERH/rco  
Enclosure

cc: Andrew N. Safran, Esquire  
Mark D. Cauthen, Esquire  
Ann M. Mickle, Esquire  
Pope D. Johnson, III, Esquire

5400.0013

Post Office Box 1935 / 7244 Woodrow Street / Irmo, South Carolina 29063  
p: 803.252.2232 / f: 803.252.2231 / www.scinsurancedefense.com

# The Supreme Court of South Carolina

Frances S. Hudson, Deceased  
Employee, by Kenneth L  
Hudson and Keith B. Hudson,  
Co-Executors of her Estate, as  
well as Matthew Deese and/or  
Andrew Deese, of whom  
Kenneth L. Hudson and Keith  
B. Hudson are

Petitioners/Respondents,

v.

Lancaster Convalescent Center,  
Employer, and Legion  
Insurance Company, In  
Liquidation through the South  
Carolina Property and Casualty  
Insurance Guaranty  
Association, Carrier,

Respondents/Petitioners.

The Honorable Kenneth G. Goode  
Lancaster County  
Trial Court Case No. 2006-CP-29-955

---

## ORDER

---

For good cause having been shown, the time for serving and filing the  
Reply to the Return to the Petition for Writ of Certiorari on behalf of  
Respondents/Petitioners Lancaster Convalescent Center in the above entitled  
matter is hereby extended until September 22, 2011.

IT IS SO ORDERED.

JEAN H. TOAL, CHIEF JUSTICE

BY



Clerk

Columbia, South Carolina

September 13, 2011

cc: Andrew Nathan-Safran, Esquire  
E. Ros Huff, Jr., Esquire  
Shelby H. Kellahan, Esquire  
Mark D. Cauthen, Esquire  
Temus C. Miles, Jr., Esquire



# HUFF

LAW FIRM LLC

E. Ros Huff, Jr.  
roshuff@colalaw.com

Shelby H. Kellahan  
skellahan@colalaw.com

September 12, 2011

**RECEIVED**

SEP 12 2011

**S.C. SUPREME COURT**

VIA FACSIMILE & U.S. MAIL

The Honorable Brenda F. Shealy, Chief Deputy Clerk  
South Carolina Supreme Court  
Post Office Box 11330  
Columbia, South Carolina 29211

Re: Tracking # 2011-194189

FRANCES S. HUDSON, DECEASED EMPLOYEE, BY  
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OF WHOM KENNETH L. HUDSON AND KEITH B.  
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CARRIER,

RESPONDENTS/PETITIONERS.

Dear Ms. Shealy:

Pursuant to my earlier telephone conversation with Debbie, I would respectfully request a ten (10) day extension to file the Respondent Lancaster Convalescent Center's Reply to Petitioners' Return to Respondents' Petition for Writ of Certiorari. I have discussed this matter with Andy Safran, attorney for Petitioners/Respondents, and he has no objection to this extension.

Today I am mailing a check in the amount of \$25.00 to your office to cover the extension fee. If you have any further questions please let me know.

Sincerely,

E. Ros Huff, Jr.

ERH/rco  
Enclosure

cc: Andrew N. Safran, Esquire  
Mark D. Cauthen, Esquire  
Ann M. Mickle, Esquire  
Popc D. Johnson, III, Esquire

5400.0013

Post Office Box 1935 / 7244 Woodrow Street / Irmo, South Carolina 29063  
p: 803.252.2232 / f: 803.252.2231 / www.scinsurancedefense.com



# HUFF

LAW FIRM LLC

**RECEIVED**

SEP 12 2011

S.C. SUPREME COURT

Post Office Box 1935 / Irmo, South Carolina 29063  
phone: 803.252.2232 / fax: 803.252.2231

## Fax Cover Sheet

DATE: 9/12/2011

TO: Brenda Shealy

FROM: Ros Huff

FAX: 734-1499

RE: Tracking #2011-194189

Number of pages including cover sheet: 2

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Message:

**CONFIDENTIALITY NOTICE:** This fax cover sheet and the documents accompanying this fax transmission may contain confidential information belonging to the sender which is legally privileged. The information is intended only for the use of the individual or entity named above as recipient. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on or regarding the contents of this faxed information is strictly prohibited. If you have received this fax in error, please notify us immediately by telephone to arrange for return of the original documents to us.

ANDREW N. SAFRAN, LLC  
ATTORNEY AT LAW  
1400 PICKENS STREET, SUITE 104  
COLUMBIA, SOUTH CAROLINA 29201

TELEPHONE 803 256 6689  
FACSIMILE 803 799 1003

MAILING ADDRESS:  
POST OFFICE BOX 12089  
COLUMBIA, SOUTH CAROLINA 29211

August 31, 2011

RECEIVED

AUG 31 2011

S.C. Supreme Court

**HAND DELIVERED**

The Honorable Daniel E. Shearouse  
Clerk of Court  
South Carolina Supreme Court  
1231 Gervais Street  
Columbia, South Carolina 29201

RE: Frances S. Hudson, Deceased Employee, by Kenneth L. Hudson and  
Keith B. Hudson, Co-Executors of her Estate, as well as Matthew Deese  
and/or Andrew Deese vs. Lancaster Convalescent Center, Employer, and  
Legion Insurance Company, In Liquidation through the South Carolina  
Property and Casualty Insurance Guaranty Association, Carrier.  
Civil Action No.: 2006-CP-29-955

Dear Mr. Shearouse:

Enclosed please find an original and eight copies of Petitioners'/Respondents' Return to  
Respondents'/Petitioners' Petitions for Writ of Certiorari relative to the above-captioned matter. At  
this time, I would greatly appreciate your filing these documents and returning two clocked  
copies of the Return to my courier.

By copy of this letter, I am serving a copy of the Reply on Ros Huff, Mark Cauthen, Ann Mickle and  
Pope Johnson. As always, in the event they have any questions or comments concerning this  
matter, I invite them to contact me.

Thank you for your cooperation.

