

BEFORE THE
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

Ravenel Gaskins (Deceased),)
)
 alleged Employee,)
)
 Johnnie Gaskins, Claimant,)
)
 -vs-)
)
 Johnny Gaskins Trim,)
)
 Employer, and)
)
 Accident Insurance Company/)
 US Administrator Claims,)
)
 Carrier,)
)
 Defendants.)
 _____)

W.C.C. FILE NO. 1020984

**FINAL LUMP SUM
AGREEMENT AND RELEASE**

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 SETTLEMENT
 SEP 09 2013
 Division of Claims
 SC Workers Comp. Comm.

The alleged Employee, Ravenel Gaskins, died on December 2, 2010. A Form 52 was filed on behalf of Johnnie Gaskins, Ravenel Gaskins' surviving spouse. The Form 52 alleged that Ravenel Gaskins' death occurred by accident arising out of and in the course and scope of his employment with Johnny Gaskins Trim and claimed entitlement to death benefits under the Workers' Compensation Law of South Carolina (hereinafter called "Act"). The Carrier was the Employer's insurer under said Act at the time in question. The Defendants timely filed a Form 53 denying compensability. The Defendants deny compensability of the claim, deny that Ravenel Gaskins was a covered employee, and deny that the Claimant or any other individual is entitled to any workers' compensation benefits under the Act as a result of the death of Ravenel Gaskins.

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In accordance with Regulation 67-903, the Defendants conducted a dependency investigation and filed the dependency investigation report with the Workers' Compensation Commission. Pursuant to the report of Tuten Insurance Services Corporation, Johnnie Gaskins was the sole dependent of Ravenel Gaskins under the Act.

Following the filing of the Forms 52 and 53, the Defendants filed a Motion to Compel the exhumation of the body of Ravenel Gaskins and the performance of an autopsy upon said body on June 2, 2011 based on the Defendants' statutory right to obtain an autopsy under the terms and provisions of §42-15-80. A hearing was held regarding the Motion on June 29, 2011 before Commissioner Derrick L. Williams in North Charleston, South Carolina. By Administrative Order dated July 1, 2011, the single Commissioner denied the Defendants' Motion to Compel the exhumation of the body for purposes of performing an autopsy. The Defendants thereafter filed a Form 30, Request for Commission Review, dated July 11, 2011. Oral arguments were held before the Full Commission Appellate Panel October 25, 2011 and the Full Commission issued an Order dated January 18, 2012 affirming the single Commissioner's Order by majority vote. The Defendants then appealed the Full Commission Order to the South Carolina Court of Appeals by filing Notice of Appeal on February 14, 2012. Prior to the Defendants' appeal to the South Carolina Court of Appeals being heard and/or disposed of, and in view of the aforementioned disputes, the parties hereto now advise that an agreement has been reached to settle this matter in its entirety subject to filing with the South Carolina Workers' Compensation Commission.

Under the proposed settlement, the Defendants have agreed to pay, and the Claimant Johnnie Gaskins, has agreed to accept, the sum of Nine Thousand and 00/100 (\$9,000.00) Dollars in full settlement and satisfaction of every liability under the Act and

otherwise growing out of or in any way connected with any injury and/or accident and/or death of Ravenel Gaskins on or about December 2, 2010; as well as any other injury and/or accident of Ravenel Gaskins at any other time prior to the date of this agreement.

As an integral part of this settlement agreement, it is expressly understood and agreed that the Defendants have no liability whatsoever for any medical or burial expenses or other liabilities of whatsoever nature under the Act or otherwise.

The Claimant, Johnnie Gaskins, asserts that she has been fully advised of all her rights under the South Carolina Workers' Compensation Act, and is of the opinion that the proposed settlement is reasonable and fair and in this opinion, the Claimant's attorney concurs. The Claimant Johnnie Gaskins hereby asserts that she recognizes that her consent to this settlement is a final determination and adjudication of all benefits under the South Carolina Workers' Compensation Act and otherwise, growing out of, or in any way connected with, any injury and/or accident and/or death of Ravenel Gaskins occurring on or about December 2, 2010 or at any other time prior to the date of this agreement.

