

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.

FINAL REPLY BRIEF OF RESPONDENT/APPELLANT FUND

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 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

RECEIVED
FEB 18 2020
SC Court of Appeals

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.

FINAL REPLY BRIEF OF RESPONDENT/APPELLANT FUND

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 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

TABLE OF CONTENTS

Table of Contentsi

Table of Authoritiesii

Statement of Issue on Appeal1

Statement of the Case1

Conclusion1

TABLE OF AUTHORITIES

RULES

South Carolina Appellate Court Rule 2081

STATEMENT OF ISSUE ON APPEAL

**WHETHER THE WORKERS' COMPENSATION COMMISSION ERRED
IN FINDING THAT ZURICH PROPERLY CANCELLED EMPLOYER'S
POLICY.**

STATEMENT OF THE CASE

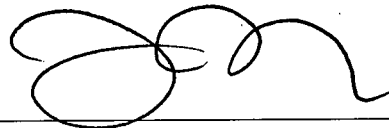
The South Carolina Workers' Compensation Uninsured Employers' Fund ("Fund") Respondent/Appellant hereby files this Reply Brief in response to the Brief of American Zurich ("Zurich"), Respondent pursuant to SCACR 208. Zurich's Brief addresses only the issue raised by Giles Gregg Long ("Long"), Appellant/Respondent, and Metro Construction, Inc. ("Metro"), Respondents/Appellants, as set forth in their Briefs. That issue addresses whether or not Zurich properly cancelled Metro's workers' compensation policy prior to Long's date of accident.

On this limited issue, Fund hereby adopts by reference the arguments of both Long and Metro as set forth in their briefs.

CONCLUSION

Based upon the foregoing arguments and authorities, the Order of the Appellate Panel of the Full Commission should be reversed.

RESPECTFULLY SUBMITTED,



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

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,

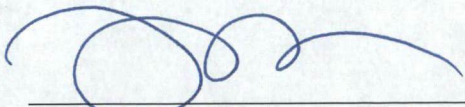
of which Metro Construction, Inc., Employer and the South Carolina Workers' Compensation
Uninsured Employers' Fund are Respondents/Appellants,

and American Zurich Ins. Co. is the Respondent.

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that the foregoing Final Reply Brief of
Respondent/Appellant Fund complies with Rule 211(b), South Carolina Appellate Court Rules.

February 13, 2020



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:

RECEIVED
FEB 18 2020
SC Court of Appeals

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