

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

RECEIVED

APPEAL FROM THE SOUTH CAROLINA WORKER'S COMPENSATION COMMISSION ~~2015~~ 2016

SC Court of Appeals

W.C.C. File No. 1308837

Appellate Case No. 2015-000191

Esvin Leonel Lopez Perez, Employee, Appellant,

v.

Gino's The King of Pizza, Employer, Respondent.

PETITION FOR REHEARING

David J. Canty, Bar No. 1122
4612 Oleander Drive
Myrtle Beach, S.C. 29577
Office (843) 449-6304
Fax (843) 449-4249
mbcounsel@frontier.com

Argument

The Petitioner respectfully submits that this Honorable Court should allow the Petitioner to be re-heard on the significant policy impact of affirming the decision below. Allowing the decision to stand has the undesirable effect of providing an incentive to employers to utilize the services of undocumented foreigners rather than U.S. citizens or lawful permanent residents.

Further, the affirmation sends a message that the host of employment laws violated by the Employer herein may be disregarded with impunity. This provides yet another incentive to hire the undocumented as there is no effective, enforced requirement that Employers match the Social Security and Medicare contributions normally withheld from pay.

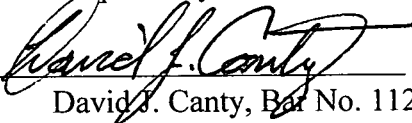
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Conclusion

The affirmation sends a powerful message the import of which may or may not have been fully apprehended by this Honorable Court. The Court should not reward the Employer for its misconduct.

March 8, 2016

Respectfully submitted,



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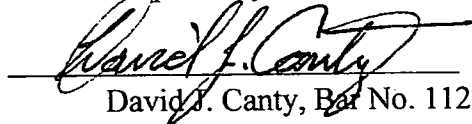
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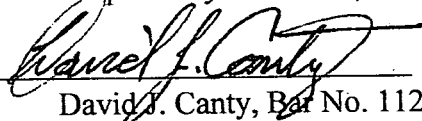
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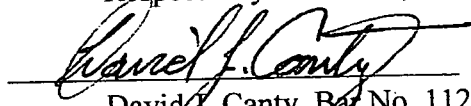
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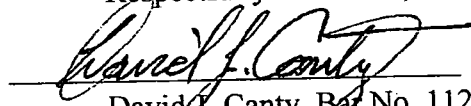
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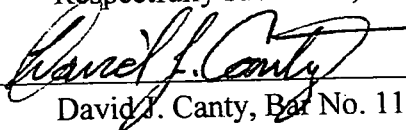
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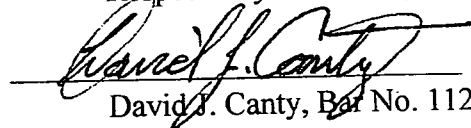
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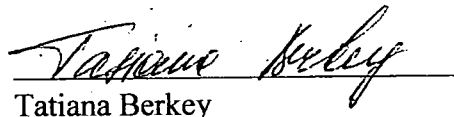
Esvin Leonel Lopez Perez, Employee, Appellant,

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PROOF OF SERVICE

I certify that I have served the Petition for Rehearing of Appellant on Gino's The King of Pizza by depositing a copy of it in the United States Mail, postage prepaid, on March 8, 2016 addressed to the attorneys of record, Daniel R. McCoy, Esq. and Robert C. Calamari, Esq., Nelson Mullins Riley & Scarborough, LLP, P.O. Box 3939, Myrtle Beach, S.C. 29578.


Tatiana Berkey

David J. Canty, Bar No. 1122
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cc: Hon. Jenny Abbott Kitchings
Clarke W. McCants, III, Esq.
Lisa C. Glover, Esq.

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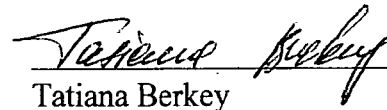
Esviñ Leónel López Perez, Employee, Appellant,

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PROOF OF SERVICE

I certify that I have served the Petition for Rehearing of Appellant on South Carolina Uninsured Employers Fund by depositing a copy of it in the United States Mail, postage prepaid, on March 8, 2016, addressed to the attorney of record, Lisa C. Glover, P.O. Box 210039, Columbia, S.C. 29221-0039.


Tatiana Berkey

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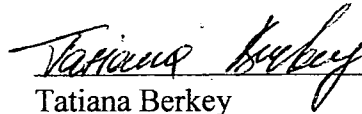
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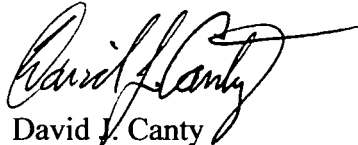
Hon. Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, S.C. 29211

Re: Esvin Leonel Lopez Perez v. Gino's The King of Pizza
Appellate Case No.: 2015-000191

Dear Madam Clerk,

Enclosed please find one original and six (6) copies of our Petition for Rehearing along with the proof of service of upon opposing counsel.

Thanking You and With Best Wishes,
Yours Very Truly,



David J. Canty

cc.: clt.

Daniel Ray McCoy, Esq.
Robert C. Calamari, Esq.
Lisa G. Glover, Esq.
Clarke W. McCants, III, Esq.

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Weight: 2.52 lbs. 10:30 AM Delivery Fee: \$0.00

Postage: \$0.00

Live Animal Transportation Fee: \$0.00

Employee Signature: [Signature]

Delivery Attempt (MM/DD/YY): 3/9 Time: 7:55 AM

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