

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

Roger L. Couch, Circuit Court Judge

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S.C. Supreme Court

Opinion No. 27230 (S.C. Sup. Ct. filed March 6, 2013)
Appellate Case No. 2010-180906

Michael D. Crisp, Jr., Employee, Petitioner,

v.

SouthCo, Inc., Employer, and Pennsylvania National Mutual Casualty Insurance Co., Carrier ...
..... Respondents.

**MOTION OF AMICUS CURIAE
BRAIN INJURY ASSOCIATION OF SOUTH CAROLINA
FOR LEAVE TO FILE AMICUS BRIEF**

The Brain Injury Association of South Carolina (BIA) hereby files this Motion for Leave to File Amicus Brief pursuant to Rule 213, SCACR. BIA also conditionally files its Brief pending the Court's decision on this motion.

As grounds for granting the Motion, BIA would respectfully show the Court issued two opinions defining the term "physical brain damage" as used in S.C. Code Ann. § 42-9-10 (2007). See Sparks v. Palmetto Hardwood, Op. No. 27229 (S.C.Sup.Ct. filed March 6, 2013)(Shearouse Adv.Sh. No. 11 at 14, 19); and Crisp v. SouthCo Inc., Op. No. 27230 (S.C.Sup.Ct. filed March 6,

2013)(Shearouse Adv.Sh. No. 11 at 21). Petitioners in both cases filed Petitions for Rehearing which are currently pending before this Court. As these cases involve a matter of great public interest to the BIA and the people it serves, BIA hereby files this Amicus Brief in support of the Petitions for Rehearing in both cases.

As more fully explained in the Brief, BIA would submit to the Court that this case presents a novel and significant question of law regarding a key provision in the Workers' Compensation Act regarding individuals who suffer work-related traumatic brain injuries. The decision of this Court in the two cases of Sparks and Crisp imperil these rights in a manner not intended by the Legislature nor by the Court.

The Brain Injury Association of South Carolina (BIA) is a nonprofit organization which was developed by persons with brain injury, their families, and concerned professionals in an effort to provide information and support to those who have experienced brain injury. Our mission is to advance brain injury prevention, research, treatment and education and to improve the quality of life for all individuals impacted by brain injury. Through advocacy, we bring help, hope and healing to millions of individuals living with brain injury, their families and the professionals who serve them.

Therefore, BIA requests the Court grant the Motion for Leave to File Amicus Brief and accept the Brief conditionally filed with this Motion. Furthermore, although the Motion and Brief are captioned with the Crisp case, BIA believes the cases are inextricably intertwined and asks to Court to consider the arguments herein in both Crisp and Sparks. BIA further requests that if rehearing is granted, that oral arguments be consolidated and the BIA be permitted to participate in oral argument.

Respectfully Submitted,



Stephen B. Samuels
Samuels Law Firm, LLC
1527 Blanding St.
P.O. Box 50349
Columbia, SC 29250
(803) 779-4000
stephen@samuelslawfirm.net

Attorney for Amicus Curiae
**Brain Injury Association of South
Carolina**

Columbia, South Carolina
April 17, 2013

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PROOF OF SERVICE

I, the undersigned, paralegal to Stephen B. Samuels of Samuels Law Firm, LLC, do hereby certify that I have served one copy of **Brief of Amicus Curiae Brain Injury Association of South Carolina**, and **Motion of Amicus Curiae Brain Injury Association of South Carolina For Leave to File Amicus Brief**, dated April 17, 2013, via first class mail and addressed to the attorneys as indicated below:

Kathryn Williams, Esquire
Attorney for Petitioner (Crisp)
619 North Main Street
P. O. Box 10693
Greenville, SC 29603

Vernon Dunbar, Esquire
Attorney for Respondent (Crisp)
Turner Padgett Graham & Laney P.A.
P. O. Box 1509
Greenville, SC 29602

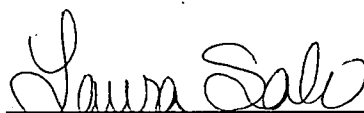
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Carmelo B. Sammataro, Esquire
Attorney for Respondent (Crisp)
Turner Padgett Graham & Laney P.A.
P. O. Box 1473
Columbia, SC 29202

Edward L. Graham, Esquire
Attorney for Petitioner (Sparks)
Graham Law Firm, P.A.
383 West Cheves Street
P. O. Box 550
Florence, SC 29503

Weston Adams, III, Esquire
M. McMullen Taylor, Esquire
Attorneys for Respondent (Sparks)
McAngus Goudelock & Courie
Post Office Box 12519
Columbia, South Carolina 29211

Helen F. Hiser, Esquire
Attorney for Respondent (Sparks)
McAngus Goudelock & Courie
735 Johnnie Dodds Blvd., Suite 200
Post Office Box 65007
Mt. Pleasant, SC 29465



Laura Sabo

April 17, 2013