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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

W.C.C. File No.: 1413115

*Ex Parte:* C. Daniel Vega of Chappell, Smith & Arden, P.A.....Appellant,

v.

Kevin M. Barth of Barth, Ballenger & Lewis LLP.....Respondent

*In Re:*

Stephen Evans,.....Claimant,

vs.

Nan-ya Plastics Corp. America..... Employer,  
And New Hampshire Insurance Co. .... Carrier

**NOTICE OF APPEAL**

Appellant C. Daniel Vega of Chappell, Smith & Arden, P.A. (hereafter "Vega"), counsel for Stephen Evans, (hereafter "Claimant") appeals the decision of the Appellate Panel of the South Carolina Worker's Compensation Commission dated December 13, 2019 and the Order of the Single Commissioner dated July 11, 2019, copies of which are attached hereto. Pursuant to S .C. Code Ann. § 42-17-60, the grounds of appeal are:

1. The Workers Compensation Commission erred in granting attorney's fees to Respondent Barth based on the existence of a lien arising from his fee agreement with Claimant, in that the Workers Compensation Commission is not authorized by law to decide issues of

law arising from contracts between Claimants and their lawyers, nor is it authorized to rule upon division of fees between law firms when the claimant changes counsel during the representation and there is a dispute as to fee division between lawyers.

2. The Workers Compensation Commission erred in granting attorney's fees to Respondent Barth based on his failure to provide sufficient evidence and documentation in the record in order to allow his contract with Claimant to be applied under the facts presented here.
3. The Workers Compensation Commission erred in granting attorney's fees to Respondent Barth based on his degree of work which benefitted Claimant, when Appellant Vega obtained the majority of benefits which were received by the Claimant.
4. The Workers Compensation Commission erred in its application of the *quantum meruit* factors regarding division of attorney's fees and costs incurred by claimant's two lawyers, when Appellant reduced the overall fee charged to the claimant in order to maximize claimant's recovery of benefits.

Respectfully submitted,



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ATTORNEYS FOR APPELLANT VEGA

January 13, 2020

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ATTORNEY FOR RESPONDENT BARTH

Counsel below (not involved in appeal)

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COUNSEL FOR EMPLOYER/CARRIER

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And New Hampshire Insurance Co ..... Carrier,

**PROOF OF SERVICE**

I, Beth Cogan, an employee with Ballard & Watson, do hereby certify that on January 13, 2020, I served a copy of the **Notice of Appeal**, in the above-captioned case on the following individuals by United States Mail, with sufficient first-class postage affixed, addressed as follows:

**South Carolina Workers' Compensation Commission  
Post Office Box 1715  
Columbia, South Carolina 29202**

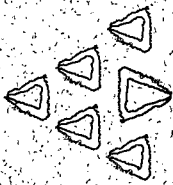
**Derrick Williams, Esquire  
Mickle & Bass, LLC  
3200 Devine Street  
Columbia, South Carolina 29205**

*Beth Cogan*

---

Beth Cogan, Paralegal

January 13, 2020



**Ballard & Watson**  
Attorneys at Law  
PERSISTENT · UNWAVERING

Desa Ballard  
Harvey M. Watson III

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January 13, 2020

Via U.S. Mail

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

Re: *Steven Evans v. Nan-ya Pl*  
W.C.C. File: 1413115

Dear Ms. Kitchings:

Enclosed for filing please find the original and seven copies of a Notice of Appeal and Proof of Service for the above-referenced matter, along with a check in the amount of \$250 for the respective filing fee. Please clock and return a stamped copy of both the Notice of Appeal in the self-addressed, stamped envelope enclosed.

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

With warm personal regards, I am,

Sincerely yours,

Desa Ballard  
[desab@desaballard.com](mailto:desab@desaballard.com)

Enclosures

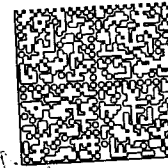
cc: Via U.S. Mail  
SC Workers' Compensation Commission  
Derrick Williams, Esquire  
John Bruton, Esquire  
Danny Vega, Esquire (via email)

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SC Court of Appeals

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BALLARD & WATSON, ATTORNEYS AT LAW  
226 STATE STREET  
WEST COLUMBIA, SC 29169

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

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