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APR 22 2016

SC Court of Appeals

Law Office of
H. JEFF McLEOD
212 East Shockley Ferry Road
Anderson SC 29624
Phone 864.226.3330 ■ Toll-Free 800.698.1786
Fax 864.226.9912

April 19, 2016

Hon. Jenny Abbott Kitchings
Clerk of Court
SC Court of Appeals
1220 Senate Street
PO Box 11629
Columbia, SC 29211

Re: Jesus Martinez vs CCS Masonry, LLC, (State National Insurance, Inc.),
Landmark Builders of SC, LLC (Amerisure Insurance Company,) and the
SC Uninsured Employers' Fund (Fund)
SCWCC File No.: 1205080
Date of Injury: 01/06/2012
SC Ct of Appeals Case No. 2016-000709
Our File No. 2692

Madam Clerk,

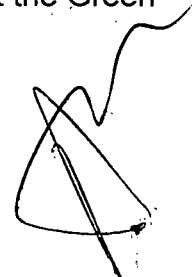
This is in response to your letter of April 15, 2016 as to the status of my representation of Mr. Martinez, the Appellant. I was formally relieved as Mr. Martinez' attorney of record by the SC Workers' Commission (WC), 12.14. 2015.

My formal discharge, in December 2015, was long before the case was decided by the SC Workers' Commission, March 4th 2016. In fact, I never got a copy of that order. Of course, this discharge was long before the appeal was filed in the Court of Appeals, April 1st 2016.

In accordance with Rule 264, SCACR, I was not the attorney of record when the Court of Appeal assumed jurisdiction in April of 2016. My withdrawal, as attorney of record for Mr. Martinez, had been properly approved by the then controlling tribunal in 2016, with notice to all the parties.

Attached are:

1. Third **Order** Relieving Attorney for Mr. Jesus Martinez, dated 12.14.15
 - a. Certificate of Service, date 12.22.15
 - i. Copy of the envelope and Certified Mail Receipt (not the Green Card)



2. Third **Motion** to be Relieved as Attorney for Mr. Jesus Martinez, dated 12.7.15
 - a. Certificate of Mailing, dated 12.7.15
 - b. (The **proposed** order is NOT included here.)

By happenstance, the final WC Order in this case was issued March of 2016 but still noted me as Mr. Martinez September 2015 trial counsel. However, I had been formally relieved as attorney of record long before that, in December of 2015. If this meets with the Court of Appeals' approval, please delete me as the Attorney of Record for Mr. Martinez in accordance with the lower tribunal's previous 2015 order.

Sincerely,

H. Jeff McLeod
Attorney at Law

cc:

Mr. Jesus Martinez
3736 Todd Quarter Road
Waterloo, SC 29384-3714

Mr. Jared M. Pretulak
Atty for CCS Masonry & St. National
Gallivan, White and Boyd, PA
55 Beattie Place, Suite 1200
PO Box 10589
Greenville, SC 29603

Ms. Lisa C. Glover, Esq
SC Uninsured Employers' Fund
Re: WC#1205080; SAF 2012-4553
Martinez v CCS
PO Box 210039
Columbia, SC 29221-0039

Ms. Helen F. Hiser
Atty for Landmark & Amerisure
McAngus, Goudelock & Courie, LLC
PO Box 650007
Mt. Pleasant, SC 29465

STATE OF SOUTH CAROLINA,
COUNTY OF ANDERSON

Jesus Martinez,
Claimant,

vs.

CCS Masonry LLC,
Employer
State National Insurance Company,
(CCS' Carrier,
Uninsured Employer Fund,
(CCS' Potential) Carrier,
Landmark Builders of South Carolina,
Employer, and
Amerisure Insurance Company,
(Landmark's) Carrier,

Defendants.

IN THE SOUTH CAROLINA
WORKERS' COMPENSATION
COMMISSION

THIRD ORDER RELIEVING ATTORNEY
FOR
Mr. Jesus Martinez

SCWCC File No.: 1205080

This matter came before me, pursuant to a Motion by H. Jeff McLeod, for an Order relieving him as Attorney of record for Mr. Jesus Martinez.

Based on the motion and for good cause shown, it is ORDERED, ADJUDGED AND DECREED:

- A. Motion of counsel for Claimant Jesus Martinez to be released or relieved as the attorney of record is hereby granted;
- B. This Order shall be mailed by Certified Mail to Plaintiff Martinez at his last known address; and
- C. Claimant Martinez shall have an affirmative obligation to notify the Defendants' attorneys of his current mailing and residence address.

IT IS SO ORDERED.


Commissioner, South Carolina
Workers' Compensation Commission

Anderson, SC

Dated: 12-14-15

CERTIFICATE OF SERVICE

This is to certify that the undersigned has on this date served a copy of this order in the above entitled action upon all parties to this case by sending an electronic copy hereof by electronic mail addressed to the attorneys for said parties; or if there is an unrepresented party(ies), by depositing a copy hereof, postage paid in the United States mail, first class, addressed to the unrepresented party(ies) and to the attorney(s) for the represented party(ies).

By Kristl Love on December 15, 2015

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Jm
Jmc
km
JP
KC

STATE OF SOUTH CAROLINA
COUNTY OF HORRY

JESUS MARTINEZ,
CLAIMANT,

vs.

