

The Supreme Court of South Carolina

Margaree Maple, Petitioner,

v.

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

Appellate Case No. 2012-212605

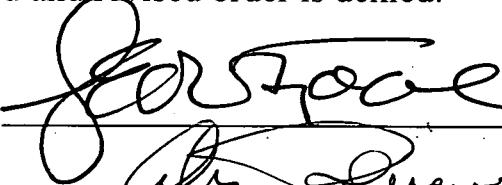
ORDER

This matter is before the Court by way of a petition for a writ of certiorari to review the decision of the Court of Appeals in *Maple v. Heritage Healthcare of Ridgeway*, Op. No. 2012-UP-302 (S.C. Ct. App. filed June 27, 2012). On August 27, 2012, while this matter was pending before this Court, the Workers' Compensation Commission issued an "Amended & Revised Decision & Order of the Full Commission" in this case based on the Court of Appeals' opinion that petitioner has asked this Court to review. Petitioner has filed a motion to vacate the amended and revised decision of the Commission. Respondents have filed a return in which they agree with petitioner's position and do not object to the order being vacated.


Upon the service of the notice of appeal, the appellate court has exclusive jurisdiction over an appeal, except for matters not affected by the appeal. Rule 205, SCACR; Rule 241(a), SCACR. The timely filing of a petition for rehearing and a petition for a writ of certiorari will stay the sending of the remittitur and jurisdiction will remain with the appellate court. Rule 221, SCACR.

Because the Commission did not have jurisdiction to issue the amended and revised order, as exclusive jurisdiction over the case remains in the appellate courts, we hereby vacate the "Amended & Revised Decision & Order of the Full Commission" issued on August 27, 2012. The Commission shall take no further action in this case until a final decision is rendered by this Court on the petition for a writ of certiorari. Finally, petitioner's requests for costs associated with the

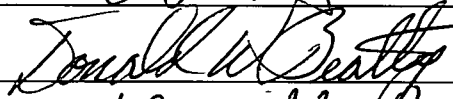
erroneous issuance of the amended and revised order is denied.



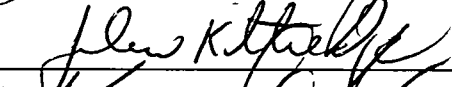
C.J.



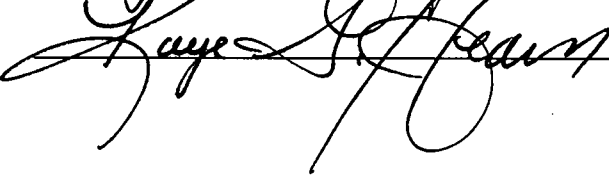
J.



J.



J.



J.

Columbia, South Carolina

October 31, 2012

cc:

Richard Daniel Addison

Preston F. McDaniel

Virginia L. Crocker

Patricia C. Grant