

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Appellate Case No. 2014-001788

RECEIVED
MAR 21 2016
SC Court of Appeals

Clarence Winfrey, Employee, Claimant, Respondent,

v.

Archway Services, Inc., Employer,
and American Fire & Casualty Insurance
Company c/o Liberty Mutual Group, Carrier, Appellants.

REPLY TO THE RESPONSE TO THE
"MOTIONS" WHICH IN REALITY IS THE
PETITION FOR REHEARING
ON THE MOTION TO COMPEL MEDICAL CARE
PURSUANT TO THE AWARD OF THE
SC WORKERS' COMPENSATION
COMMISSION UNDER SC CODE §42-17-60

By way of Reply to the Response filed by the
Appellants, the Petitioner would respectfully submit:

1. That the Petitioner stands by his position and
statement of the law which is that once an appeal is filed
from an Award of the SC Workers' Compensation Commission,
this Court since the 2007 Amendment has exclusive
jurisdiction over that Award and specifically as to the

Award of medical care under SC Code Ann. §42-17-60.

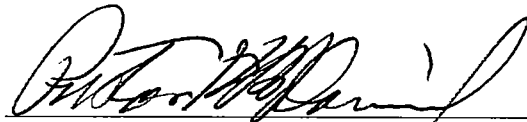
2. That the Petitioner would further point out that Appellants' response specifically restates the very basis for the purpose of the 2007 Amendment which in addition transferring exclusive jurisdiction from the Circuit Court to this Court for any action concerning enforcement over the provision of medical care. The Response trumpets from the rooftop the very reason that the provision of medical care was added in 2007 which was to ensure that the Defendants and the insurance industry could no longer delay needed medical care that had been Awarded by the Commission by filing an appeal. An appeal no longer "stays" an Award of medical care. The Defendants are paying the medical care pursuant to an Award of the Commission as this Court and the Supreme Court have previously stated repeatedly their obligation under an Award is simply to pay for that medical care and not to delay that needed medical care. They are paying pursuant to a final Judgment on the claim and they have absolutely no right to even take the depositions of the doctors involved. Unless they have affirmative evidence stated by the authorized treating physicians that this medical care is not related to the original injury, they have absolutely no basis to refuse it.

3. That finally the Response filed is a letter.

SCACR Rule 240(e) and (c) provide that the Return be filed with six (6) copies; be properly served; and comply with the requirements of Rule 267, which requires a proper caption, title of the document, and compliance with the other requirements of that Rule (f). The Petitioner would request that whether there was compliance be addressed in the Court's decision.

Further the Petitioner sayeth not by way of Reply.

Respectfully submitted,



Preston F. McDaniel, Esquire
MCDANIEL LAW FIRM
1315 Elmwood Avenue
Columbia, South Carolina 29201
(803) 771-7211
Attorney for Respondent/Movant

March 17, 2016

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

RECEIVED

Appellate Case No. 2014-001788

MAR 21 2016

SC Court of Appeals

Clarence Winfrey, Employee, Claimant, Respondent,

v.

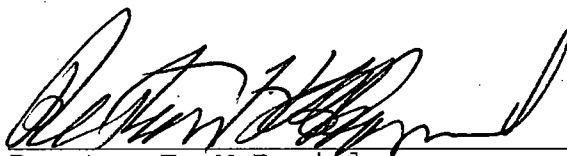
Archway Services, Inc., Employer,
and American Fire & Casualty Insurance
Company c/o Liberty Mutual Group, Carrier, Appellants.

PROOF OF SERVICE

I certify that I have served the RESPONDENT'S REPLY TO THE RESPONSE TO THE "MOTIONS" WHICH IN REALITY IS THE PETITION FOR REHEARING ON THE MOTION TO COMPEL MEDICAL CARE PURSUANT TO THE AWARD OF THE SC WORKERS' COMPENSATION COMMISSION UNDER SC CODE §42-17-60 by depositing a copy of it in the United States Mail, postage prepaid, on March 17, 2016 addressed to:

Brett H. Bayne, Esquire
McAngus, Goudelock & Courie
Post Office Box 12519
Columbia, SC 29211.

Dated: March 17, 2016



Preston F. McDaniel
MCDANIEL LAW FIRM
1315 Elmwood Avenue
Columbia, South Carolina 29201
(803) 771-7211

Attorney for Respondent/Movant

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

Proudly representing injured workers
for over 30 years.

Preston F. McDaniel

Matthew Robertson

Telephone (803) 771-7211

Facsimile (803) 252-0709

March 17, 2016

RECEIVED

MAR 21 2016

SC Court of Appeals

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

**RE: Clarence Winfrey, Employee, Respondent, v. Archway
Services, Inc., Employer, and American Fire &
Casualty Insurance Co., Carrier, Appellants.
Appellate Case No. 2014-001788**

Dear Ms. Kitchings:

I am in receipt of a copy of a letter which states that it is a response to my Motions filed in the above-referenced matter, which I do not believe complies with SCACP Rule 240(e) nor 240(c), nor Rule 267.

Pursuant to Rule 240(f), SCACR, my Reply is attached. Now that a response has been filed to the Motion and my Reply has been filed, I would appreciate a ruling from Judge Lockemy as soon as possible.

You will see in the Reply that I stand by my position and opinion that the Court since 2007 has exclusive jurisdiction over the enforcements of an Award after and during appeal under SC Code Ann. §42-17-60.

Proper Affidavit of Service is attached hereto.

I look forward to the ruling of Judge Lockemy and also I appreciate all the courtesies and kindnesses shown to me by the Court.

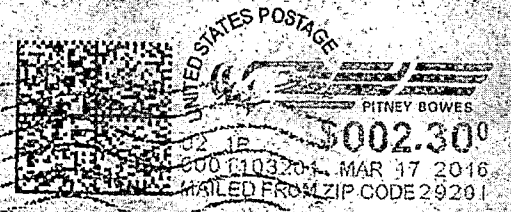
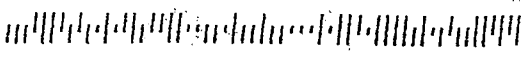
Sincerely yours,



Preston F. McDaniel

PFM/kth
Enclosures

cc: Brett H. Bayne, Esquire (



COLUMBIA SC 292
FRI 18 MAR 2016 PM

McDaniel Law Firm
1315 Elmwood Avenue
Columbia, SC 29201

RECEIVED

MAR 21 2016

SC Court of Appeals

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