

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM THE S.C. WORKERS' COMPENSATION COMMISSION

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Case No: 2023-000187

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Pamela Cartee, Claimant,

v.

SC Judicial Department, Employer, and State Accident Fund, Carrier, Defendants,

IN RE: Preston F. McDaniel, Esquire, and John M. Milling, Esquire, Appellants,

v.

South Carolina Workers' Compensation Commission, Respondent.

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**SC WORKERS' COMPENSATION COMMISSION'S RETURN TO APPELLANTS'  
NOTICE OF MOTION AND MOTION TO DETERMINE THE CORRECT CAPTION  
OF THE CASE PURSUANT TO SCACR**

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By way of return, the SC Workers' Compensation Commission asserts the following:

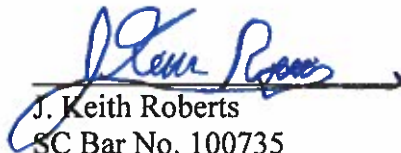
1. The Commission has filed a Motion to Dismiss the Commission as a party to this appeal. Pending the outcome of that Motion, the Commission takes no position on the correct captioning of this matter.
2. Respondents have plead no grounds which would justify the Court deviating from the default standard under Rule 240(h) SCACR to decide motions without oral argument.

**CONCLUSION**

Appellants have not shown sufficient legal authority to deviate from the SC Appellate Court Rules. The caption should remain, pending the outcome of the Commission's Motion to Dismiss and Motion to be Relieved as Counsel, filed March 29<sup>th</sup>, 2023.

Respectfully submitted,

THE SOUTH CAROLINA WORKERS' COMPENSATION  
COMMISSION



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J. Keith Roberts  
SC Bar No. 100735  
Kristen S. McRee  
SC Bar No. 74690  
1333 Main Street, Suite 500,  
P.O. Box 1715  
Columbia, South Carolina 29202-1715  
(803) 737-5701

April 3rd, 2023

DATE

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SC Court of Appeals

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APPEAL FROM THE S.C. WORKERS' COMPENSATION COMMISSION

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PROOF OF SERVICE

I, the undersigned counsel for the Workers' Compensation Commission, hereby certify that I have served a copy of the Commission's Return to Appellants' Notice of Motion and Motion to Determine the Correct Caption of the Case Pursuant to SCACR by causing a copy of the same to be deposited in the United States mail, first class postage, prepaid, and via email, addressed to the Appellant and Court as listed below.

Jenny Abbott Kitchings, Clerk of Court  
South Carolina Court of Appeals  
1220 Senate St.  
Columbia, SC 29201  
[ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)

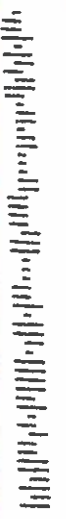
Preston F. McDaniel, Esquire  
1315 Elmwood Ave.  
Columbia SC 29201  
[preston@pfmcdlaw.com](mailto:preston@pfmcdlaw.com)

John M. Milling, Esquire  
PO Drawer 519  
Darlington SC 29540  
[johnmilling@bellsouth.net](mailto:johnmilling@bellsouth.net)

April 3rd, 2023

  
J. Keith Roberts

1333 Main Street, Suite 500,  
P.O. Box 1715  
Columbia, South Carolina 29202-1715



McDaniel Law Firm  
ATTORNEYS and COUNSELORS AT LAW  
1315 Elmwood Avenue  
Columbia, South Carolina 29201

**RECEIVED**

APR 03 2023

S.C. WORKERS' COMP. COMM.  
EXECUTIVE DIRECTOR

Keith Roberts, Esquire, General Counsel  
Kristen McRae, Esquire, Staff Attorney  
SC Workers' Compensation Commission  
Post Office Box 1715  
Columbia, South Carolina 29202



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SC Court of Appeals

*State of South Carolina*

TEL: (803) 737-5701  
FAX: (803) 737-5764  
KeRoberts@wcc.sc.gov

J. Keith Roberts  
General Counsel  
1333 Main Street, 5<sup>th</sup> Floor  
P.O. Box 1715  
Columbia, S.C. 29202-1715



*Workers' Compensation Commission*

April 3<sup>rd</sup>, 2023

Jenny Abbott Kitchings, Clerk of Court  
South Carolina Court of Appeals  
1220 Senate St.  
Columbia, SC 29201  
[ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)

Re: Pamela Cartee v. SC Judicial Department, Employer, and State Accident Fund, Carrier, Defendants, IN RE: Preston F. McDaniel, Esquire, and John M. Milling, Esquire, Appellants, v. SC Workers' Compensation Commission, Respondent.  
Appellate Case No. 2023-000187  
WCC File No. 1307922

Dear Ms. Kitchings:

Enclosed please find the original and six (6) copies of the South Carolina Workers' Compensation Commission's Return to Appellant's Notice of Motion and Motion to Determine the Correct Caption of the Case which I would appreciate your filing with the court. Please note that, while the Motion contains a Certificate of Service stating Appellants deposited the Motion with the U.S. Mail on March 13<sup>th</sup>, 2023, the Commission did not receive the Motion from the U.S. Mail until today, April 3<sup>rd</sup>, 2023. It does not appear that Appellants attempted to serve the Commission electronically.

By copy of this letter to Preston F. McDaniel and John M. Milling, Appellants pro se, I am hereby serving them with copies of our Return. Please see the attached Certificate of Service.

If there is anything further the Court requires from the Commission at this time, do not hesitate to ask.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Keith Roberts".

J. Keith Roberts, Esquire  
S.C. Workers' Compensation Commission

Enclosure

Cc: Preston F. McDaniel (Via US Mail and email)  
John M. Milling (Via US Mail and email)