

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND
YUASA-EXIDE, INC.,
Employer,
and
ARROWPOINT CAPTIAL CORPORATION,
Carrier,
Appellants,
v.
SOUTH CAROLINA SECOND INJURY
FUND,
Defendant/Respondent,
[In Re: Robert Billie, Wayne Braxton, David
Bunker, John Carter, Allen Clemmons, Roger
Conyers, William Copeland, and Vincent
Gaillard.
v.
Yuasa-Exide, Inc.,
Employer,
and
Arrowood Indemnity Company,
Carrier/Defendants.]

) IN THE COURT OF COMMON PLEAS
)
) FIFTH JUDICIAL CIRCUIT
)

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SC Court of Appeals

Civil Action No. 2014-CP-40-05634

DECISION AND ORDER

STATEMENT OF THE CASE

These claims involve requests for reimbursement pursuant to S.C. Code Ann. §42-9-400. Yuasa alleged that the various claimants named herein sustained occupational exposures during the course and scope of their employment with Yuasa that either combined with or aggravated the various preexisting conditions alleged. There are other cases involving the same parties with identical issues that are in various states of litigation.

On August 13, 2014, the South Carolina Workers' Compensation Commission, sitting en banc, signed an Order that stayed the above-referenced matters pending before the Commission. Pursuant to the August 13, 2014 Order, the Commission stayed these cases for the following reasons: a) all cases involved common issues of reimbursement; b) all cases involve the same parties; c) that final decisions in C.L. Williams v. South Carolina Second Injury Fund, 2013 CP-43-02286 and Huggins v. South Carolina Second Injury Fund, 2013-CP-43-02287, may establish precedent for the Commission to follow regarding adjudication of these matters. Carrier did not appeal Huggins v. South Carolina Second Injury Fund, 2013-CP-43 02287, but Carrier did appeal C.L. Williams v. South Carolina Second Injury Fund, 2013 CP-43-02286.

ARGUMENT

This appeal is limited to the issue of whether employer and carrier can appeal the August 13, 2014 Administrative Order of the South Carolina Workers Compensation Commission. The Commission's August 13, 2014 Administrative Order is not a final order and Carrier's appeal of such should be dismissed. In Bone v. U.S. Food Service, 744 S.E.2d 552, 404 S.C. 67 (2013) the South Carolina Supreme Court addresses the issue raised herein. In Bone, the South Carolina Supreme Court held that a Circuit Court order remanding a case to the South Carolina Workers' Compensation Commission was not immediately appealable because it did not constitute a final judgment. Id. Furthermore, certain agency rulings and decisions are subject to immediate review only if review of that decision would not provide an adequate remedy. S.C. Code Ann. §1-23-380(A). Based on the analysis in Bone, an order by the Commission staying these cases is not a final order.

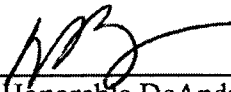
Moreover, §14-3-330 specifically instructs on the types of orders that are appealable, which include the following: 1) any intermediate judgment; 2) orders affecting a substantial

right; 3) final orders; 4) and certain types of interlocutory orders. Here, the Commission's Order to stay these cases is not an intermediate judgment, does not affect a substantial right, and is not a final or interlocutory order as contemplated by §14-3-330. The Commission's Order merely stays these matters pending a final ruling from the appellate courts involving identical matters. The South Carolina Supreme Court also addressed this issue in Edwards v. SunCom, 631 S.E.2d 529, 369 S.C. 91 (2006). In Edwards, the South Carolina Supreme Court unequivocally held that an order granting a stay is not immediately appealable. Id.

ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that this Appeal is dismissed.

AND IT IS SO ORDERED this 31 day of July 2015.



The Honorable DeAndrea Gist Benjamin
Judge, Fifth Judicial Circuit

7-31-15, 2015
Columbia, South Carolina