

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM THE WORKERS' COMPENSATION COMMISSION
Appellate Panel

W C C File No . 1122484
Appellate Case No. 2014-002070

RECEIVED
MAY 04 2015
SC Court of Appeals
75878

William W. Huggins, Jr Claimant, Respondent,

v

City of Mullins and South Carolina Municipal Trust.. Defendants, Respondents

and

Dr Rakesh Chokshi Non-Party Appellant

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

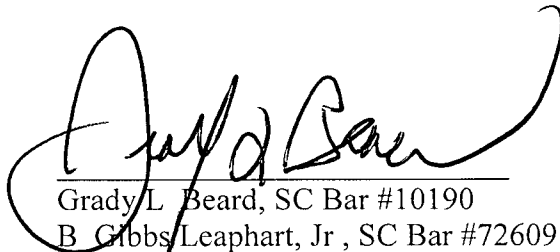
Pursuant to Rule 222 of the South Carolina Appellate Court Rules, Respondents City of Mullins and South Carolina Municipal Trust, hereby move to recover their costs and attorney's fees on appeal in light of their prevailing on their Motion to Dismiss Appellant's appeal Rule 222(a) provides that "costs 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 00

Appellant filed an appeal from the decision of the Full Commission affirming the Hearing Commissioner's Order compelling Appellant to provide his deposition pursuant

to the Commission's Fee schedule Respondents subsequently moved to dismiss because Dr Chokshi lacked standing to challenge it under *Ex parte Whetstone*, 289 S C. 580, 347 S E 2d 881(1986) Moreover, the Respondents argued the appeal was moot because Dr Chokshi complied with the discovery Order by giving his deposition rather than be held in contempt Thus, the Respondents maintained the appeal should be dismissed

On April 3, 2015, the Court of Appeals dismissed the Appellant's appeal The basis for the dismissal was that which was argued by the Respondents - that Dr Chokshi waived his right to appeal by complying with the Order compelling his deposition by giving his deposition The Court of Appeals issued the remittitur on April 21, 2015

Accordingly, pursuant to Rule 222(a), SCACR, Respondent hereby requests 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 \$163.80 Attached to this Motion as **Exhibit A** is a sworn, itemized statement of the recoverable costs incurred by Respondents



Grady L Beard, SC Bar #10190
B Gibbs Leaphart, Jr , SC Bar #72609
Sowell Gray Stepp & Laffitte, LLC
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Post Office Box 11449
Columbia, South Carolina 29211
(803) 929-1400

Attorneys for Respondents

May 4, 2015

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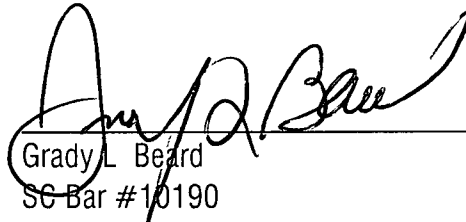
Dr. Rakesh Chokshi Non-Party Appellant.

**AFFIDAVIT IN SUPPORT OF MOTION FOR COSTS ON APPEAL PURSUANT
TO RULE 222, SCACR**

- 1 I am over the age of 21 and competent to testify to the matters set forth herein
- 2 I am an attorney at the law firm of Sowell Gray Stepp & Laffitte, LLC who represented the Respondent in this matter
3. I have knowledge of the costs and expenses incurred in the appeal of this matter Those costs are as follows:

02/02/15 Filing fee for Motion to Dismiss paid to SC Court of Appeals - \$25 00
01/27/15 Full Commission Hearing Transcript (pro rata) - \$54 00
02/02/15. Copy Expense - \$13 80
02/11/15. Copy Expense - \$48 20
02/11/15 Copy Expense - \$22.80
TOTAL: \$163 80

4 The total cost incurred by Respondents in this matter was \$163 80



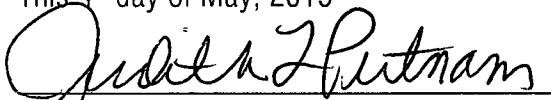
Grady L. Beard
SC Bar #10190
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1310 Gadsden Street
Post Office Box 11449
Columbia, South Carolina 29211
(803) 929-1400

Attorney for Respondents

Columbia, South Carolina
May 4, 2015

SWORN TO AND SUBSCRIBED BEFORE ME

This 4th day of May, 2015

 (L.S.)
Notary Public for the State of SC
My Commission Expires. 5/6/23



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Dr Rakesh Chokshi ... Non-Party Appellant.

PROOF OF SERVICE

I certify that I have served a copy of the **Motion for Costs on Appeal Pursuant to Rule 222, SCACR**, on the following: Ms Amy Bracy, Judicial Director, South Carolina Workers' Compensation Commission, 1333 Main Street, Suite 500, Columbia SC 29201 (via hand delivery), Natalie S. Stevens-Graziani, Esquire, Stevens Law Firm, P.C , 3341 Broad Street, Post Office Drawer 127, Loris SC 29569-0127, (via U S Mail), Carl E. Pierce, II, Esquire, Pierce, Hems, Sloan & Wilson, LLC, Post Office Box 22437, Charleston SC 29413 (via U S Mail), and Benjamin C Smoot, II, Esquire, Pierce, Hems, Sloan & Wilson, LLC, Post Office Box 22437, Charleston SC 29413 (via U.S Mail), on May 4, 2015

Judith L Putnam, Legal Assistant
Sowell Gray Stepp & Laffitte, LLC
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Columbia, South Carolina 29211
(803) 929-1400
Attorney for Respondents

Columbia, South Carolina
May 4, 2015

May 4, 2015

VIA HAND DELIVERY

Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1015 Sumter Street
Columbia, SC 29201

RE William (Billy) W Huggins, Jr. v City of Mullins
Appellate Case No 2014-002070
WCC File No 1122484
Date of Accident 09/19/11
Claim No . 63-79462
Our File No. 5682/8175

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SC Court of Appeals

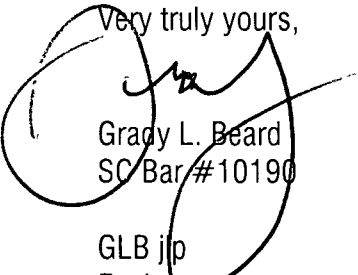
Dear Ms Kitchings

Enclosed herewith are an original and one (1) copy of the Motion for Costs on Appeal in the above-referenced matter. We would appreciate your filing the original and returning a clocked-in copy of same to us via our courier. We are enclosing our Firm's check for the \$25 00 filing fee.

By copy of this letter and aforementioned documents to all other counsel and the South Carolina Workers' Compensation Commission, we are serving them with a copy of the Motion for Costs on Appeal

With kindest personal regards, I remain

Very truly yours,


Grady L. Beard
SC Bar #10190

GLB jlp
Enclosures

cc Ms. Amy Bracy, Judicial Director, SCWCC (w/enclosures)(via hand delivery)
Natalie S Stevens-Graziani, Esquire (w/enclosures)
Carl E. Pierce, II, Esquire (w/enclosures)
Benjamin C Smoot, II, Esquire (w/enclosures)
Mr. Harris Lazarus (w/enclosures)(via e-mail only)