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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE APPELLATE PANEL OF THE
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

South Carolina Workers' Compensation No. 1423018

Metro Construction, Inc.,Appellant

v.

Giles Long and American Zurich Insurance Co. and
The SC Uninsured Employers' Fund.....Respondents

NOTICE OF APPEAL

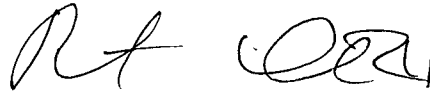
Metro Construction, Inc., appeals the Decision and Order of the Appellate Panel of the South Carolina Workers' Compensation Commission dated April 30, 2019, and filed that same date. The Decision and Order was electronically served upon counsel for Metro Construction, Inc., on April 30, 2019. A copy of the Decision and Order is attached. Pursuant to South Carolina Code Section 42-17-60 Metro Construction, Inc., states the following grounds for appeal:

1. The Commission erred in failing to find that American Zurich Insurance Company had coverage for this claim.
2. The Commission erred in finding that American Zurich Insurance Company properly cancelled coverage.
3. The Commission erred in finding that Metro Construction, Inc., substantially breached the terms of the insurance policy.
4. The Commission erred in finding that the terms of the policy were clear and unambiguous.

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[Signature]

5. The Commission erred in failing to find that the conduct of American Zurich Insurance Company after the issuance of the policy precluded a determination that the policy had been properly canceled.
6. The Commission erred in failing to find that coverage under that policy was reinstated and that coverage existed on the date of accident.

The Appellant reserves, to the fullest extent permissible, the right to reword and reorder the above stated grounds for appeal in its initial briefs and to address the complete array of factual findings and conclusions of law by the Commission under and within the umbrella of the six above stated grounds for appeal.



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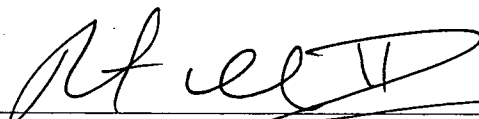
v.

Giles Long and American Zurich Insurance Co. and
The SC Uninsured Employers' Fund.....Respondents

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on the attorney for Giles Long by depositing a copy of it in the United States Mail, postage prepaid, on May 28, 2019, addressed to Nicholas G. Callas, Esquire, 1430 Blanding Street, Columbia, SC 29201, the attorney for the South Carolina Uninsured Employers' Fund, Timothy B. Killen, Esquire, 349 West Coleman Blvd., Suite 300, Mt. Pleasant, SC 29464, the attorney for American Zurich Insurance Co., Lee E. Dixon, Esquire, 1301 Gervais Street, Suite 1900, Columbia, SC 29201 and the SCWCC, Judicial Department, P.O. Box 1715, Columbia, SC 29201.

May 28, 2019



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SC Court of Appeals

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

**Re: Giles Long v. Metro Construction, Inc. and American Zurich Insurance Co. and The
S.C. Uninsured Employers' Fund
SCWCC No. 1423018**

Dear Ms. Abbott:

Enclosed please find the original and a copy of a Notice of Appeal concerning the matter referenced above, with proof of service attached. By means of a copy of this letter, we are taking the liberty of serving this Notice of Appeal on opposing counsel as well as informing opposing counsel of this communication with the court. Also enclosed is the required check for the filing fee of \$250.00 and a return envelope.

Please call me if you have any questions about this.

Yours Very Truly,

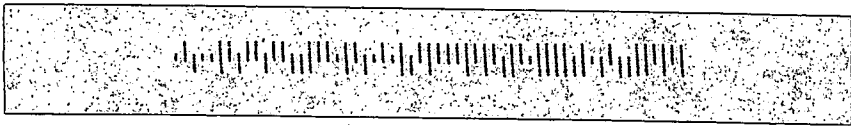


ROBERT M. COOK II
The Robert Cook Law Firm, LLC

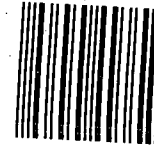
RMC/ppd

Enclosure: Original and copy of Notice of Appeal, with proof of service
Check in the amount of \$250.00
Return envelope

cc: Nicholas G. Callas, Esquire (w/enclosures)
Timothy B. Killen, Esquire (w/enclosures)
Lee E. Dixon r, Esquire (w/enclosures)
SCWCC, Judicial Department (w/enclosure)



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The Honorable Jenny Abbott Kitchings
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