With kindest regards, I am

Very truly yours,



Andrew N. Safran

ANS/rmb

Enclosures

cc: E. Ros Huff, Jr., Esquire  
Mark D. Cauthen, Esquire  
Ann McCrowey Mickle, Esquire  
Pope D. Johnson, II, Esquire



# HUFF

LAW FIRM LLC

E. Ros Huff, Jr.  
roshuff@colalaw.com

Shelby H. Kellahan  
skellahan@colalaw.com

August 23, 2011

**Daniel E. Shearouse, Clerk of Court**  
Supreme Court of South Carolina  
P.O. Box 11330  
Columbia, SC 29211

**RECEIVED**

AUG 24 2011

**S.C. SUPREME COURT**

Re: Frances S. Hudson, Deceased Employee, by Kenneth L. Hudson and Keith B. Hudson, Co-Executors of her Estate, as well as Matthew Deese and or Andrew Deese, of whom Kenneth L. Hudson and Keith B. Hudson are Petitioners/Respondents v. Lancaster Convalescent Center, Employer, and Legion Insurance Company in liquidation through S.C. Property and Casualty Insurance Guaranty Association Carrier, Respondents/Petitioners.  
Case Tracking Number: 2011-194189

Dear Mr. Shearouse:

Please withdraw our Reply to Petitioner's Return to Respondent's Petition for Writ of Certiorari filed on August 15, 2011. Because the Rules do not allow for a "Sur-reply," we will reserve our arguments until after the Petitioners' Response to our Petition for Writ of Certiorari is filed.

By copy of this letter, I am hereby serving all other attorneys of record and both Guardian Ad Litem with copies of this letter.

Please do not hesitate to contact me if you have any questions.

Sincerely,

Shelby H. Kellahan

ERH/shk

Enclosures

cc: Andrew Safran, Esquire  
Mark Cauthen, Esquire  
Ann Mickle, Esquire  
Pope Johnson, III, Esquire  
Tanya Gee, SC Court of Appeals

5400.001

Page 2

August 23, 2011

Shearouse

bcc: Randy Mason

5400.0013

IN THE STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

APPEAL FROM LANCASTER COUNTY  
COURT OF COMMON PLEAS

Kenneth E. Goode, Circuit Court Judge

Trial Court Case No. 2006-CP-29-955

**RECEIVED**

AUG 18 2011

**S.C. Supreme Court**

FRANCES S. HUDSON, DECEASED EMPLOYEE, BY KENNETH L. HUDSON AND KEITH B. HUDSON,  
CO-EXECUTORS OF HER ESTATE, AS WELL AS MATTHEW DEESE AND OR ANDREW DEESE, OF  
WHOM KENNETH L. HUDSON AND KEITH B. HUDSON ARE  
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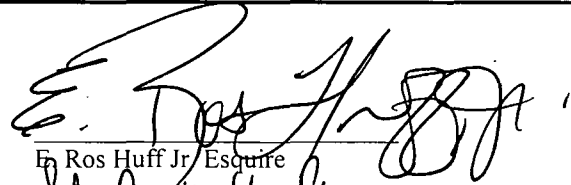
v.

LANCASTER CONVALESCENT CENTER, EMPLOYER, AND LEGION INSURANCE COMPANY IN  
LIQUIDATION THROUGH S.C. PROPERTY AND CASUALTY INSURANCE GUARANTY ASSOCIATION  
CARRIER,  
RESPONDENTS/PETITIONERS.

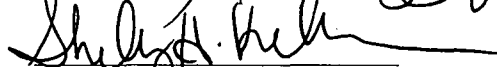
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**Respondents Lancaster Convalescent Center and Legion Insurance Companys' Reply to  
Petitioners' Return to Respondents' Petition for Writ of Certiorari**

---



E. Ros Huff Jr. Esquire



Shelby H. Kellahan, Esquire

7244 Woodrow Street

PO Box 1935

Irmo SC 29063

(803)252-2232

Attorneys for Lancaster Convalescent Center and  
Legion Insurance Company

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## ARGUMENTS

The Respondents Lancaster Convalescent Center and Legion Insurance Company (Lancaster Convalescent) filed a Petition for Writ of Certiorari on June 28, 2011. The Petitioners Keith and Kenneth Hudson as co-executors of the estate of Frances L. Hudson filed a reply to the Petition on August 5, 2011. Lancaster Convalescent submits this return and the following arguments in response to the Petitioners' reply:

### **I. THE JUNE 12, 2002 AWARD DID NOT CREATE AN ACCRUED BENEFIT.**

Petitioners mischaracterize and oversimplify Respondents' (Lancaster Convalescent's) arguments with respect to the 2002 lump sum award being un-accrued. Lancaster Convalescent does not argue that the 2002 lump sum award was nullified by Ms. Hudson's death. Rather, it argues that the award was not final as the benefits abated upon Ms. Hudson's death by **statute** and that Judge Short could not have ratified or made the 2002 lump sum payment final because Judge Short lacked jurisdiction to make this ruling.

The Circuit Court's order as well as the Court of Appeals Order finding that there was a final adjudication of Defendant's obligation to satisfy the award as ordered on June 12, 2002 are in error (R.109-129). The rulings are based on Judge Short's order of February 23, 2004. (R.61-72). Petitioner's try to advance their argument that Judge Short's order is final and binding, by citing a 1954 Industrial Commission Decision. See Miller v. Springs Cotton Mills, 225 S.C. 326, 82 S.E. 2d 458, 461. However, the Miller decision involves a reversal of an award by a Circuit Court. Moreover, the Circuit Court in Miller did have jurisdiction to make its ruling.

It is clear that Judge Short lacked jurisdiction to make his ruling in 2004. Judge Short's order clearly stated that the issue of abatement "exceeds the scope of Appellants' February 26, 2003

exceptions and are not properly before this court.” (R.70). It is clear that a dependency hearing had been requested prior to the Judge Short’s order, at which time the Commission would determine what benefits, if any, the Claimant’s dependents would be entitled too. By ruling Judge Short’s order was a final adjudication of the abatement issue; the court divests the South Carolina Workers’ Compensation Commission of its exclusive jurisdiction to determine issues arising under Title 42. S.C. Code Ann. §42-3-180 (S.C. 2007).

The dependent’s rights to benefits following the death of a claimant fall under S. C. Code Ann. § 42-9-280 (S.C. 2007). The Petitioners argue that Section 42-9-280 is not applicable because there was a retroactive affirmance of the 2002 Order by Judge Short. However, it is clear that Judge Short cannot affirm an Order based upon an issue in which he lacks jurisdiction to address. Judge Short’s statements were merely dicta as he did not have jurisdiction to address the issue of abatement. As the Court in Nash v. Tindall Corp., 375 S.C. 36 (Ct. App. 2007) states “dicta or, as it is also known, dictum is a statement on a matter not necessarily involved in the case, and is not binding as authority.” The issue of abatement was not before Judge Short. Therefore, his statements with regard to abatement are dicta and not binding authority.

