

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

RECEIVED

AUG 10 2015

SC Court of Appeals

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

The Honorable DeAndrea Gist Benjamin, Circuit Court Judge

C.A. No. 2014-CP-40-05633

Arrowpoint Capital Corporation/Arrowood Indemnity Co., Carrier ..... Appellant,

v.

South Carolina Second Injury Fund, Carrier, ..... Respondent,

*In Re:*

Glinda Bossard, WCC File No. 0031286; Odell Bradley, WCC File No. 9930445;  
Vernice Brunson, WCC File No. 0128725; David Davis, WCC File No. 0128713; Centry  
Gamble, WCC File No. 0031294; Harold Harvin, WCC File No. 0031279; Sideny  
Hodge, WCC File No. 0031294; David Laws, WCC File No. 9930453; Richard  
McConico, WCC File No. 9930447; Johnnie Lee Taylor, WCC File No. 9930448

**NOTICE OF APPEAL**

Pursuant to Rule 203, SCACR, Arrowpoint Capital Corporation/Arrowood Indemnity Co. ("Appellant" or "Carrier"), by and through its undersigned attorney, does hereby appeal from the Order of the Honorable DeAndrea Gist Benjamin, Circuit Court Judge of the Fifth Judicial Circuit. Appellant submits that the Court erred in concluding that it lacks jurisdiction to compel an expedited decision in cases pending before the South Carolina Workers' Compensation

Commission before a final judgment has been entered with respect to its request that an appeal involving reimbursement from the South Carolina Second Injury Fund (“Respondent” or “the Fund”) be adjudicated by the South Carolina Workers' Compensation Full Commission Appellate Panel pursuant to §42-17-50. The Order of the Circuit Court was filed on July 1, 2015. Appellant received a copy of the Order from the Circuit Court on July 15, 2015.

The Circuit Court’s Order is appealed on the following grounds

1. The Circuit Court has appellate jurisdiction for correction of errors of law in law cases when an Order affects a substantial right of a party and prevents a judgment for which an appeal might be taken pursuant to S.C. Code Ann. §1-23-390 (2015) and S.C. Code Ann. §14-3-330 (2015).
2. The Circuit Court erred in finding that it did not have jurisdiction to compel the South Carolina Workers' Compensation Commission to process an appeal because of the Commission’s Order granting an indefinite stay was not appealable, the error being that such a conclusion is contrary to South Carolina Law and violates the Administrative Procedures Act, Article I Section 22 of the South Carolina Constitution, Section 42-17-50 of the South Carolina Workers’ Compensation Act and South Carolina Code Ann. Section 1-23-380 (A)(5)(f).
3. The Circuit Court erred in concluding that it does not have jurisdiction to compel the South Carolina Workers' Compensation Commission to adjudicate appeals involving the Second Injury Fund when the Second Injury Fund is subject to closure in 2018.

4. The Fund's closure and the Commission's failure to process the appeals will deprive Appellant of a substantial right to property as afforded to it pursuant to Section 42-9-400, which in turns provides the Circuit Court jurisdiction to act on Appellant's request.

Respectfully submitted,

McANGUS GOUDELOCK & COURIE, LLC

By: 

Vernon F. Dunbar  
SC Bar # 7836

Post Office Box 2980

55 East Camperdown Way, Suite 300 (29601)

Greenville, South Carolina 29602

(864) 239-4000

*Attorneys for Appellant*

August 7, 2015

Other Counsel of Record:

Timothy B. Killen, Attorney for SC Second Injury Fund  
Willson, Jones, Carter & Baxley  
4500 Fort Jackson Boulevard  
Columbia, South Carolina 29209

**RECEIVED**

**AUG 10 2015**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

The Honorable DeAndrea Gist Benjamin, Circuit Court Judge

C.A. No. 2014-CP-40-05633

Arrowpoint Capital Corporation/Arrowood Indemnity Co., Carrier ..... Appellant,

v.

South Carolina Second Injury Fund, Carrier, ..... Respondent,

*In Re:*

Glinda Bossard, WCC File No. 0031286; Odell Bradley, WCC File No. 9930445;  
Vernice Brunson, WCC File No. 0128725; David Davis, WCC File No. 0128713; Centry  
Gamble, WCC File No. 0031294; Harold Harvin, WCC File No. 0031279; Sideny  
Hodge, WCC File No. 0031294; David Laws, WCC File No. 9930453; Richard  
McConico, WCC File No. 9930447; Johnnie Lee Taylor, WCC File No. 9930448

**PROOF OF SERVICE**

I certify that I have served the Notice of Appeal on the attorney of record for the South Carolina Second Injury Fund by depositing a copy of it in the United States Mail, postage prepaid, on the 7th day of August, 2015 addressed to its attorney of record:

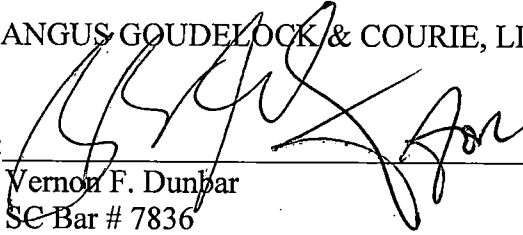
Timothy B. Killen, Attorney for SC Second Injury Fund  
Willson, Jones, Carter & Baxley  
4500 Fort Jackson Boulevard  
Columbia, South Carolina 29209

*(Signature on following page)*

McANGUS GOUDELICK & COURIE, LLC

August 7, 2015

By:

  
Vernon F. Dunbar

SC Bar # 7836

Post Office Box 2980

55 East Camperdown Way, Suite 300 (29601)

Greenville, South Carolina 29602

(864) 239-4000

*Attorneys for Appellant*