

STATE OF SOUTH CAROLINA
In The Court Of Appeals

APPEAL FROM CHARLESTON COUNTY
BENJAMIN H. CULBERTSON, CIRCUIT COURT JUDGE

Case No. 2015-CP-10-3220
Appellate Case No. 2016-002469
Opinion No. 2019-UP-262

RECEIVED
JUL 24 2019
SC Court of Appeals

Shane Gould, Respondent,

v.

Worldwide Apparel LLC, f/k/a
MusclePharm Sportswear LLC and
Drew Ciccarelli, Appellants.

**APPELLANT'S MOTION FOR PUBLICATION
OF OPINION NUMBER 2019-UP-262**

Appellants Worldwide Apparel LLC, f/k/a MusclePharm Sportswear LLC and Drew Ciccarelli move this Honorable Court with its request that the Court publish the decision in this case that was issued on July 17, 2019. In support of their motion, appellants would show:

1. On July 17, 2019, this Court issued its unpublished opinion in this case, reversing the grant of summary judgment and remanding the case to the trial court for further proceedings consistent with its opinion.
2. Appellants would show that much of the analysis in the decision about the Payment of Wages Act (hereafter "the Act"), specifically S.C. Code Section 41-10-30, provides the bench and bar with substantive analysis of the legal issues presented under the unique

facts of this case. The facts presented here are more likely to be addressed in the future in light of electronic communications and the proliferation of verbal employment arrangements.

3. Appellants are informed and believes that the absence of published precedent in South Carolina on those issues were a challenge for the circuit court and on appeal, and this opinion would be a valuable resource for litigants and the courts to have in the future.
4. Appellants and their counsel are informed and believe that publication of the decision in this matter would be of considerable assistance to the bench and bar in South Carolina in the future, and for that reason, publication of the opinion pursuant to Rule 220, SCACR, would be appropriate.
5. While Appellants agree there is existing precedent construing the Act under other factual scenarios, Appellants are informed and believe that the Court's analysis in its unpublished opinion in this matter would be of value to the established South Carolina precedent otherwise construing the Act.

Wherefore, Appellants move for an order publishing its opinion in this matter as a published opinion pursuant to Rule 220(b)(1), SCACR.

Respectfully submitted,



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ATTORNEYS FOR APPELLANT

July 23, 2019

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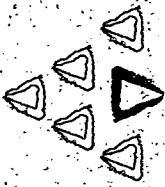
PROOF OF SERVICE

I, Beth Cogan, an employee with Ballard & Watson, Attorneys at Law, do hereby certify that on July 23, 2019, I served a copy of the **Motion to Publish** in the above-captioned case on the following individuals by standard US Mail, with sufficient first-class postage affixed, addressed as follows:

**John E. Schmidt III, Esquire
Melissa Copeland, Esquire
Schmidt & Copeland, LLC
Post Office Box 11547
Columbia, South Carolina 29211**


Beth Cogan, Paralegal

July 23, 2019
West Columbia, South Carolina



Ballard & Watson
Attorneys at Law
PERSISTENT. UNWAVERING.

Desa Ballard
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July 23, 2019

Via U.S. Mail

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

Re: *Shane Gould v. Worldwide Apparel LLC, f/k/a MusclePharm, et al.*
Case No.: 2015-CP-10-3220

Dear Ms. Kitchings:

Please find enclosed for filing with your office is an original and seven copies of the Appellant's Motion to Publish and Proof of Service for the above-referenced matter, along with a check in the amount of \$50.00 for the associated filing fee. Please file the original and return the clocked-in copies in the self-addressed, stamped envelope enclosed.

By copy of this letter and as evidenced by the Proof of Service, the same has been served upon counsel for the Respondent. Thank you for your time in this matter. If you have any questions, please do not hesitate to contact me.

With warm personal regards, I am,

Sincerely yours,

Desa Ballard / etc

Desa Ballard
desab@desaballard.com

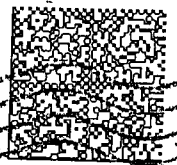
cc: Via U.S. Mail
John E. Schmidt III, Esquire
Melissa Copeland, Esquire

Via Email
Ted Huges, Esquire
Stephen Harris, Esquire
Drew Ciccarella

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SC Court of Appeals

To:

The Honorable Jenny Abbot Kitching
South Carolina Court of Appeals Clerk of Court
Post Office Box 11629
Columbia, South Carolina 29211