Since the parties cannot confer subject matter jurisdiction and the circuit court and the SC Court of Appeals acquires no power to act without jurisdiction, Judge Short’s ruling regarding abatement must be set aside and held to have no effect as the ruling is dicta. Cox. v. Lunsford, 272 S.C. 527, 252 S.E.2d. 918 (S.C. 1979).

## II. THE ESTATE IS NOT ENTITLED TO THE LUMP SUM COMPENSATION PROCEEDS

In South Carolina, “a cause of action created by statute survives when and only when some provision for its survival is made in the statute itself, or in some other statute.” Ferguson v. Charleston Lincoln Mercury, Inc., 544 S.E.2d 285, 288 (2001). Workers’ compensation is a cause of action created by statute. *See generally*, S.C. Code Title 42. *See also* Estate of Covington by Montgomery v. AT&T Nassau Metals Corporation, 405 S.E.2d 393, 394 (1991); the compensation afforded by the Act is statutory in character, and the right of any claimant thereto is dependent upon the terms and conditions of the statute. Petitioners attempt to distinguish the Estate of Covington case from the instant situation on the basis that Covington died prior to the adjudication of her workers compensation claim. However, Hudson likewise died prior to the final adjudication of her claim because an appeal was still pending when she died of unrelated causes (cancer).

Petitioners continue to rely on numerous North Carolina cases to support their arguments. Contrary to Petitioners’ assertions, the North Carolina statute interpreted in those cases are markedly different from the South Carolina statute. The North Carolina Statute specifically provides for the estate to take in situations like this. As that statute states:

When an employee receives or is entitled to compensation under this Article for an injury covered by G.S. 97-31 and dies from any other cause than the injury for which he was entitled to compensation, payment of the unpaid balance of compensation shall be made: First, to the surviving whole dependents; second, to partial dependents, and, if no dependents, to the next of kin as defined in the Article; if there are no whole or partial dependents or next of kin as defined in the Article, then to the personal representative,...

See N.C. Gen. Stat. § 97-37 (emphasis added)

The South Carolina statute has no specific statement that provides for the personal representative to take. South Carolina Code Ann. § 42-9-280 states:

When an employee receives or is entitled to compensation under this Title *for an injury covered by the second paragraph of § 42-9-10 or § 42-9-30* and dies from any other cause than the injury for which he was entitled to compensation, payment of the unpaid balance of compensation shall be made to his next of kin dependent upon him for support, in lieu of the compensation the employee would have been entitled to had he lived. But if the death is due to a cause that is compensable under this Title and the dependents of such employee are awarded compensation therefore, all right to unpaid compensation provided by this section shall cease and determine." S.C. Code § 42-9-280.

Pursuant to the South Carolina statute, which is controlling in this matter, the threshold determination in a case in which the employee dies from an unrelated cause before he has been paid all benefits for his workers' compensation claim, is whether the award is "for an injury covered by the second paragraph of § 42-9-10 or § 42-9-30." S.C. Code § 42-9-280. In this case, the Claimant received her compensation award under the first paragraph of § 42-9-10. Thus, she does not fall within the terms of the statute and her award abated upon her death.

Commissioner Lyndon specifically awarded benefits under the first paragraph of § 42-9-10 due to the fact that the Claimant suffered from total wage loss due to her work related injury. The first mention of paragraph 2 of §42-9-10 is found in the order of Commissioner Bass on June 3, 2005. However, the only issues before Commissioner Bass were: a) defendants obligations to satisfy prior orders of this commission; b) identity of Ms. Hudson's beneficiaries; and c) whether the imposition of sanctions is warranted in this instance. (R.76). Commissioner Bass' order rewrites the basis of the original decision of Commissioner Lyndon i.e. loss of earning capacity under § 42-9-10, first paragraph, without the issue ever being properly raised or litigated before Commissioner Bass. Due process requires notice of issues to be litigated (see Green v. City of

Columbia, 427 S.E.2d 685, 311 S.C. 78 (1993). Petitioners should have sought a § 42-9-10 second paragraph determination in the initial stages of litigation and not some five years later and certainly not after Ms. Hudson's death made it a necessary factor in prevailing in litigation.

Section 42-9-280 does not provide for the survival of Claimant's award, as it was not contemplated within that statute. Instead the Legislature specifically decided that the only awards under § 42-9-10 that would be payable to the next of kin dependents would be those within the second paragraph. Because the Legislature chose not to provide for the survival of benefits awarded under the first paragraph of § 42-9-10, the award abated upon Claimant's death. "[U]nless a statute *specifically provides* for the survival of an action for personal injury, it does not lie after the injured person's death." Reed v. Medlin, 328 S.E.2d 115, 118 (1985)(emphasis added), *overruled on other grounds by* Washington v. Whitaker, 451 S.E.2d 894 (1994).

Lastly, the Claimant's benefits were contingent in nature and ceased with her death. Therefore, they were un-accrued benefits. An Order dated June 12, 2002 by Commissioner Martschink granted the Claimant's request for a lump sum payment. (R.44-56). However, Defendants filed a Request for Full Commission Review of this decision. (R.133-134). During the pendency of the appeal, the Claimant died of unrelated causes. Therefore, because this Order was under appeal, it was not final and binding. "All findings of fact and law by the hearing commissioner become and are the law of this case, except only those within the scope of the exception of defendant and the notice given to the parties by the Commission." Ham v. Mullins Lumber Co., 193 S.C. 66, 7 S.E.2d 712 (1940). At the time of her death, the Claimant was still receiving her benefits on a weekly basis, therefore as stated in Larson's, "when the award, although fixed for a number of weeks, is paid weekly or periodically, most jurisdictions in the absence of a special statute to the contrary have held that heirs have no claim upon the un-

accrued payments since the award is a personal one, based upon the employee's need for a substitute for lost wages and earning capacity." Larson, Workers' Compensation Law, § 89.03 (2001). Further, as stated in Stone v. Roadway Express, 367 S.C. 575, 627 S.E.2d 695, 700 (2006), a Claimant's beneficiaries and/or next of kin dependents are not entitled to unaccrued benefits. In the Stone decision, the Supreme Court specifically stated that

The language of §42-9-280 is plain. The Legislature, as is its prerogative, determined that dependent survivors should receive all benefits due an injured worker who lost the use of a scheduled member...i.e., those who suffered a physical loss, while the dependents of a person totally disabled for another reason, i.e., one who suffered a wage loss compensated under the first paragraph of § 42-9-10, should not. The Legislative distinction between "physical loss" and "wage loss" appears in other workers' compensation statutes as well. Id.

