

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
W.C.C. File No. 1423018

Appellate Case No. 2019-000897

Giles Gregg Long, Claimant, Appellant/Respondent,

v.

Metro Construction, Inc., Employer, American Zurich Ins. Co., Carrier, and
South Carolina Workers' Compensation Uninsured Employers' Fund, Respondents/Appellants,

of which Metro Construction, Inc., Employer and the South Carolina Workers' Compensation
Uninsured Employers' Fund are Respondents/Appellants,

and American Zurich Ins. Co. is the Respondent.

**RESPONDENT/APPELLANT FUND'S DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL**

The Respondent/Appellant Fund respectfully proposes that the following matter be included in the Record on Appeal pursuant to the provisions of Rule 209, SCACR.

1. Claimant's Form 50 filing a claim, dated September 29, 2015;
2. Claimant's Form 50 requesting a hearing, dated September 27, 2017;
3. Fund's Form 51, dated October 13, 2017;
4. Zurich's Form 51, dated October 20, 2017;
5. Fund's Motion to Add, dated March 24, 2017;
6. Order of Commissioner Taylor, dated April 19, 2017;
7. Fund's Form 30, dated April 27, 2017;
8. Order of the Full Commission, dated May 15, 2017;
9. Order of Commissioner Wilkerson, dated August 22, 2018;
10. Fund's Form 30, dated September 5, 2018;
11. Carrier's Form 30, dated September 5, 2018;

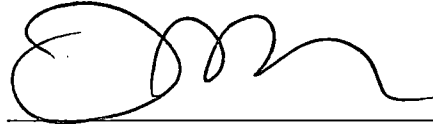
RECEIVED

SEP 03 2019

SC Court of Appeals

12. Appellate Panel Order, April 30, 2019;
13. Fund's APA Submissions, pp. 742 – 743;
14. Fund's APA Submissions, p. 915 – 918;
15. Transcript of Hearing Before Commissioner Wilkerson;
16. Transcript of Hearing Before the Appellate Panel of the Full Commission;

August 28, 2019



Timothy B. Killen, S.C. Bar No. 0072501
Holder Padgett Littlejohn + Prickett, LLC
349 West Coleman Blvd, Suite 300
Mt. Pleasant, South Carolina 29464
Office: (843) 277-0826
Fax: (843) 589-9000
tkillen@hplplaw.com
Attorneys for Respondent/Appellant Fund

Other Counsel of Record:

Nicholas G. Callas, Esq.
Law Office of Nicholas G. Callas, P.A.
1901 Gadsden St., Ste. B
Columbia, South Carolina 29201

Robert M. Cook, II, Esq.
The Robert Cook Law Firm, LLC
Post Office Box 3575
Leesville, South Carolina 29070

Lee E. Dixon, Esq.
Hedrick Gardner Kincheloe & Garofalo, LLP
Post Office Box 11267
Columbia, South Carolina 29201

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
W.C.C. File No. 1423018

Appellate Case No. 2019-000897

Giles Gregg Long, Claimant, Appellant/Respondent,

v.

Metro Construction, Inc., Employer, American Zurich Ins. Co., Carrier, and
South Carolina Workers' Compensation Uninsured Employers' Fund, Respondents/Appellants,

of which Metro Construction, Inc., Employer and the South Carolina Workers' Compensation
Uninsured Employers' Fund are Respondents/Appellants,

and American Zurich Ins. Co. is the Respondent.

RECEIVED

SEP 03 2019

CERTIFICATE OF COUNSEL

SC Court of Appeals

I hereby certify on this 28th day of August 2019, that the Respondent/Appellant Fund's Designation of Matter to be Included in the Record on Appeal contains no matter which is not relevant to the appeal.

August 28, 2019



Timothy B. Killen, Esq.
Holder Padgett Littlejohn + Prickett, LLC
349 West Coleman Blvd, Suite 300
Mt. Pleasant, South Carolina 29464
Office: (843) 277-0826
Fax: (843) 589-9000
tkillen@hplplaw.com
Attorneys for Respondent Fund

Other Counsel of Record:

Nicholas G. Callas, Esq.
Law Office of Nicholas G. Callas, P.A.
1901 Gadsden St., Ste. B
Columbia, South Carolina 29201

Robert M. Cook, II, Esq.
The Robert Cook Law Firm, LLC
Post Office Box 3575
Leesville, South Carolina 29070

Lee E. Dixon, Esq.
Hedrick Gardner Kincheloe & Garofalo, LLP
Post Office Box 11267
Columbia, South Carolina 29201

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
W.C.C. File No. 1423018

Appellate Case No. 2019-000897

Giles Gregg Long, Claimant, Appellant/Respondent,

v.

