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THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM THE WORKERS' COMPENSATION COMMISSION
Appellate Panel

W.C.C. File No.: 1122474, 1219561
Appellate Case No.: 2017-001932

RECEIVED
MAY 09 2018
SC Court of Appeals

Jose Juan Jimenez Claimant, Appellant,

v.

Kohler Company, Self-Insured Employer Respondent.

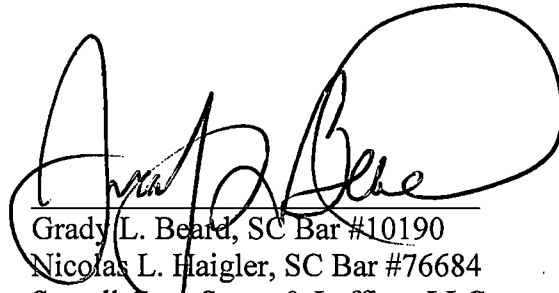
**MOTION FOR COSTS ON APPEAL
PURSUANT TO RULE 222, SCACR**

Pursuant to Rule 222 of the South Carolina Appellate Court Rules, Respondent Kohler Company, hereby moves to recover their costs and attorney's fees on appeal in light of the Court of Appeals Unpublished Opinion No. 2017-UP-279, and the Supreme Court's denial of the petition for a writ of certiorari. Rule 222(a) provides that "costs shall be taxed against the appellant when the appeal is dismissed or judgment on appeal is affirmed." Rule 222(a), SCACR. Additionally, Rule 222(b) provides the Respondents "shall be entitled to recover an attorney's fee in an amount which shall be set by order of the Supreme Court." Rule 222(b), SCAR. The current fee allowed by the Supreme Court is \$2,500.00.

Appellant filed an appeal from an order of the Appellate Panel of the Workers' Compensation Commission (Appellate Panel) affirming the order of the single commissioner, which found the Appellant did not sustain an "injury by accident."

On July 5, 2017, the Court of Appeals Affirmed the order of the Appellate Panel. The Appellant petitioned for rehearing, and after his petition was denied, filed a petition for writ of certiorari to the Supreme Court. The Supreme Court denied the Appellant's petition for writ of certiorari on April 19, 2018.

Accordingly, pursuant to Rule 222(a), SCACR, Respondent hereby requests an Order requiring Appellant to pay the applicable attorney fee in the amount of \$2,500.00 as set by the Supreme Court, and the allowable costs on appeal, which total of \$1,767.38. Attached to this Motion as **Exhibit A** is a sworn, itemized statement of the recoverable costs incurred by Respondents.

A large, stylized handwritten signature in black ink, appearing to read "Grady L. Beard". The signature is written over a horizontal line.

Grady L. Beard, SC Bar #10190
Nicolas L. Haigler, SC Bar #76684
Sowell Gray Stepp & Laffitte, LLC
1310 Gadsden Street
Post Office Box 11449
Columbia, South Carolina 29211
(803) 929-1400

Attorneys for Respondents

May 9, 2018

CERTIFICATE OF SERVICE

I, the undersigned, Legal Assistant of Sowell Gray Robinson Stepp & Laffitte, L.L.C., attorneys for Defendants, do hereby certify that I have served the following parties with the foregoing document(s) by mailing a copy of the same via United States Mail, postage prepaid, and/or hand delivering, or otherwise indicated, to the following address(es):

Pleading(s): **Motion for Costs on Appeal Pursuant to Rule 222, SCACR**

Parties served:

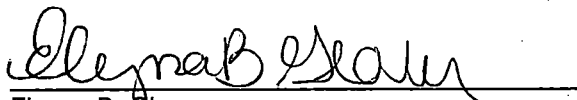
VIA HAND DELIVERY

Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1015 Sumter Street
Columbia, SC 29201

VIA U.S.MAIL AND EMAIL

Alton L. Martin, Jr., Esquire
Martin & Martin, P.A.
1415 Augusta Street (29605)
Post Office Box 8220
Greenville, SC 29604

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SC Court of Appeals


Elyssa B. Glover

Columbia, South Carolina

May 9, 2018



**SOWELL GRAY
ROBINSON**

Litigation + Business

GRADY L. BEARD
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May 9, 2018

VIA HAND DELIVERY

Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1015 Sumter Street
Columbia, SC 29201

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SC Court of Appeals

RE: Jose J. Jimenez v. Kohler Company
WCC File No.: 1122474
Date of Accident: 07/14/11
Claim No.: 186482859-001
Our File No.: 6457/8005

Dear Ms. Kitchings:

Enclosed please find an original and one (1) copy of a Motion for Costs which we are filing on behalf of the employer/carrier in the above-referenced matter. We are filing the original and retaining a clocked-in copy via our courier. We are enclosing a check in the amount of Twenty-Five and No/100 Dollars (\$25.00) for the filing of this document.

By copy of this letter and aforementioned documents to all other counsel and the South Carolina Workers' Compensation Commission, we are serving them with a copy of the Motion for Costs on Appeal.

With kindest personal regards, I remain

Very truly yours,

Grady L. Beard

GLB/MLH:ebg

Enclosure

cc: Alton L. Martin, Jr., Esquire
Mr. Mike Tolleson (via email)
Mr. Dean Yagodinski (via email)
Ms. Brenda Gay (via email)
Ms. Staci McCaffrey (via email)