In this case, just as in the Stone case, the Claimant was awarded compensation for a loss in earning capacity under the first paragraph of § 42-9-10. Thus, she was being compensated for her loss of earning power, rather than any loss of use of a specific body member. (R.29) Therefore, her claim for compensation ceased with her death. As the Claimant has no benefits to pass to her beneficiaries/next of kin dependents, there is no further claim under the Act. *See generally* S.C. Code Ann. § 42-9-280 (Providing for the survival of benefits only for a loss under the second paragraph of § 42-9-10 or under § 42-9-30); Larson, Workers' Compensation Law, § 89 (2001)("As a general proposition, the right to receive future workers' compensation benefits is not inheritable."); and 82 Am.Jur.2d *Workers' Compensation* § 670 (2003)("It is generally recognized that upon the death of a worker receiving compensation benefits, the worker's personal representative has no right to any benefit payments which were not due and payable at the time of the worker's death.")

### **III. THERE WAS NEVER A BINDING AGREEMENT AS TO HOW THE AWARD SHOULD BE DISTRIBUTED**

Petitioners argue that there was a binding agreement of the beneficiaries as to how the proceeds are to be split and that Lancaster Convalescent acquiesced in this agreement. This is a misstatement of fact and law. The Appellate Panel of the South Carolina Workers' Compensation Commission did not find as fact who the beneficiaries/next of kin would be should the claims in fact not abate pursuant to S.C. Code Ann. Section 42-9-280. While the Order of the Single Commissioner, which was subsequently affirmed by the Full Commission, named four possible beneficiaries/next of kin dependents, it is not certain that all are entitled to take under the Act. (R.99-108). Keith Hudson and Kenneth Hudson, the Claimant's two biological sons, are personal representatives of the Claimant's estate. Keith Hudson, the deceased Claimant's son, cares for Andrew Deese, who is not his biological son and not a grandchild as defined as such under § 42-1-70. Andrew is the son of Diane Lynn Deese. Keith and Diane are currently separated and her whereabouts unknown. Matthew Pope is Keith Hudson's biological son and the biological grandson of the deceased Claimant, Frances Hudson. There are numerous cases that provide for either a stepchild or a grandchild to take under the Act. However, no prior cases exist that have awarded a step-grandchild benefits. It is important to note that step child and grandchild are defined in the Act differently.

The Petitioners contend that Lancaster Convalescent consented to or acquiesced to the agreement of distribution between the beneficiaries/next of kin dependents. Lancaster Convalescent contends and the South Carolina Court of Appeals agrees that this is not the case. Lancaster Convalescent was not a party to this alleged agreement between the beneficiaries/next of kin dependents and took no position on this issue, because it felt to do so would go against their argument that Claimant's benefits did not survive her death. In particular on page nine of

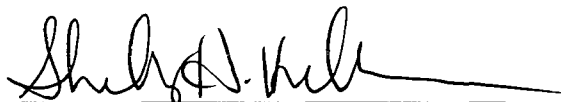
the hearing transcript dated January 25, 2005, the attorney, Ann Mickle, for one of the alleged next of kin dependents stated, "I think there was a stipulation by Mr. Huff that he had no objection to any arrangement on how to split the funds. I think that was a stipulation earlier off the record." In reply, Commissioner Bass stated, "Yes. While reserving his right to claim that there are no funds payable he has no objections to you all splitting the funds up as you see fit, if they are." Commissioner Bass' own words evidence the fact that Lancaster Convalescent is not agreeing to the actual distribution of an award, but in fact have maintained their position that no funds are due. (R.192).

Lancaster Convalescent still maintains that Claimant's benefits abated upon her death based upon the construction of § 42-2-280, and therefore she leaves no beneficiaries/next of kin dependents in regards to her workers' compensation claim.

### CONCLUSION

Based upon the above cited arguments, Respondents Lancaster Convalescent Center and Legion Insurance would respectfully submit that its Petition for Writ of Certiorari be granted.

Respectfully Submitted,



E. Ros Huff, Jr., Esquire  
Shelby H. Kellahan, Esquire  
Post Office Box 1935  
Irmo, South Carolina 29063  
(803) 252-2232

Attorneys for the Respondents Lancaster  
Convalescent Center and Legion Insurance  
Company

August 15, 2011

**IN THE STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT**

---

APPEAL FROM LANCASTER COUNTY  
COURT OF COMMON PLEAS

Kenneth E. Goode, Circuit Court Judge

---

Trial Court Case No. 2006-CP-29-955

FRANCES S. HUDSON, DECEASED EMPLOYEE, BY KENNETH L. HUDSON AND KEITH B. HUDSON, CO-EXECUTORS OF HER ESTATE, AS WELL AS MATTHEW DEESE AND OR ANDREW DEESE, OF WHOM KENNETH L. HUDSON AND KEITH B. HUDSON ARE PETITIONERS/RESPONDENTS.

v.

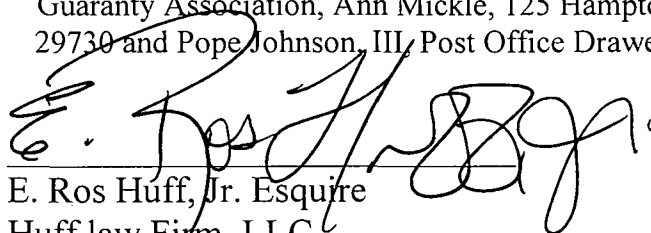
LANCASTER CONVALESCENT CENTER, EMPLOYER, AND LEGION INSURANCE COMPANY IN LIQUIDATION THROUGH S.C. PROPERTY AND CASUALTY INSURANCE GUARANTY ASSOCIATION CARRIER, RESPONDENTS/PETITIONERS,

---

**CERTIFICATE OF SERVICE**

---

I certify that I have served the Respondent's Return to Petitioner's Reply to Respondent's Petition Writ of Certiorari to Kenneth Hudson and Keith Hudson by depositing a copy of the same in the United States Mail, postage prepaid, on **August 15, 2011**, addressed to their attorney of record Andrew N. Safran, Post Office Box 12089, Columbia, SC 29211 and Mark Cauthen, PO Box 7217, Columbia SC 29202, attorney for South Carolina Property and Casualty Insurance Guaranty Association, Ann Mickle, 125 Hampton St, Suite 300, Rock Hill, SC 29730 and Pope Johnson, III, Post Office Drawer 11209, Columbia, SC 29211.

