

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SUMTER COUNTY
Court of Commons Pleas

The Honorable W. Jeffrey Young, Circuit Court Judge

C.A. No.: 2013-CP-43-02284
Appellate Case No.: 2014-002215

Arrowpoint Capital Corporation/Arrowood Indemnity Co., Appellant,

v.

South Carolina Second Injury Fund, Respondent,

IN RE: Mary McConico, Employee,

v.

Yuasa-Exide, Inc., Employer, and Arrowpoint Capital Corp./Arrowood Indemnity Co., Carrier,

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SC Court of Appeals

ARROWPOINT CAPITAL CORPORATION'S NOTICE OF MOTION AND MOTION FOR
COST TAXABLE PURSUANT TO RULE 222, SCACR

TO: THE HONORABLE JENNY ABBOTT KITCHINGS, CLERK OF COURT, SOUTH CAROLINA COURT OF APPEALS; AND TIMOTHY B. KILLEN, ESQUIRE, ATTORNEY FOR THE SOUTH CAROLINA SECOND INJURY FUND.

MCANGUS GOUDELOCK & COURIE, LLC
Vernon F. Dunbar, SC Bar No. 7836
Post Office Box 2980
55 East Camperdown Way, Suite 300 (29601)
Greenville, South Carolina 29602
(864) 239-4000
Attorney for Arrowpoint Capital Corporation

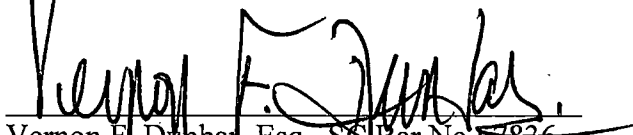
Arrowpoint Capital Corporation, Appellant, appealed an Order of the Circuit Court affirming the Workers' Compensation Commission's denial of its claim for reimbursement from the Respondent South Carolina Second Injury Fund ("the Fund"). By opinion filed on May 31, 2017, this Court issued Unpublished Opinion No. 2017-UP-227, reversing the Circuit Court and the South Carolina Workers' Compensation Commission's decision denying reimbursement to Arrowpoint Capital Corporation from the Fund.

The Fund filed a petition for rehearing. By Order filed on August 18, 2017, this Court, after careful consideration, denied the Fund's petition for rehearing. Subsequently, the Fund filed a petition for Writ of Certiorari. By Order dated March 28, 2018, the South Carolina Supreme Court promulgated an Order denying the Fund's Petition for Writ of Certiorari.

By letter dated April 4, 2018, the matter was remitted by this Court to the lower court or tribunal. Counsel for Arrowpoint Capital Corporation received Notice of Remittitur on April 6, 2018.

Pursuant to Rule 222, Arrowpoint Capital Corporation hereby files a Motion for costs pursuant to Rule 222(A-E), with respect to the costs obtaining a copy of the transcript of the circuit court hearing; of printing final briefs regarding a petition for rehearing and petition for certiorari, and for attorneys' fees. The attached itemized statement of costs sets forth a total amount Arrowpoint Capital Corporation seeks and requests this Court to tax attorney's fees and costs against the Fund.

Respectfully submitted,



Vernon F. Diabari, Esq., SC Bar No.: 7836

Attorney for Arrowpoint Capital
Corporation, Appellant
55 East Camperdown Way, Ste. 300
Post Office Box 2980
Greenville, South Carolina 29601
(864) 239-4000

April 18, 2018

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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APPEAL FROM SUMTER COUNTY
Court of Commons Pleas

The Honorable W. Jeffrey Young, Circuit Court Judge

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Arrowpoint Capital Corporation/Arrowood Indemnity Co., Appellant,

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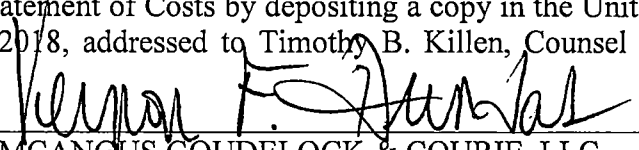
IN RE: Mary McConico, Employee,

v.

Yuasa-Exide, Inc., Employer, and Arrowpoint Capital Corp./Arrowood Indemnity Co., Carrier,

PROOF OF SERVICE

I certify that I have served a copy of Appellant's Motion for the Taxing of Costs and Attorneys' Fees Against Respondent and an Itemized Statement of Costs by depositing a copy in the United States Mail, postage prepaid, on April 18, 2018, addressed to Timothy B. Killen, Counsel of Record:


MCANGUS GOUDELICK & COURIE, LLC
Vernon F. Dunbar, SC Bar No. 7836
Post Office Box 2980
55 East Camperdown Way, Suite 300 (29601)
Greenville, South Carolina 29602
(864) 239-4000
Attorney for Arrowpoint Capital Corporation

April 18, 2018

Reply To

VERNON F. DUNBAR
Direct Dial: (864) 239-6735
vernon.dunbar@mgclaw.com

April 18, 2018

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SC Court of Appeals

VIA FIRST-CLASS MAIL

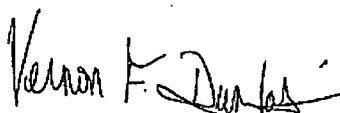
The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: Arrowpoint Capital Corp. v. S.C. Second Injury Fund
(Mary McConico v. Yuasa-Exide)
Appellate Case No. 2014-002215
WCC File No.: 9930459
Our File No.: 20113.14073

Dear Ms. Kitchings:

Please find enclosed Arrowpoint's Motion for Tax and Costs and Attorneys' Fees, along with an Itemized Statement of Costs, filing fee check and a Certificate of Service. By copy of this letter to Timothy B. Killen, attorney for the South Carolina Second Injury Fund, I am apprising him of my communication with you and the filing of the Motion for Costs.

Very truly yours,



Vernon F. Dunbar

VED/jck

Enclosures

cc: Timothy B. Killen, Esquire *via First-Class mail*
Eric Rowell, Arrowpoint Capital Corp. *via email*
Ronald Mazariegos, *via email*

mgc

**INSURANCE
DEFENSE**

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SC Court of Appeals

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The Honorable Jenny Abbott Kitchings

South Carolina Court of Appeals

1220 Senate Street

Columbia, South Carolina 29201

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