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APR 28 2016

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
APPELLATE PANEL, WORKERS' COMPENSATION COMMISSION

W.C.C. File No. 1312352

Timothy York Appellant,

v.

Longlands Plantation
a.k.a. Knollwood Inc. Respondent.

RETURN

This return is filed pursuant to Rule 240, SCACR. The motion for a supersedeas does not comply with the appellate court rules.

The motion is not verified. Also, the requesting party did not file a certified copy of the lower tribunal's order or a copy of the notice of appeal with the proof of service. These are required by Rule 241(d)(3), SCACR.

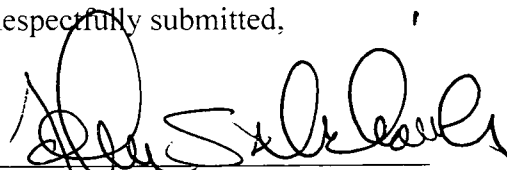
The motion does not comply with other parts of Rule 241(d). Subsection (1) requires a supersedeas request to go first to the lower court except where extraordinary circumstances make it impracticable to do so. The motion alludes to some sort of request being made of the commission, but the motion does not explain what this request was, whether it has been decided, or the disposition. The appellate court rules require specificity: supersedeas

petitions “shall” contain a showing that the application for relief was made to the lower court, a certified copy of the lower court’s ruling on the request, and a statement of the extraordinary circumstances if no such request was made. Rule 241(d)(4)(C), SCACR. The Court should dismiss the motion, without prejudice, for non-compliance with the rules.

Finally, there is no risk of harm. This is a dispute between the claimant’s mother and the woman who claims to be the claimant’s common law wife. The mother prevailed. If the commission’s decision is reversed, the carrier will have a claim against the mother for restitution. See *Moore v. North American Van Lines*, 319 S.C. 446, 462 S.E.2d 275 (1995). The alleged common law wife may have a claim against the mother as well. Improperly stopping the award’s payment erroneously grants leverage to the alleged wife in the interim.

As a matter of housekeeping, the caption of this case continues to be incorrect. This return is filed by Shirley York, who is the proper Respondent. The caption should be corrected immediately and the appeal should proceed. The Court has not issued an order staying this matter, and nobody has filed a motion to dismiss. Rule 240(b), SCACR.

Respectfully submitted,



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PROOF OF SERVICE

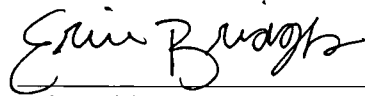
The undersigned hereby certifies that on the date indicated below she served counsel with a copy of the *Return to Motion for Supersedeas* by mailing copies of the same by United States Mail with first class postage prepaid to the following addresses:

Helen F Hiser
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April 28, 2016

A handwritten signature in cursive script that reads "Erin Bridges". The signature is written in black ink and is positioned above a horizontal line.

Erin Bridges
BLUESTEIN, NICHOLS, THOMPSON
& DELGADO, LLC



BLUESTEIN · NICHOLS · THOMPSON · DELGADO LLC
ATTORNEYS AT LAW

April 28, 2016

VIA HAND DELIVERY

The Honorable Jenny Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

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SC Court of Appeals

Re: Timothy York v. Longlands Plantation
Case Tracking No.: 2016-000258

Dear Ms. Kitchings:

Please find enclosed for filing the original and seven (7) copies of the *Return to Motion for Supersedeas* in the above referenced matter. I have also enclosed a proof of service of this document on counsel of record. Please return the additional filed copy to me via our courier.

Thank you for your attention to this matter. If you have any questions or need any additional information, please do not hesitate to contact me.

Sincerely,

Erin Bridges

Paralegal to Blake A. Hewitt

BLUESTEIN, NICHOLS, THOMPSON &
DELGADO, LLC

/emb

Enclosures

cc: Ann M. Mickle, Esquire
William E. Jenkinson, III, Esquire
John T. Thompson, Esquire
J. Brandon Hylton, Esquire
Helen F. Hiser, Esquire