  
E. Ros Huff, Jr. Esquire  
Huff law Firm, LLC  
7244 Woodrow Street  
PO Box 1935  
Irmo SC 29063  
(803)252-2232

Attorney for Lancaster Convalescent Center and Legion Insurance Company

**RECEIVED**

AUG 18 2011

**S.C. SUPREME COURT**



# HUFF

LAW FIRM LLC

E. Ros Huff, Jr.  
roshuff@colalaw.com

Shelby H. Kellahan  
skellahan@colalaw.com

158K  
August 12, 2011

✓ Daniel E. Shearouse, Clerk of Court  
Supreme Court of South Carolina  
P.O. Box 11330  
Columbia, SC 29211

Re: Frances S. Hudson, Deceased Employee, by Kenneth L. Hudson and Keith B. Hudson, Co-Executors of her Estate, as well as Matthew Deese and or Andrew Deese, of whom Kenneth L. Hudson and Keith B. Hudson are Petitioners/Respondents v. Lancaster Convalescent Center, Employer, and Legion Insurance Company in liquidation through S.C. Property and Casualty Insurance Guaranty Association Carrier, Respondents/Petitioners.  
Case Tracking Number: 2011-194189

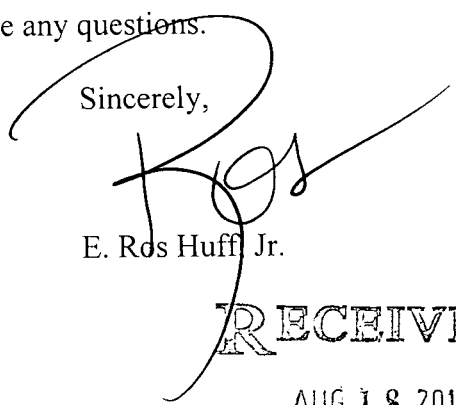
Dear Mr. Shearouse:

Please find enclosed herewith the original and eight (8) copies of the Respondents Reply to Petitioner's Return to Respondent's Petition for Writ of Certiorari and Certificate of Service. Please return two stamped copies in the self-addressed envelope provided.

By copy of this letter, I am hereby serving all other attorneys of record and both Guardian Ad Litem with copies of these documents.

Please do not hesitate to contact me if you have any questions.

Sincerely,

  
E. Ros Huff, Jr.

ERH/shk  
Enclosures  
cc: Andrew Safran, Esquire  
Mark Cauthen, Esquire  
Ann Mickle, Esquire  
Pope Johnson, III, Esquire  
Tanya Gee, SC Court of Appeals  
5400.0013

RECEIVED

AUG 18 2011

SC SUPREME COURT  
pm 8-15-11

ANDREW N. SAFRAN, LLC  
ATTORNEY AT LAW  
1400 PICKENS STREET, SUITE 104  
COLUMBIA, SOUTH CAROLINA 29201

TELEPHONE 803 256 6689  
FACSIMILE 803 799 1003

MAILING ADDRESS:  
POST OFFICE BOX 12089  
COLUMBIA, SOUTH CAROLINA 29211

August 5, 2011

**HAND DELIVERED**

The Honorable Daniel E. Shearouse  
Clerk of Court  
South Carolina Supreme Court  
1231 Gervais Street  
Columbia, South Carolina 29201

RECEIVED

AUG - 5 2011

S.C. Supreme Court

RE: Frances S. Hudson, Deceased Employee, by Kenneth L. Hudson and  
Keith B. Hudson, Co-Executors of her Estate, as well as Matthew Deese  
and/or Andrew Deese vs. Lancaster Convalescent Center, Employer, and  
Legion Insurance Company, In Liquidation through the South Carolina  
Property and Casualty Insurance Guaranty Association, Carrier.  
Civil Action No.: 2006-CP-29-955

Dear Mr. Shearouse:

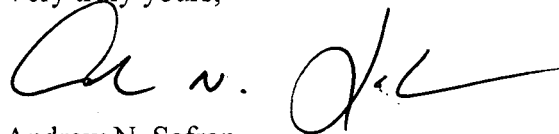
Enclosed please find an original and eight copies of Petitioners' Reply to Respondents' Return to  
Petition for Writ of Certiorari relative to the above-captioned matter. At this time, I would greatly  
appreciate your filing these documents and returning two clocked copies of the Reply to my  
courier.

By copy of this letter, I am serving a copy of the Reply on Ros Huff, Mark Cauthen, Ann Mickle and  
Pope Johnson. As always, in the event they have any questions or comments concerning this  
matter, I invite them to contact me.

Thank you for your cooperation.

With kindest regards, I am

Very truly yours,



Andrew N. Safran

ANS/rmb

Enclosures

cc: E. Ros Huff, Jr., Esquire  
Mark D. Cauthen, Esquire  
Ann McCrowey Mickle, Esquire  
Pope D. Johnson, II, Esquire

# The Supreme Court of South Carolina

Frances S. Hudson, Deceased  
Employee, by Kenneth L  
Hudson and Keith B. Hudson,  
Co-Executors of her Estate, as  
well as Matthew Deese and/or  
Andrew Deese, of whom  
Kenneth L. Hudson and Keith  
B. Hudson are

Petitioners/Respondents,

v.

Lancaster Convalescent Center,  
Employer, and Legion  
Insurance Company, In  
Liquidation through the South  
Carolina Property and Casualty  
Insurance Guaranty  
Association, Carrier,

Respondents/Petitioners.

The Honorable Kenneth G. Goode  
Lancaster County  
Trial Court Case No. 2006-CP-29-955

---

## ORDER

---

For good cause having been shown, the time for serving and filing the  
Petitioners'/Respondents' Return to Respondents'/Petitioners' Petition for  
Writ of Certiorari in the above entitled matter is hereby extended until  
August 31, 2011.

IT IS SO ORDERED.

