

McDANIEL LAW FIRM
ATTORNEYS AND COUNSELORS AT LAW
1315 ELMWOOD AVENUE
COLUMBIA, SOUTH CAROLINA 29201

**Proudly representing injured workers
for over 35 years.**

Preston F. McDaniel

Matthew Robertson

RECEIVED
Feb 22 2023
SC Court of Appeals

Telephone (803) 771-7211

Facsimile (803) 252-0709

February 22, 2023

VIA EMAIL ONLY - ctappfilings@sccourts.org

Catherine Harrison, Deputy Clerk
SC Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

**RE: Pamela Cartee v. SCJD (Preston F. McDaniel) (2)
Appellate Case No. 2023-000187**

Dear Ms. Harrison:

I am writing about the letter received from the Court advising that the Court was re-captioning the appeal in this matter. I believe the re-captioning is not correct and I believe it is also in violation of State law and would appreciate it if you could advise me as to what I need to do to challenge the re-captioning of the case and/or what I need to do to file a Motion for a hearing before one of the Judges concerning the Caption of this matter.

While I want to challenge in particular and believe it is a violation of State law to include the names of Ms. Cartee, the Judicial Department, and the State Accident Fund in the caption of the case, at a minimum the caption should be reversed and be listed as:

"[Note: I believe Ex Parte should be added here]
Preston F. McDaniel, Esquire and John M. Milling,
Esquire, Appellants v. SC Workers' Compensation
Commission, Respondent, In Re: Pamela Cartee,
Claimant v. SC Judicial Department, Employer, and
the State Accident Fund, Carrier, Defendants."

Neither Ms. Cartee, the Judicial Department nor the State Accident are parties to this action as noted in both the caption of our Notice of Appeal and in the re-captioning by the Court. By appropriately listing the Appellants and the Respondents first

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this would prevent Ms. Cartee and the Judicial Department's name from being bantered about and referred to at least in abbreviated captions of any future case should this result in a Published Opinion.

Next, and by way of explanation as to my concern of including the names in the underlying workers' compensation action parties, including the claimant, the employer, and the insurance carrier, in a dispute between us and the Commission concerning approval of a portion of our attorneys' fee as requested for approval there are multiple statutes within the Workers' Compensation Act providing for the confidentiality and to protect the privacy of the litigants in a workers' compensation action, including SC Code §42-19-40, §42-3-195, and §42-3-210. Also, the Act creates a very limited exception to the confidentiality of and the privacy of the attorney-client relationship in that Code §42-15-90(A), in pertinent part, provides that "attorney's fees" under the Workers' Compensation Act "are subject to the approval of the Commission". The overall theme of the Act is to protect the privacy of the individual worker as a claimant, and his employer, and their insurance carrier outside of disputes between them.

I look forward to hearing from you as to how to address this issue, and also whether or not I need to file a formal Motion to obtain a hearing on this issue.

Thank you for your assistance.

Sincerely yours,



Preston F. McDaniel
Appellant

PFM/kth

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cc: John M. Milling, Esquire (Via email only)
Keith Roberts, Esquire (Via email only)
Kristen McRee, Esquire (Via email only)