

IN THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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APPEAL FROM THE SOUTH CAROLINA  
WORKERS' COMPENSATION COMMISSION

**RECEIVED**

OCT 12 2012

**S.C. SUPREME COURT**

Appellate Panel  
Commissioner T. Scott Beck  
Commissioner David W. Huffstetler  
Commissioner Derrick L. Williams

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Case No. 2012-212605

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Margaree Maple, ..... Petitioner,

v.

Heritage Healthcare of Ridgeway, Employer,  
and Phoenix Insurance Company, Carrier ..... Respondents.

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**RETURN ON  
MOTION TO VACATE**

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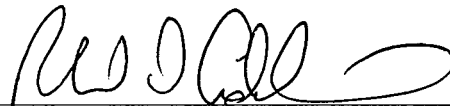
The above-named respondents, Heritage Healthcare of Ridgeway and Phoenix Insurance Company (collectively "Respondents") hereby respond to Petitioner Margaree Maple's Motion to Vacate the Order of the S.C. Workers' Compensation Commission Dated August 27, 2012 ("Motion") as follows:

Respondents agree with Petitioner that the August 27, 2012 Decision and Order by the South Carolina Workers' Compensation Commission ("Commission") was issued subsequent to Petitioner's timely filed Petition for Writ of Certiorari in the instant matter. As stated by Petitioner in the Motion, a Decision and Order of the Commission in the underlying proceeding was appealed to the South Carolina Court of Appeals. The Court of Appeals issued a Decision and Order affirming in part and remanding for further proceedings. Petitioner's subsequent

Petition for Rehearing was denied by an order filed June 27, 2012. On July 13, 2012, Respondents received a request from the Commission for the submission of a proposed decision and order addressing the issues on remand from the Court of Appeals. While no Remittitur was filed in the case, Respondents nonetheless complied with the request of the Commission. Respondent thereafter filed her Petition for Writ of Certiorari on July 27, 2012 and the Commission issued its Amended and Revised Decision and Order on August 27, 2012.

Based on the foregoing, Respondents do not object to Petitioner's request for an order vacating the Amended and Revised Decision and Order of the Commission pursuant to SCACR, Rule 205 and Rule 241, pending a decision on Petitioner's Petition for a Writ of Certiorari. Respondents take no position with respect to the additional relief sought in the Motion.

Respectfully submitted,



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R. Daniel Addison  
Hedrick Gardner Kincheloe & Garofalo, LLP  
Post Office Box 11267  
Columbia, SC 29211  
(803) 727-1200

Attorney for Respondents

October 9, 2012

IN THE STATE OF SOUTH CAROLINA  
In The Supreme Court

APPEAL FROM THE SOUTH CAROLINA  
WORKERS' COMPENSATION COMMISSION

Appellate Panel  
Commissioner T. Scott Beck  
Commissioner David W. Huffstetler  
Commissioner Derrick L. Williams

Case No. 212-212605

Margaree Maple, ..... Claimant/Appellant

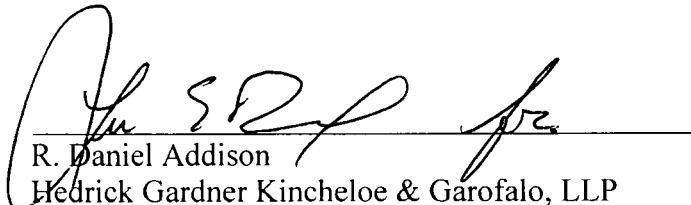
v.

Heritage Healthcare of Ridgeway, Employer,  
and Phoenix Insurance Company, Carrier ..... Defendants/Respondents

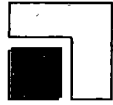
**PROOF OF SERVICE**

This is to certify that a copy of the foregoing **Respondent's Return on Motion to Vacate** has been served upon the following parties by placing the same in the United States mail, first-class postage pre-paid, addressed as shown below this 9th day of October, 2012.

Preston F. McDaniel  
McDaniel Law Firm  
1315 Elmwood Avenue  
Columbia, SC 29201

  
\_\_\_\_\_

R. Daniel Addison  
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(803) 727-1200  
Attorney for the Employer/Carrier



# HEDRICK GARDNER

HEDRICK GARDNER KINCHELOE & GAROFALO LLP  
ATTORNEYS AT LAW

CHARLOTTE • RALEIGH • WILMINGTON • COLUMBIA

October 9, 2012

The Honorable Daniel Shearouse  
The S.C. Supreme Court  
P.O. Box 11330  
Columbia, SC 29211

Reply To:  
R. DANIEL ADDISON  
Partner  
P.O. Box 11267  
Columbia, SC 29211  
Direct: (803) 727-1201  
Fax: (803) 727-1259  
Email: [daddison@hedrickgardner.com](mailto:daddison@hedrickgardner.com)

**RE: Margaree Maple v. Heritage Healthcare of Ridgeway, Employer, and  
Phoenix Insurance Company, Carrier**

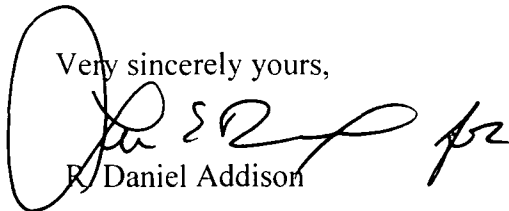
**Case No.: 2012-212605**  
**Claim No.: 026-CB-A61927J**  
**Our File No.: 00082L.00347**

Dear Mr. Shearouse:

Enclosed please find the *Respondent's Return on Motion to Vacate* in the above-referenced matter.

By copy of this letter, I am serving Counsel of Record with a copy of the same.

Very sincerely yours,



R. Daniel Addison

LED/kmr  
Enclosures  
cc: Preston F. McDaniel

**RECEIVED**

OCT 12 2012

**S.C. SUPREME COURT**