JEAN H. TOAL, CHIEF JUSTICE

BY *Zrenda J. Shealy*  
Chief Deputy Clerk

Columbia, South Carolina

July 29, 2011

cc: Andrew Nathan Safran, Esquire  
E. Ros Huff, Jr., Esquire  
Shelby H. Kellahan, Esquire  
Mark D. Cauthen, Esquire  
Temus C. Miles, Jr., Esquire

ANDREW N. SAFRAN, LLC  
ATTORNEY AT LAW  
1400 PICKENS STREET, SUITE 104  
COLUMBIA, SOUTH CAROLINA 29201

TELEPHONE 803 256 6689  
FACSIMILE 803 799 1003

MAILING ADDRESS:  
POST OFFICE BOX 12089  
COLUMBIA, SOUTH CAROLINA 29211

July 28, 2011

RECEIVED

JUL 28 2011

S.C. Supreme Court

HAND DELIVERED

The Honorable Brenda F. Shealy, Chief Deputy Clerk  
South Carolina Supreme Court  
Post Office Box 11330  
Columbia, South Carolina 29211

RE: Frances S. Hudson, Deceased Employee, by Kenneth L. Hudson and Keith B. Hudson, Co-Executors of her Estate, as well as Matthew Deese and/or Andrew Deese, of whom Kenneth L. Hudson and Keith B. Hudson are Petitioners/Respondents vs. Lancaster Convalescent Center, Employer, and Legion Insurance Company, In Liquidation through the South Carolina Property and Casualty Insurance Guaranty Association, Carrier, Respondents/Petitioners.

Dear Brenda:

Due to my current scheduling demands, I would respectfully request a thirty (30) day extension to file the Petitioners'/Respondents' Return to Respondents'/Petitioners' Petition for Certiorari.

At this time, I am enclosing our firm's check in the amount of \$25.00 in satisfaction of your extension fee. In the event you require any additional action on my part, please do not hesitate to contact me.

Thank you for your cooperation.

With kindest regards, I am

Very truly yours,

  
Andrew N. Safran

ANS/as

Cc: E. Ros Huff, Jr., Esquire  
Mark D. Cauthen, Esquire

Check # 7870  
\$25.00

# The Supreme Court of South Carolina

Frances S. Hudson, Deceased  
Employee, by Kenneth L  
Hudson and Keith B. Hudson,  
Co-Executors of her Estate, as  
well as Matthew Deese and/or  
Andrew Deese, of whom  
Kenneth L. Hudson and Keith  
B. Hudson are

Petitioners/Respondents,

v.

Lancaster Convalescent Center,  
Employer, and Legion  
Insurance Company, In  
Liquidation through the South  
Carolina Property and Casualty  
Insurance Guaranty  
Association, Carrier,

Respondents/Petitioners.

The Honorable Kenneth G. Goode  
Lancaster County  
Trial Court Case No. 2006-CP-29-955

---

ORDER

---

For good cause having been shown, the time for serving and filing the  
Petitioners'/Respondents' Reply to Respondents'/Petitioners' Return to  
Petition for Writ of Certiorari in the above entitled matter is hereby extended  
until August 11, 2011.

IT IS SO ORDERED.

JEAN H. TOAL, CHIEF JUSTICE

BY *Frenda J. Shealy*  
Chief Deputy Clerk

Columbia, South Carolina

July 29, 2011

cc: Andrew Nathan Safran, Esquire  
Er. Ros Huff, Jr., Esquire  
Shelby H. Kellahan, Esquire  
Mark D. Gauthen, Esquire  
Temus C. Miles, Jr., Esquire

ANDREW N. SAFRAN, LLC  
ATTORNEY AT LAW  
1400 PICKENS STREET, SUITE 104  
COLUMBIA, SOUTH CAROLINA 29201

TELEPHONE 803 256 6689  
FACSIMILE 803 799 1003

MAILING ADDRESS:  
POST OFFICE BOX 12089  
COLUMBIA, SOUTH CAROLINA 29211

July 28, 2011

**HAND DELIVERED**

The Honorable Brenda F. Shealy, Chief Deputy Clerk  
South Carolina Supreme Court  
Post Office Box 11330  
Columbia, South Carolina 29211

RE: Frances S. Hudson, Deceased Employee, by Kenneth L. Hudson and Keith B. Hudson, Co-Executors of her Estate, as well as Matthew Deese and/or Andrew Deese, of whom Kenneth L. Hudson and Keith B. Hudson are Petitioners/Respondents vs. Lancaster Convalescent Center, Employer, and Legion Insurance Company, In Liquidation through the South Carolina Property and Casualty Insurance Guaranty Association, Carrier, Respondents/Petitioners.

Dear Brenda:

Due to my current scheduling demands, I would respectfully request a ten (10) day extension to file the Petitioners'/Respondents' Reply to Respondents'/Petitioners' Return to our Petition for Certiorari.

At this time, I am enclosing our firm's check in the amount of \$25.00 in satisfaction of your extension fee. In the event you require any additional action on my part, please do not hesitate to contact me.

Thank you for your cooperation.

With kindest regards, I am

Very truly yours,

  
Andrew N. Safran

ANS/as

Cc: E. Ros Huff, Jr., Esquire  
Mark D. Cauthen, Esquire

RECEIVED

JUL 28 2011

S.C. SUPREME COURT

Check # 7871  
\$25.00

Julius W. McKay, II  
Mark D. Cauthen  
Daniel R. Settana, Jr.  
M. Stephen Stubley  
Janet Brooks Holmes  
Peter P. Leventis

Marcy J. Lamar  
Erin M. Farrell  
Temus C. Miles, Jr.  
Brandon P. Jones

Law Offices  
**McKAY, CAUTHEN, SETTANA & STUBLEY, P.A.**

P.O. Box 7217  
Columbia, South Carolina 29202-7217

1303 Blanding Street  
Columbia, South Carolina 29201

Douglas McKay, Jr.  
(1917-2008)

Telephone  
(803) 256-4645  
Fax  
(803) 765-1839  
E-Mail  
mcauthen@mckayfirm.com  
Web  
www.mckayfirm.com

July 22, 2011

RECEIVED

JUL 22 2011

**VIA HAND DELIVERY**

The Honorable Daniel E. Shearouse  
CLERK, South Carolina Supreme Court  
1231 Gervais Street  
Columbia, South Carolina 29201

**S.C. Supreme Court**

**Re:** Frances S. Hudson v. Lancaster Convalescent Center, et al, Opinion No.  
4705, filed June 30, 2010

Dear Mr. Shearouse:


Please find enclosed for filing the original and seven (7) copies of the Respondent's *Return to Petition for Certiorari* and Proof of Service on behalf of the SC Property & Casualty Insurance Guaranty Association in the above matter. Please return a clocked copy to our courier.

