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Proudly representing injured workers
for over 25 years

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November 22, 2013

VIA EMAIL - vcrocker@wcc.sc.gov
AND US MAIL

Ms. Virginia L. Crocker
Judicial Director
SC WORKERS' COMPENSATION COMMISSION
Post Office Box 1715
Columbia, South Carolina 29202

VIA FACSIMILE - 734-1890
AND US MAIL

Honorable Jenny Abbott Kitchings
Clerk of Court
SC Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RECEIVED

NOV 26 2013

SC Court of Appeals

RE: ANTONIO LAZARO v. BURRISS ELECTRICAL, INC.
WCC File No.: 0710622
Appellate Case No: 2011-192272

Dear Ms. Crocker and Ms. Kitchings:

I am writing both of you to try to determine how we are proceeding and when we will proceed in reference to the Remand from the Court of Appeals.

I do this for two reasons, the first of which is the extension that the Commission requested from the Court which we diaried for November 18th has now come and gone. The second reason is that I received in the mail, "Defendants' Memorandum of Law in the above referenced case." To my knowledge we have not received anything from the Commission requesting anything and in addition the Remand Order remanded this to the Commission for, "a determination by the South Carolina Workers' Compensation Commission of whether or not there exists a binding agreement between the parties to settle Respondent's claim and the possible enforcement of any such agreement." I anticipated by the wording of that Order that the Commission would schedule a Hearing and receive evidence as to the facts and circumstances that gave rise to what we believe to be a forcible settlement agreement.

Ms. Virginia L. Crocker
Honorable Jenny Abbott Kitchings
November 22, 2013
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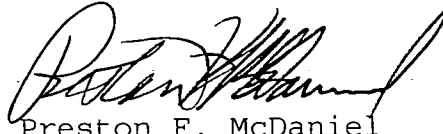
I had written the Commission requesting information as to how the Commission intended to proceed and I have attached another copy for your consideration.

I would note to both the Court and the Commission that I believe there may have been an inadvertent or inaccurate request in the October 23, 2013 letter from Ms. Crocker to the Court since that letter notified the Court that Ms. Crocker felt that the Full Commission should consider the Remand and decide how to proceed and that the Full Commission, "does not meet again until November 18, 2013." However, thereafter in the letter the actual request for a continuance of thirty (30) days was only until November 18th. Obviously that would not allow the Commission any time to address the Remand after the November 18th meeting of the Full Commission.

In any event because I have received this unrequested memorandum as far as I am concerned from Defense Counsel and because the time extension requested has run I am writing this letter to see how we are going to proceed. For my part I have no objection to the Court granting the Commission as much time as it feels proper and the Commission needs to address the settlement agreement issue.

By copy of this letter sent via email and mail I am notifying Landon Hughey, who is according to the documents I received had and is representing the Defendants before the Commission.

Sincerely yours,



Preston F. McDaniel

PFM/amc/kth
Enclosure

cc: Landon L. Hughey, Esquire - lhughey@mgclaw.com
Jack E. Duncan, Esquire - jackduncanlaw@gmail.com

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October 9, 2013

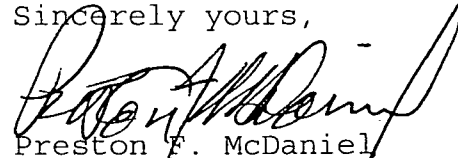
Virginia L. Crocker, Judicial Director - vcrocker@wcc.sc.gov
SC WORKERS' COMPENSATION COMMISSION
Post Office Box 1715
Columbia, South Carolina 29202

RE: **ANTONIO LAZARO v. BURRISS ELECTRICAL, INC.**
WCC File No.: 0710622

Dear Ginger:

I am in receipt of the Order of the Court of Appeals. Please let me know what the Commission would like to receive from us as to our position that a binding Settlement Agreement was entered into. I assume the Commission would want a brief hearing for us to put our positions on the Record as well but let me know whatever the Commission wants or feels like is appropriate to meet the directions of the Remand. By copy of this email, I am advising Rocky of this communication.

Sincerely yours,



Preston F. McDaniel
Attorney at Law

PFM/abh

cc: Landon L. Hughey, Esquire - lhughey@mgclaw.com
Jack E. Duncan, Esquire - jackduncanlaw@gmail.com