

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

Susan S. Barden, Avery B. Wilkerson, and Derrick L. Williams
Workers' Compensation Commissioners

WCC File No: 0819369

Case Tracking No. 2011199467

Jairo Escobar, Respondent,

v.

Federal Express Corporation, Employer and Sedgwick CMS, Servicing Agent,
Appellants.

**RETURN ON RESPONDENT'S
MOTION FOR COSTS**

Respondent has moved, pursuant to Rule 222, S.C.A.C.R. for an award of costs in the amount of \$1,353.26. Appellants request that the relief sought by Respondent's motion be denied or, in the alternative, be reduced. In opposition to this motion, Appellants would show as follows:

As noted by Respondent in his motion for costs, this matter was decided by an unpublished opinion of this Court filed September 28, 2012. Moreover, this matter was decided on the basis of the submitted briefs and without oral argument. No hearings were held in this matter and no post-decision motions were filed or heard by the Court.

Additionally, the appeal was based on the single issue of whether the South Carolina

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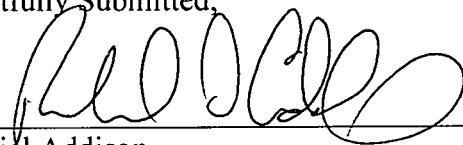
SC Court of Appeals

Workers' Compensation Commission had correctly ordered that Respondent be provided a psychological evaluation to determine whether he suffered from depression and whether that condition was causally related to an admitted work injury.

Based upon the foregoing, Appellant's contend that this Court should deny Respondent's requested costs or, alternatively, should reduce them to reflect the limited nature of the appeal. In his motion, Respondent seeks an award of \$1,353.26. This amount includes, among other things, \$1,000 in attorneys fees; the maximum amount of attorneys' fees allowed by Rule 222, S.C.A.C.R. Where, as here, this matter was decided on the briefs, without oral argument, and without any subsequent motions, an award of the maximum allowable attorneys' fees would be excessive and unwarranted.

For these reasons, Appellants request that Respondent's motion be denied and that each party bear their costs for this appeal. In the alternative, Appellant's request a reduction in the amount of costs being sought, particularly the requested attorneys' fees, to reflect the limited nature of the matters on appeal and the relative time involved.

Respectfully Submitted,



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October 26, 2012

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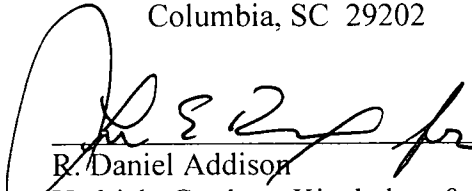
Federal Express Corporation, Employer and Sedgwick CMS, Servicing Agent, Appellants.

PROOF OF SERVICE

I certify that I have served the **Return on Respondent's Motion for Costs** by depositing a copy in the United States Mail to the address below on this 26th day of October, 2012.

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