By copy of this letter and as evidenced by the Proof of Service, I am serving a copy of the Petition on all counsel of record.

Thank you for your assistance in this matter.

With best regards, I am

Very truly yours,



Mark D. Cauthen

MDC/mbc  
Enclosures

cc: Andrew N. Safran, Esquire  
E. Ros Huff, Jr., Esquire  
Ann M. Mickle, Esquire  
Pope D. Johnson, III, Esquire



# HUFF

LAW FIRM LLC

E. Ros Huff, Jr.  
roshuff@colalaw.com

Shelby H. Kellahan  
skellahan@colalaw.com

July 21, 2011

RECEIVED

JUL 22 2011

S.C. Supreme Court

**Daniel E. Shearouse, Clerk of Court**  
Supreme Court of South Carolina  
P.O. Box 11330  
Columbia, SC 29211

Re: Frances S. Hudson, Deceased Employee, by Kenneth L. Hudson and Keith B. Hudson, Co-Executors of her Estate, as well as Matthew Deese and or Andrew Deese, of whom Kenneth L. Hudson and Keith B. Hudson are Petitioners/Respondents v. Lancaster Convalescent Center, Employer, and Legion Insurance Company in liquidation through S.C. Property and Casualty Insurance Guaranty Association Carrier, Respondents/Petitioners.  
Case Tracking Number: 2011-194189

Dear Mr. Shearouse:

Please find enclosed herewith the original and eight (8) copies of the Respondents Return to Petitioner's Petition for Writ of Certiorari and Certificate of Service. Please return the two stamped in copies in the self-addressed envelope provided.

By copy of this letter, I am hereby serving all other attorneys of record and both Guardian Ad Litem with copies of these documents.

Please do not hesitate to contact me if you have any questions.

Sincerely,

E. Ros Huff, Jr.

ERH/shk

Enclosures

cc: Andrew Safran, Esquire  
Mark Cauthen, Esquire  
Ann Mickle, Esquire  
Pope Johnson, III, Esquire  
Tanya Gee, SC Court of Appeals

5400.0013



# The Supreme Court of South Carolina

DANIEL E. SHEAROUSE  
CLERK OF COURT

BRENDA F. SHEALY  
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330  
COLUMBIA, SOUTH CAROLINA 29211

(803) 734-1080

FAX (803) 734-1499

July 5, 2011

E. Ros Huff, Jr, Esquire  
Huff Law Firm, LLC  
P.O. Box 1935  
Irmo, SC 29063

Re: Hudson, Frances v. Lancaster Convalescent  
Case Tracking No. 2011-194189

Dear Mr. Huff:

This office has received your petition for writ of certiorari and appendix in the above matter. It has been assigned the Case Tracking Number that appears above. Please use this number on all future correspondence relating to this matter.

I do wish to call the attention of the parties to the attached order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals. Please note that the responsibility for insuring that information is redacted or sealed as required by this order rests with counsel and the parties. This office will not review filings for redaction or to determine if materials should be sealed.

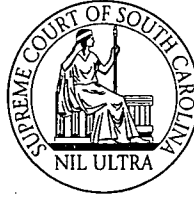
Very truly yours,

CLERK

DES/lda

Enclosure

cc: Andrew Nathan Safran, Esquire  
The Honorable Tanya Gee



# The Supreme Court of South Carolina

DANIEL E. SHEAROUSE  
CLERK OF COURT

BRENDA F. SHEALY  
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330  
COLUMBIA, SOUTH CAROLINA 29211

(803) 734-1080

FAX (803) 734-1499

July 5, 2011

Andrew Nathan Safran, Esquire  
Andrew N. Safran, LLC  
P.O. Box 12089  
Columbia, SC 29211

E. Ros Huff, Jr, Esquire  
Huff Law Firm, LLC  
P.O. Box 1935  
Irmo, SC 29063

Re: Hudson, Frances v. Lancaster Conval.

Dear Counsel:

This is to advise that the title in the above matter has been changed to read as follows:

Frances S. Hudson, Deceased Employee, by  
Kenneth L Hudson and Keith B. Hudson,  
Co-Executors of her Estate, as well as  
Matthew Deese and/or Andrew Deese,  
of whom Kenneth L. Hudson and  
Keith B. Hudson are

Petitioners/Respondents,

v.

Lancaster Convalescent Center, Employer, and  
Legion Insurance Company, In Liquidation  
through the South Carolina Property and  
Casualty Insurance Guaranty Association,  
Carrier,

Respondents/Petitioners.

All future records in this matter should be changed to reflect this title. If you have any questions, please do not hesitate to contact this office.

Very truly yours,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

CLERK

DES/lda

cc: The Honorable Tanya Gee



# HUFF

LAW FIRM LLC

E. Ros Huff, Jr.  
roshuff@colalaw.com

Shelby H. Kellahan  
skellahan@colalaw.com

July 1, 2011

**Daniel E. Shearouse, Clerk of Court**  
Supreme Court of South Carolina  
P.O. Box 11330  
Columbia, SC 29211

**RECEIVED**

JUL 01 2011

**S.C. Supreme Court**

Re: Frances Hudson v. Lancaster Convalescent Center  
06-CP-29-941 & 06-CP-29-955

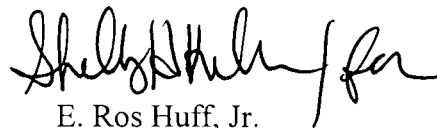
Dear Mr. Shearouse:

Please find enclosed herewith the original and six (6) copies of the Petition for Writ of Certiorari with supporting memorandum of law as well as two copies of an Appendix, and the filing fee to cover the cost of the Petition. Please also take note that we are filing this Petition and Appendix pursuant to Rules 240, 242, 245 and 267 of the SCACR

By copy of this letter, I am hereby serving all other attorneys of record and both Guardian Ad Litem with copies of these documents.

Please do not hesitate to contact me if you have any questions.

