

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION APPELLATE PANEL

R. Michael Campbell, III, Commissioner

Appellate Case Number 2020-000481
W.C.C. 1205924

Opinion No. 28027
Heard May 6, 2021- Filed May 12, 2021

David B. Lemon, Employee/Claimant,.....Respondent,

-vs.-

Mt. Pleasant Waterworks, Employer, and
State Accident Fund, Carrier,.....Petitioners.

MOTION FOR COSTS AND ATTORNEY'S FEES

The Respondent hereby moves the Court for an Order assessing costs and attorney's fees against the Petitioners pursuant to Rule 222 SCACR (b) and (d).

1. This matter was appealed from an adverse ruling of the South Carolina Workers' Compensation Commission to the S.C. Court of Appeals. Specifically, the credit allowed to the Petitioners was the subject of the appeal.
2. The SC Court of Appeals reversed the Workers' Compensation Commission's decision with respect to the credit awarded to the Petitioners. (R. pp. 186-195).
3. The Court of Appeals denied the Petition for Rehearing. (R. p. 221).
4. The Petitioners filed for Writ of Certiorari to the Supreme Court which was initially granted. Oral arguments were heard by the Supreme Court on May 6, 2021. On May 12, 2021 the Supreme Court dismissed the Writ of Certiorari as improvidently granted.
5. The Respondent seeks an award for Attorney's fees in the sum of \$2,500 pursuant to Rule 222 SCACR (b) and (d). Respondent respectfully maintains this sum is reasonable considering the amount of time that was expended in order to appeal this matter to the Court of Appeals; brief the case before the Court of Appeals; argue the case before the Court of Appeals; respond to a Petition for Rehearing before the Court of Appeals; respond to a Petition for Writ of Certiorari to the Supreme Court; and, argue the case before the Supreme Court.
6. In addition to attorney's fees, the Respondent seeks the costs as more fully set forth in the attached affidavit in support of taxable costs, in the sum of \$968.45.

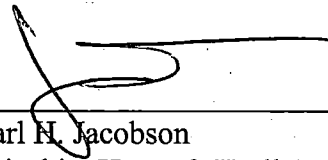
Wherefore, Respondent prays that this Court issue an Order directing the Petitioners to pay the sum of \$3,468.45 to the Respondent.

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MAY 20 2021

S.C. SUPREME COURT

Respectfully Submitted,



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Dated at Charleston, South Carolina
This 18 day of May, 2021