

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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APPEAL FROM SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

S.C. SUPREME COURT

W.C.C. File No.: 1502120

Reginald Evans, Employee, Claimant Petitioner,

v.

Exel Inc., Employer, and
New Hampshire Insurance Company, Carrier, Respondents.

**RETURN IN OPPOSITION TO
MOTION AND AFFIDAVIT TO PROCEED IN FORMA PAUPERIS**

Pursuant to Rules 240, 242 and 260, SCACR, Respondents Exel Inc. and New Hampshire Insurance Company hereby oppose Petitioner Reginald Evans' Motion and Affidavit to Proceed in *forma pauperis* ("Motion"). First, Petitioner did not serve his Motion on Respondents. The certificate of service attached to his Motion indicates only that his Petition for a Writ of Certiorari was served on Respondents, and not his Motion. Respondents only became aware of Petitioner's Motion when they found it on this Court's C-Track.

Second, Petitioner's Motion should be denied on the merits. Although Petitioner cites Rule 3(b), SCRCR, he has failed to demonstrate or show in any way his "inability to pay the fee required to file the action." Instead, he simply avers that he does not have the funds available. Furthermore, his request is not accompanied by an affidavit or any other

sworn statement regarding his financial condition. He has not demonstrated an inability to pay the required filing fee and his Motion should be denied.

Third, as is explained in more detail in Respondents' Opposition to Petition for Writ of Certiorari, Petitioner's appeal to this Court is entirely without merit, as his appeal was dismissed by the Court of Appeals for failing to comply with this Court's Rules of Appellate Procedure, despite being provided multiple opportunities to do so. Allowing Petitioner to move forward with a meritless and frivolous appeal *in forma pauperis* would be highly prejudicial and unfair to Respondents, who are forced to incur costs responding to Petitioner's filings.

CONCLUSION

For all the reasons stated herein, this Court should deny Appellant's Motion.

McANGUS GOUDELOCK & COURIE, LLC

November 2, 2017



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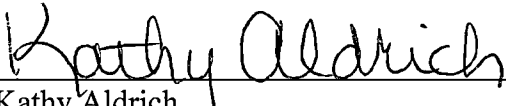
Exel Inc., Employer, and
New Hampshire Insurance Company, Carrier, Respondents.

PROOF OF SERVICE

I certify that I have served the Respondents' **Return in Opposition to Motion and Affidavit to Proceed in Forma Paueris** on Reginald Evans, by depositing a copy of it in the United States Mail, postage prepaid, addressed to him as follows:

Reginald Evans
1200 Broad Street, #123
Sumter, South Carolina 29150

November 2, 2017



Kathy Aldrich
Legal Assistant to Helen F. Hiser
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