Sincerely,

  
E. Ros Huff, Jr.

ERH/shk  
Enclosures

cc: Andrew Safran, Esquire  
Mark Cauthen, Esquire  
Ann Mickle, Esquire  
Pope Johnson, III, Esquire  
Tanya Gee, SC Court of Appeals

5400.0013

*check # 12616  
\$100.00*

Page 2  
July 1, 2011  
Shearhouse

bcc: Randy Mason

5400.0013

ANDREW N. SAFRAN, LLC  
ATTORNEY AT LAW  
1400 PICKENS STREET, SUITE 104  
COLUMBIA, SOUTH CAROLINA 29201

TELEPHONE 803 256 6689  
FACSIMILE 803 799 1003

MAILING ADDRESS:  
POST OFFICE BOX 12089  
COLUMBIA, SOUTH CAROLINA 29211

June 30, 2011

**HAND DELIVERED**

Ms. Linda Allen  
South Carolina Supreme Court  
1231 Gervais Street  
Columbia, South Carolina 29201

RE: Frances S. Hudson, Deceased Employee, by Kenneth L. Hudson and  
Keith B. Hudson, Co-Executors of her Estate, as well as Matthew Deese  
and/or Andrew Deese vs. Lancaster Convalescent Center, Employer, and  
Legion Insurance Company, In Liquidation through the South Carolina  
Property and Casualty Insurance Guaranty Association, Carrier.  
Civil Action No.: 2006-CP-29-955

Dear Linda:

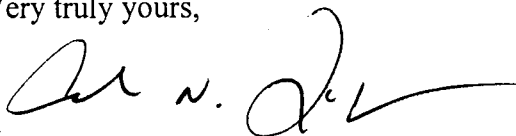
Per your instruction, enclosed please find two amended Appendices, which I am filing relative to the above-captioned matter. Specifically, I have included: (a) all Petitions for Rehearing filed with the Court of Appeals by the respective parties; (b) each of the Court of Appeal's Orders denying the respective Petitions; (c) my March 7, 2011 Petition for Writ of Certiorari; (d) the Supreme Court's March 10, 2011 Order dismissing the prior Cert Petition without prejudice; and (e) a revised Appendix Index, which identifies various documents by page number.

By copy of this letter, I am serving a copy of the amended Appendix on Ros Huff, Mark Cauthen, Ann Mickle and Pope Johnson. As always, in the event they have any questions or comments concerning this matter, I invite them to contact me.

Thank you for your cooperation.

With kindest regards, I am

Very truly yours,



Andrew N. Safran

ANS/rmb

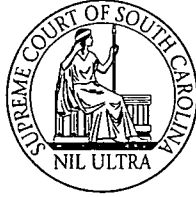
Enclosures

**RECEIVED**

JUN 30 2011

S.C. Supreme Court

cc: E. Ros Huff, Jr., Esquire  
Mark D. Cauthen, Esquire  
Ann McCrowey Mickle, Esquire  
Pope D. Johnson, II, Esquire



# The Supreme Court of South Carolina

DANIEL E. SHEAROUSE  
CLERK OF COURT

BRENDA F. SHEALY  
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330  
COLUMBIA, SOUTH CAROLINA 29211

(803) 734-1080

FAX (803) 734-1499

June 27, 2011

Andrew Nathan Safran, Esquire  
Andrew N. Safran, LLC  
P.O. Box 12089  
Columbia, SC 29211

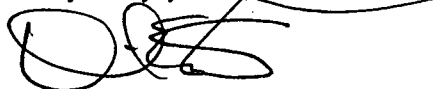
Re: Hudson, Frances v. Lancaster Convalescent Center  
Case Tracking No. 2011-194189

Dear Mr. Safran:

This office has received your Petition for Writ of Certiorari and Appendix in the above matter. It has been assigned the Case Tracking Number that appears above. Please use this number on all future correspondence relating to this matter.

I do wish to call the attention of the parties to the attached order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals. Please note that the responsibility for insuring that information is redacted or sealed as required by this order rests with counsel and the parties. This office will not review filings for redaction or to determine if materials should be sealed.

Very truly yours,



CLERK

DES/lda

Enclosure

cc: E. Ros Huff, Jr, Esquire  
The Honorable Tanya Gee

ANDREW N. SAFRAN, LLC  
ATTORNEY AT LAW  
1400 PICKENS STREET, SUITE 104  
COLUMBIA, SOUTH CAROLINA 29201

TELEPHONE 803 256 6689  
FACSIMILE 803 799 1003

MAILING ADDRESS:  
POST OFFICE BOX 12089  
COLUMBIA, SOUTH CAROLINA 29211

June 24, 2011

RECEIVED

JUN 24 2011

HAND DELIVERED

The Honorable Daniel E. Shearouse  
Clerk of Court  
South Carolina Supreme Court  
1231 Gervais Street  
Columbia, South Carolina 29201

S.C. Supreme Court

RE: Frances S. Hudson, Deceased Employee, by Kenneth L. Hudson and  
Keith B. Hudson, Co-Executors of her Estate, as well as Matthew Deese  
and/or Andrew Deese vs. Lancaster Convalescent Center, Employer, and  
Legion Insurance Company, In Liquidation through the South Carolina  
Property and Casualty Insurance Guaranty Association, Carrier.  
Civil Action No.: 2006-CP-29-955

Dear Mr. Shearouse:

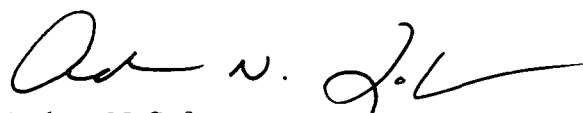
Enclosed please find an original and eight copies of a Petition for Certiorari, as well as two  
Appendices, relative to the above-captioned matter. Additionally, I have enclosed our firm's check  
in the amount of \$100.00 in satisfaction of your filing fee. At this time, I would greatly  
appreciate your filing these documents and returning two clocked copies of the Petition to my  
courier.

By copy of this letter, I am serving a copy of the Petition on Ros Huff, Mark Cauthen, Ann Mickle  
and Pope Johnson, as well as the Honorable Tanya A. Gee, Clerk of Court for the South Carolina  
Court of Appeals. As always, in the event they have any questions or comments concerning this  
matter, I invite them to contact me.

Thank you for your cooperation.

With kindest regards, I am

Very truly yours,



Andrew N. Safran

check # 7743  
\$100.00

ANS/rmb

Enclosures

cc: E. Ros Huff, Jr., Esquire  
Mark D. Cauthen, Esquire  
Ann McCrowey Mickle, Esquire  
Pope D. Johnson, II, Esquire  
The Honorable Tanya A. Gee, Clerk of Court