

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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SC Court of Appeals

APPEAL FROM THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

W.C.C. File No. 1306305

Clarence Winfrey, Jr., Employee,Respondent,

v.

Archway Services, Inc, Employer, and
American Fire & Casualty Insurance Company c/o
Liberty Mutual Group, Carrier, Appellants/Petitioners.

**RETURN IN OPPOSITION TO
MOTION FOR THE TAXING OF COSTS AND
ATTORNEY'S FEES AGAINST THE APPELLANTS/PETITIONERS**

Appellants/Petitioners Archway Services, Inc. and American Fire & Casualty Insurance Company c/o Liberty Mutual Group hereby oppose Respondent Clarence B. Winfrey, Jr.'s Motion for the Taxing of Costs and Attorney's Fees Against the Appellants/Petitioners ("Motion"). Pursuant to Rules 222 and 242, SCACR, a prevailing party is entitled to seek:

- (1) the filing fee paid under Rule 203(d) or Rule 242(c);
- (2) the cost of ordering the court reporter's transcript;
- (3) premiums paid for costs of supersedeas bonds or other bonds obtained to preserve rights pending appeal;
- (4) the cost of printing the Record on Appeal under Rule 209 or the Appendix under Rule 242(e);
- (5) the cost of printing the party's final brief(s) under Rule 210 or Rule 242(i);

(6) plus attorney's fees, currently set at \$1,000.

Rules 222(b) and 242(j)(2), SCACR.

However, in his Motion, Respondent is seeking filing fees for four motions filed with this Court and two motions filed with the South Carolina Supreme Court as "other" costs. However, "[t]he allowance of additional costs will generally not be allowed except in the most extraordinary of circumstances." Rules 222(b) and 242(j)(2), SCACR. Respondent has presented no extraordinary circumstances justifying these costs, and the vast majority of the motions for which he seeks reimbursement of the filing fees were denied.

CONCLUSION

Although Respondent opposes the award of any costs to Appellant, should this Court award costs, they should be limited to the specifically enumerated costs in Rules 222 and 242.

April 23, 2018

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