

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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Nov 29 2021

SC Court of Appeals

APPEAL FROM THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Avery B. Wilkerson, Commissioner
R. Michael Campbell, II, Commissioner
Gene McCaskill, Commissioner

SCWCC File No. 1521141

Appellate Case No.: 2018-000939

Calvin Felder, Claimant

v.

Central Masonry, Inc. & Arnold Construction Co., Employer, AmGuard Insurance Co./Old
Republic Insurance Co. and South Carolina Uninsured Employers Fund, Carriers, Defendants,

Of which AmGuard Insurance Co., is the Appellant and Central Masonry, Inc. and South
Carolina Uninsured Employers Fund are the Respondents.

MOTION FOR COSTS AND ATTORNEY'S FEES
OF RESPONDENT, CENTRAL MASONRY, INC.

Jonathan R. Hendrix
PO Box 6398
Cayce, South Carolina 29171
(803) 200-2970
Attorney for Respondent, Central Masonry, Inc.

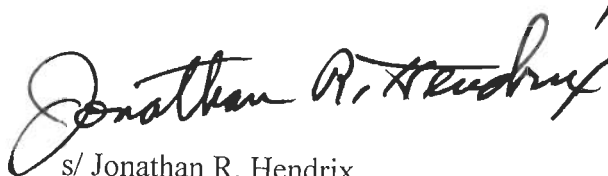
Other Counsel of Record:

George D. Gallagher, Esquire
PO Box 11669
Columbia, SC 29211
(803) 748-2919
Attorney for Appellant

Lisa C. Glover, Esquire
PO Box 210039
Columbia, SC 29221-0039
(803) 896-5898

Respondent, Central Masonry, Inc., hereby moves for an Order of this Court assessing attorney's fees and costs against Appellant and in favor of Central Masonry, Inc., and its attorneys, Hendrix and Steigner, pursuant to Appellate Practice Rule 222(b). The grounds for this Motion are as follows:

- 1) Appellant, Amguard Insurance Company, filed this appeal from an Order of the "full" South Carolina Workers' Compensation commission and this Court affirmed the decision of the Commission in its Opinion number 5852 filed September 1, 2021.
- 2) After filing a Petition for a Writ of Certiorari to this Court with the South Carolina Supreme Court, Appellant withdrew that Petition and this Court issued the Remittitur on November 18, 2021.
- 3) Respondent's attorney incurred the out-of-pocket costs listed in the attached sworn Form 17 Itemized Statement of Costs. These costs include the transcripts from two (2) separate hearings before the "single" Workers' Compensation Commissioner and, also, the transcript from the "full" Workers' Compensation Appellate Panel and the costs of printing Respondent's Brief.
- 4) Respondent also requests that Appellant be assessed the \$2500.00 in attorney's fees provided for in Appellate Practice Rule 222(b) and the January 17, 2018 Order of the South Carolina Supreme Court.
- 5) Respondent respectfully requests that the out-of-pocket costs of \$422.68 and the \$2500.00 attorney's fees set by the South Carolina Supreme Court be taxed against the Appellant in favor of Respondent's attorneys.



s/ Jonathan R. Hendrix
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November 28, 2021
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SC Court of Appeals

VIA EMAIL DELIVERY

TO: ctappfilings@sccourts.org
The Honorable Jenny A. Kitchings
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: Calvin Felder v. Central Masonry, Inc.
Appellate Case No.: 2018-000939

Dear Ms. Kitchings:

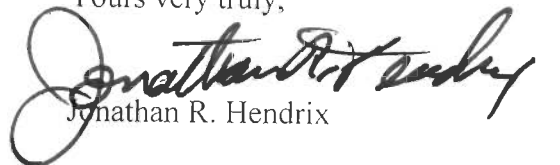
Attached please find the Motion of Respondent, Central Masonry, Inc., for attorney's fees and costs as well as the sworn Form 17 Itemized Statement of Costs for filing.

Please be advised that, today, we are placing a check for the \$50.00 filing fee in the U.S. Mail to you, as well.

By copy of this letter and email, I am serving said documents on Appellant's attorney, George Gallagher, and also upon Ms. Lisa Glover, attorney for the Uninsured Employer's Fund.

Thanking you in advance, I am

Yours very truly,



Jonathan R. Hendrix

JRH/cbs
Enclosures

cc: Lisa C. Glover, Esquire
George D. Gallagher, Esquire