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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

**APPEAL FROM THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION**

Melody L. James, Appellate Panel Chairman, Commissioner

RECEIVED

App. Case No. 2014-002294
WCC File No. 1106833

SEP 25 2017
SC Court of Appeals

TIMOTHY MCMAHAN, APPELLANT/RESPONDENT,

V.

SC DEPARTMENT OF EDUCATION – TRANSPORTATION,
EMPLOYER, AND STATE ACCIDENT FUND, CARRIER,
RESPONDENTS/APPELLANTS.

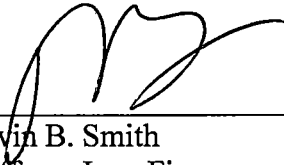
MOTION FOR COSTS AND FEES

Timothy McMahan (the Estate of), the Appellant/Respondent in the above-named matter, hereby moves for an award of costs and attorney's fees pursuant to Rule 222, SCACR. This Motion is based upon the South Carolina Supreme Court's September 8, 2017 Order denying Petitioner's Writ of Certiori and the South Carolina Court of Appeals' June 15, 2016 Order REVERSING the September 30, 2014 Decision and Order of the Appellate Panel of the South Carolina Workers' Compensation Commission (S.C. Ct. App. Op. No. 5415, filed June 15, 2016). The Clerk of the Court of Appeals is requested to tax against the Respondents/Appellants SC Department of Education-Transportation and the State Accident Fund costs and fees in the amount of \$1,974.14, representing the cost of the court reporter's transcript, the cost of printing the record on appeal, the cost of printing the final brief under Rule 210, and attorney's fees

provided by Rule 222(b), SCACR. South Carolina Appellate Court Rules Form 17 and itemized invoices are attached to this Motion.

The Appellant/Respondent Timothy McMahan (the Estate) further requests such other relief against the Respondents/Appellants as this honorable Court may deem just and proper.

September 20, 2017



Kevin B. Smith
Hoffman Law Firm
7087 Rivers Avenue
N. Charleston, SC 29406
(843) 769-7077
ksmith@hoffmanlaw.net
Attorney for Appellant/Respondent Timothy McMahan

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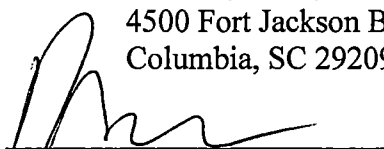
SC DEPARTMENT OF EDUCATION – TRANSPORTATION,
EMPLOYER, AND STATE ACCIDENT FUND, CARRIER,
RESPONDENTS/APPELLANTS.

PROOF OF SERVICE

The undersigned hereby certifies that the above-named Respondents/Appellants, SC Department of Education-Transportation and State Accident Fund, were served with a copy of Appellant/Respondent's Motion for Costs and Fees this 21st day of September, 2017, by depositing a copy of the same in the U.S. Mail, postage prepaid, and addressed to their attorneys of record as follows:

George T. Miars, Jr., Esquire
Willson, Jones, Carter and Baxley
421 Wando Park Blvd. Suite 100
Mt. Pleasant SC 29464

John Gabriel Coggiola, Esquire
Willson, Jones, Carter & Baxley
4500 Fort Jackson Blvd.
Columbia, SC 29209


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ksmith@hoffmanlaw.net
Attorney for Appellant

DAVID L. HOFFMAN, JR.
KEVIN B. SMITH
MATTHEW R. COOK



7087 RIVERS AVENUE
N. CHARLESTON, SC 29406
WWW.HOFFMANLAW.NET

S. BRICE PEPPER
AMANDA R. STEARNS
JOSHUA E. SLAVIN

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SEP 25 2017
SC Court of Appeals

September 19, 2017

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RE: Timothy McMahan v. SC Department of Education-Transportation
WCC File No.: 1106833
Ct. App. Case No.: 2014-002294
DOI: 6/15/11

Dear Ms. Kitchings:

Enclosed please find the original and six (6) copies of our Motion for Costs and Fees and original Proof of Service of same in the above-referenced matter, together with our firm check for \$25.00 for your filing fee.

By copy hereof to George T. Miars, Jr., and John Gabriel Coggiola, attorneys for the Employer/Carrier (Respondents/Appellants), I am serving them with a copy of same.

Thank you very much for your assistance in this matter. With kind regards, I am

Sincerely,

A handwritten signature in black ink, appearing to be 'KBS', written over the printed name 'Kevin B. Smith'.

Kevin B. Smith

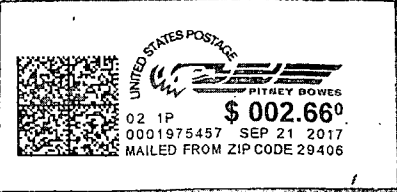
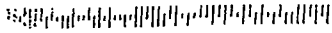
KBS/jhd

Enclosure

cc: Dorothy McMahan
George T. Miars, Jr., Esquire

PHONE: 843-769-4567 CONTACT@HOFFMANLAW.NET

FAX: 843-769-4567



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SC Court of Appeals

The Honorable Jenny Abbott Kitchings
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South Carolina Court of Appeals
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