

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF RICHLAND )

IN THE COURT OF COMMON PLEAS  
OF THE FIFTH JUDICIAL CIRCUIT

THEODORE P. POLANSKY, )  
 )  
Employee, )  
 )  
Claimant/Respondent/ )  
Appellant, )  
 )  
v. )  
 )  
SC OFFICE OF THE ATTORNEY )  
GENERAL, )  
 )  
Employer, and )  
 )  
STATE ACCIDENT FUND, )  
 )  
Carrier, )  
 )  
Defendants/Appellants/ )  
Respondents. )

Case Nos: 2015-CP-40-07380  
&  
2015-CP-40-07468

**ORDER DENYING APPELLANTS'  
RULE 59(E) MOTION**

**RECEIVED**  
SEP 23 2016  
SC Court of Appeals

RICHLAND COUNTY  
FILED  
2016 AUG -3 AM 10:20  
JEANETTE W. McBRIDE  
C.C.P. & G.S.

After careful review of the Rule 59(e) Motion and the Response filed by the Respondent and after careful review of this Court's Order filed July 7<sup>th</sup>, the Court finds that this Court reviewed and considered the extensive argument made before the Court in addition to reviewing the Briefs that were filed with the Court concerning the Motion to require payment of the accrued weekly compensation pursuant to the Award of the SC Workers' Compensation Commission.

Upon review, the Court further finds that the actual quotation in and basis for the Rule 59(e) was not only extensively argued to the Court and Briefed before the Court, but

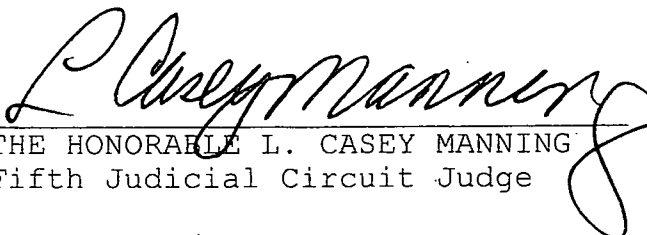
**SCANNED**

this Court in its Order specifically quoted that same language and cited to both the Decision of the SC Supreme Court in the matter of Case v. Hermitage Cotton Mills, 236 S.C. 515, 115 S.E.2d 57 (1960) and in Godfrey v. Mill's Mills No. 2, 234 S.C. 401, 108 S.E.2d 587 (1959) and that the language from and basis for each decision was specifically detailed as part of the Court's original Order. Therefore, after careful review the Rule 59(e) Motion is DENIED.

Further, pursuant to Rule 62, SCRCR which provides for a ten (10) day Stay on enforcement after the entry of the Judgment which was entered on July 7, 2016), and Rule 241(b)(7), SCACR, there is no further Stay. Therefore, pursuant to SC Code §42-9-90 and §42-9-240, if payment is not made on the Judgment of this Court ordering the payment of accrued weekly compensation benefits in the lump sum amount as set forth in the Order of the Court within fourteen (14) days, making payment due July 31, 2016 there shall be added to such payment the penalty and interest as provided for under those Rules and statutes.

Upon notice from the Respondent that payment has not been timely made, this Court will issue a Rule to Show Cause to enforce payment of the judgment.

AND IT IS SO ORDERED.

  
THE HONORABLE L. CASEY MANNING  
Fifth Judicial Circuit Judge

July 28, 2016

STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND  
IN THE COURT OF COMMON PLEAS

CASE NUMBER: 2015-02407-880

RECEIVED

Theodore Polansky

SC Attorney General

SEP 23 2016

PLAINTIFF(S)

South Carolina State Accident Fund

DEFENDANT(S)

SC Court of Appeals

Submitted by: \_\_\_\_\_

Attorney for :  Plaintiff  Defendant or  Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried and a decision rendered.
- ACTION DISMISSED (CHECK REASON):  Rule 12(b), SCRPC;  Rule 41(a), SCRPC;  Rule 43(k), SCRPC (Settled);  Other \_\_\_\_\_
- ACTION STRICKEN (CHECK REASON):  Rule 40(j), SCRPC;  Bankruptcy;  Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other \_\_\_\_\_
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):  Affirmed;  Reversed;  Remanded;  Other \_\_\_\_\_

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED:  See attached order (formal order to follow)  Statement of Judgment by the Court:

ORDER INFORMATION

This order  ends  does not end the case.

Additional Information for the Clerk : \_\_\_\_\_

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled
		\$
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge \_\_\_\_\_ Judge Code \_\_\_\_\_ Date \_\_\_\_\_

For Clerk of Court Office Use Only

This judgment was entered on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and a copy mailed first class or placed in the appropriate attorney's box on this 4 day of Aug, 2016 to attorneys of record or to parties (when appearing pro se) as follows:

Preston F. McDaniel

Temus C. Miles Jr.

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter \_\_\_\_\_

Clerk of Court Jeanette W. Y. Y. Y.