NOW, THEREFORE, in consideration of the payment to the Claimant Johnnie Gaskins, of the sum of Nine Thousand and 00/100 (\$9,000.00) Dollars, and in further consideration of the mutual covenants, stipulations, and releases herein contained, the Claimant, Johnnie Gaskins, hereby releases and discharges Johnny Gaskins Trim, Accident Insurance Company and US Administrator Claims, and binds her heirs, executors, administrators, dependents, next of kin, privies, and assigns under the Act and otherwise and agrees to release, discharge, defend, and indemnify Johnny Gaskins Trim, Accident Insurance Company, US Administrator Claims and their respective agents, servants, insurers, physicians, privies, and their successors, from any and all debts, claims, demands, causes of action, rights of action, and liabilities whatsoever of any injury and/or accident

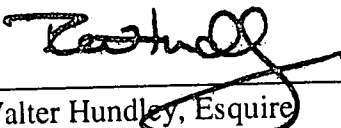
and/or death of Ravenel Gaskins on or about December 2, 2010 or at any other time prior to the date of this agreement and including, but not limited to, any right which the Claimant Johnnie Gaskins might otherwise have to demand benefits for burial or funeral expenses, medical expenses, disability, disfigurement, bodily impairment, medical treatment, medicine or drugs, prosthetic devices, lost time or death, under the Act or otherwise and specifically including any right which the Claimant Johnnie Gaskins might otherwise have to demand further benefits by way of compensation or medical care under the Act because of a change of condition hereinafter (which is expressly waived, released and renounced) whether or not arising out of, or directly or indirectly in any way conceivably attributable to any injury and/or accident and/or death of the deceased alleged Employee occurring on or about December 2, 2010 or at any other time prior to the date of this agreement and each and every consequence thereof, whether known or unknown.

It is expressly understood and agreed that this matter is settled on a doubtful and disputed basis with the Defendants maintaining their denial of any liability in this matter.

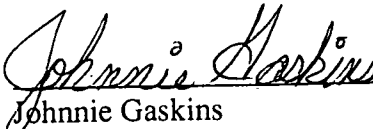
This Agreement shall be subject to filing with the Commission and it is stipulated and agreed between the parties that, upon such filing, this Agreement shall not be subject to review, modification, or amendment by the Commission or the Courts of this State. Each party prays that filing of this Agreement with the Commission as being her or its best interest.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed as of _____, 2013.

WITNESSED AND APPROVED:

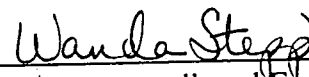


R. Walter Hundley, Esquire
Attorney for Claimant, Johnnie Gaskins

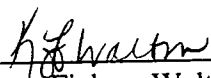


Johnnie Gaskins
Claimant and Ravenel Gaskins'
Surviving Spouse

Johnny Gaskins Trim,
Accident Insurance Company and
US Administrator Claims
Defendants



Witness as to alleged Employer
and Carrier



Kathryn Fiehrer Walton, Esquire
Attorney for the Carrier
and alleged Employer

FEE SUBJECT TO FORM 61

WOOD LAW GROUP, LLC
ATTORNEYS AT LAW
ONE WESLEY DRIVE
CHARLESTON, SOUTH CAROLINA 29407
(843) 577-5732 FAX (843) 577-4326

J. HUBERT WOOD, III
KATHRYN F. WALTON
MATTHEW J. FULTZ

REPLY TO
P.O. Box 20550
CHARLESTON, SOUTH CAROLINA 29413

October 4, 2013

The Honorable Jenny Abbott Kitchings
Clerk of the South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: Ravenel Gaskins (Deceased) v. Johnny Gaskins Trim
WCC File No.: 1020984
Date of Accident: December 2, 2010
Case No.: 2012207908
Our File No.: 58.46

Dear Ms. Kitchings:

Enclosed please find a copy of the filed Final Lump Sum Agreement and Release with regard to the above named matter. This matter has been disposed of before the South Carolina Workers' Compensation Commission. Thank you for your attention to the matter.

Very truly yours,



Kathryn Fiehrer Walton

KFW/ws
Enclosure

cc: Ms. Tara Reese (w/o enc.)
R. Walter Hundley, Esquire (w/o enc.)

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