

The Supreme Court of South Carolina

John William Machin, Plaintiff,

v.

Carus Corporation, Defendant.

Appellate Case No. 2015-000901

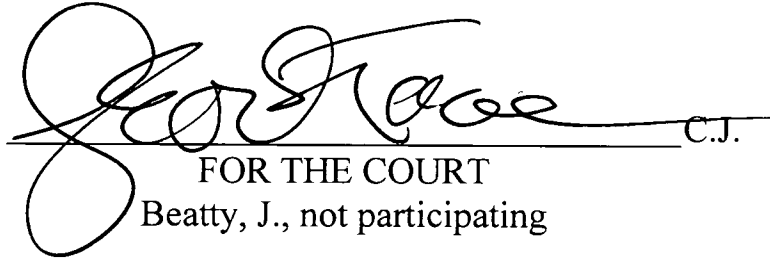
ORDER

Pursuant to Rule 244 of the South Carolina Appellate Court Rules (SCACR), the Court will answer the following questions certified to this Court by order of Judge Joseph F. Anderson, Jr., District Court Judge for the District of South Carolina:

1. Under South Carolina law, when a Plaintiff seeks recovery from a person, other than his employer, for an injury sustained on the job, may the jury hear an explanation of why the employer is not part of the instant action?
2. Under South Carolina law, when a Plaintiff seeks recovery from a person, other than his employer, for an injury sustained on the job, may a defendant argue the empty chair defense and suggest that Plaintiff's employer is the wrongdoer?
3. In connection with Question 2, if a defendant retains the right to argue the empty chair defense against Plaintiff's employer, may a court instruct the jury that an employer's legal responsibility has been determined by another forum, specifically, the South Carolina Workers' Compensation Commission?
4. Under South Carolina law, when a Plaintiff seeks recovery from a person, other than his employer, for an injury sustained on the job, may the Court allow the jury to apportion fault against the non-party employer by placing the name of the employer on the verdict form.

The parties shall proceed to serve and file briefs as provided by Rule 244(d), SCACR. Rule 244 does not provide for the filing of initial briefs; therefore, only

final briefs should be filed in this matter.


C.J.
FOR THE COURT
Beatty, J., not participating

Columbia, South Carolina

June 5, 2015

cc:

Frederick Ivey Hall, III, Esquire

John K. Koon, Esquire

John S. Nichols, Esquire

Gray Thomas Culbreath, Esquire

J. Arthur Davison, Esquire

Sonja Renee Tate, Esquire

Mark Steven Barrow, Esquire

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Brian D. Shropshire

The Honorable Joseph F. Anderson, Jr.