Metro Construction, Inc., Employer, American Zurich Ins. Co., Carrier, and
South Carolina Workers' Compensation Uninsured Employers' Fund, Respondents/Appellants,
of which Metro Construction, Inc., Employer and the South Carolina Workers' Compensation
Uninsured Employers' Fund are Respondents/Appellants,
and American Zurich Ins. Co. is the Respondent.

PROOF OF SERVICE

I hereby certify that I have served Respondent/Appellant Fund's Initial Brief and Designation of Matter to be included in the Record on Appeal of the attorneys for all other parties by placing them in the U.S. Mail, sufficient postage pre-paid, on August 28, 2019, addressed as follows:

Nicholas G. Callas, Esq.
Law Office of Nicholas G. Callas, P.A.
1901 Gadsden St., Ste. B
Columbia, South Carolina 29201,

Robert M. Cook, II, Esq.
The Robert Cook Law Firm, LLC
Post Office Box 3575
Leesville, South Carolina 29070, and

Lee E. Dixon, Esq.
Hedrick Gardner Kincheloe & Garofalo, LLP
Post Office Box 11267
Columbia, South Carolina 29201

RECEIVED

SEP 03 2019

SC Court of Appeals

Michelle Adams

Michelle Adams, Paralegal

Holder Padgett Littlejohn + Prickett, LLC

349 West Coleman Blvd, Suite 300

Mt. Pleasant, South Carolina 29464

madams@hplplaw.com

Attorneys for Respondent/Appellant Fund

Timothy B. Killen

Reply to: Charleston Office

direct: 843.277.0826

fax: 843.589.9000

tkillen@hplplaw.com

August 28, 2019

RECEIVED

SEP 03 2019

SC Court of Appeals

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
PO Box 11629
Columbia, SC 29211

RE: Appellate Case No 2019-000897
Giles Long, Claimant, Appellant/Respondent,
v.
Metro Construction, Inc., Employer, and American Zurich Ins. Co. and The SC Uninsured
Employers' Fund, Carrier, Defendants,
of which Metro Construction, Inc., Employer, and The SC Uninsured Employers' Fund, Carrier
are Respondents/Appellants,
and American Zurich Ins. Co. is the Respondent.

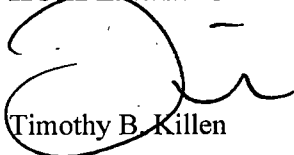
Dear Ms. Kitchings:

I am enclosing herewith the following documents to be filed in your office:

1. One copy of the Initial Brief of the Respondent/Appellant Fund; and
2. Respondent/Appellant Fund's Designation of Matter to be Included in Record on Appeal;
and
3. Certificate of Counsel; and
4. Proof of Service upon counsel for the Appellants and Respondents.

Respectfully,

HOLDER PADGETT LITTLEJOHN + PRICKETT



Timothy B. Killen

TBK/maa

Enclosures

cc: Nicholas Callas, Esquire
Robert M. Cook, II, Esquire
Lee E. Dixon, Esquire

CHARLESTON

349 W Coleman Blvd., Ste. 300
Mount Pleasant, SC 29464

COLUMBIA

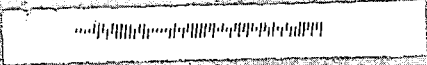
1201 Main St., Ste. 1430
Columbia, SC 29201

GREENVILLE

P.O. Box 1804, Greenville, SC 29602
110 W North St., Ste. 100 (29601)

RALEIGH

3737 Glenwood Ave., Ste. 270
Raleigh, NC 27612



HOLDER PADGETT LITTLEJOHN + PRICKETT
 349 W Coleman Blvd, Suite 300
 Mount Pleasant, SC 29464
 Attn: maa



The Honorable Jenny Abbott Kitchings
 Clerk, South Carolina Court of Appeals
 PO Box 11629
 Columbia, SC 29211

RECEIVED
 SEP 03 2019
 SC Court of Appeals