

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

RECEIVED

Jan 02 2025

SC Court of Appeals

Proudly representing injured workers
for over 45 years.

Preston F. McDaniel

Telephone (803) 771-7211

Daniel E. Peagler

Facsimile (803) 252-0709

January 2, 2025

VIA EMAIL ONLY - ctappfilings@sccourts.org

Honorable Jenny A. Kitchings
SC Court of Appeals
Post Office Box 11629
Columbia, SC 29211

**RE: Evaristo Verduo Morales v. Insulation by Cohen's
& Spray Foam by Cohen's, LLC
WCC File No.: 1921668**

Dear Ms. Kitchings:

I am in receipt of and have been served with a Notice of Appeal by the defense attorneys in the above-referenced workers' compensation claim. I assume that this was filed because the 30 days from the date of the Order would run today. However, the claimant and the defendants have both filed Motions for Reconsideration as to the Order of the Full Commission which Motions were filed on December 10th and December 17th respectively, upon which no decision has been entered. To confirm, we again checked with the Commission's eCase system and confirmed that no decision has been made on those Motions. Under SCWCC R. 67-215 and SC Code §1-23-380, a Notice of Appeal must be filed within 30 days after a decision upon the Motion for Reconsideration/Rehearing has been rendered/filed.

I would appreciate the guidance of the Court as to whether or not this appeal is in fact premature and/or as to what further action I need to take in reference to protecting my client.

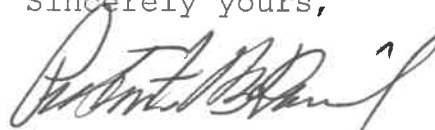
By copy of this letter I am notifying Counsel for Defense and the Judicial Director at the Commission of this communication and request.

Honorable Jenny Abbott Kitchings
January 2, 2025
Page 2

I would note that Counsel of Record at the Commission, Ms. Courtney Gruber, within approximately the last month retired from the firm and Counsel was just substituted.

As always, I appreciate all the courtesies and kindnesses shown to me by you, your office and the Court. I await the Court's direction.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Preston F. McDaniel", written in a cursive style.

Preston F. McDaniel

PFM/kth
Enclosure

cc: Don C. Gibson, Esquire (via email only)
Amy Bracy, Judicial Director, SCWCC (via email only)
Robert P. Gruber, Esquire (via email only)
Stephen L. Brown, Esquire (via email only)
Russell G. Hines, Esquire (via email only)
Graydon V. Olive, IV, Esquire (via email only)

RECEIVED

Jan 02 2025

SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

Appeal from The South Carolina
Workers' Compensation Commission

Cynthia C. Dooley, Commissioner
Gene McCaskill, Commissioner
R. Michael Campbell, Commissioner

Appellate Case No. 2025-
WCC File No. 1921668

Evaristo Verdugo Morales,

Employee/Claimant/Respondent,

v.

Insulation By Cohen's & Sprayfoam by Cohen's, LLC,

Employer/Appellant,

and

Builders Premier Insurance Company,

Carrier/Appellant.

NOTICE OF APPEAL

CLEMENT RIVERS, LLP

Stephen L. Brown (SC Bar No. 66468)

Robert P. Gruber (SC Bar No. 15581)

Russell G. Hines (SC Bar No. 72100)

Graydon V. Olive, IV (SC Bar No.: 105319)

25 Calhoun Street, Suite 400 (29401)

P.O. Box 993

Charleston, South Carolina 29402

(843) 720-5488

Attorneys for Appellants