CCS MASONRY, LLC,
EMPLOYER,
State National Ins. Co
INSURER,

AND
Landmark Builders of SC, LLC,
EMPLOYER,
Amerisure Mutual Ins. Co.
INSURER.

BEFORE THE SOUTH CAROLINA
WORKER'S COMPENSATION
COMMISSION

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CERTIFICATE OF SERVICE of Appeals

WCC NO. 1205080

H. Jeff McLeod, hereby certifies and says that on December 22, 2015 he mailed a copy of the Third Order Relieving Attorney for Mr. Jesus Martinez affixing thereto postage for Certified Mail, Return Receipt Requested, as well as by First Class mail, and depositing in the United States Mail at Anderson, South Carolina, addressed to:

Mr. Jesus Martinez
3736 Todd Quarter Road
Waterloo, SC 29384-3714

Mr. Jesus Martinez
3736 Todd Quarter Road
Waterloo, SC 29384-3714

Return Receipt Requested

At the same time and in a similar manner (first class mail only), the original Certificate of Service was mailed to:

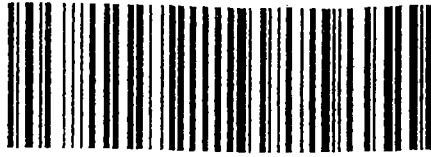
SC Worker Compensation Commission
Judicial Department
P.O. Box 1715
Columbia, SC 29202-1715

H. Jeff McLeod, Attorney for Claimant
212 East Shockley Ferry Road
Anderson, S.C. 29624

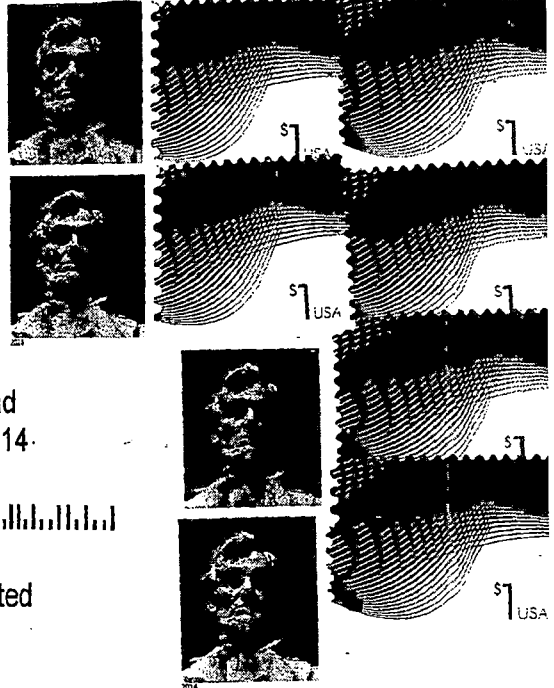
004

H. Jeff McLeod, Attorney at La
 212 E. Shockley Ferry Road
 Anderson, SC 29624

CERTIFIED MAIL™



7003 3110 0002 5503 1463



Mr. Jesus Martinez
 3736 Todd Quarter Road
 Waterloo, SC 29384-3714



Return Receipt Requested

7003 3110 0002 5503 1463

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®

OFFICIAL USE

| | |
|---|---------|
| Postage | \$ 0.49 |
| Certified Fee | 3.45 |
| Return Receipt Fee (Endorsement Required) | 2.80 |
| Restricted Delivery Fee (Endorsement Required) | |
| Total Postage & Fees | \$ 6.74 |

Postmark
Here

Sent To: Jesus Martinez
 Street, Apt. No.,
 or PO Box No. 3736 Todd Quarter Rd
 City, State, ZIP+4 Waterloo SC 29384-3714

PS Form 3800, June 2002

See Reverse for Instructions

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STATE OF SOUTH CAROLINA

COUNTY OF ANDERSON

BEFORE THE SOUTH CAROLINA
WORKER'S COMPENSATION
COMMISSION

Jesus Martinez,
CLAIMANT,

vs.

CCS Masonry LLC,
Employer,
State National Insurance Company,
(CCS') Carrier,
Uninsured Employer Fund,
(CCS' Potential) Carrier,
Landmark Builders of South Carolina,
Employer, and
Amerisure Insurance Company,
(Landmark's) Carrier,
Defendants.

CERTIFICATE OF MAILING

WCC NO: 1205080

H. Jeff McLeod hereby certifies and says that on December 7, 2015 he mailed a copy of the THIRD MOTION TO BE RELIEVED AS ATTORNEY FOR MR. JESUS MARTINEZ and the Proposed THIRD ORDER RELIEVING ATTORNEY FOR MR. JESUS MARTINEZ, by affixing thereto postage for first class mail and depositing in the United States Mail at Anderson, South Carolina, addressed to:

SC Workers' Compensation Commission
Judicial Department
P. O. Box 1715
Columbia, SC 29202-1715

Mr. Jared M. Pretulak
Atty for CCS Masonry & St. National
Gallivan, White and Boyd, PA
55 Beattie Place, Suite 1200
PO Box 10589
Greenville, SC 29603

Ms. Kelly F. Morrow
Atty for Landmark & Amerisure
McAngus, Goudelock & Courie, LLC
PO Box 12519
Columbia, SC 29211

Ms. Ellen H. Goodwin, Esq.
SC Uninsured Employers' Fund
Re: WC#1205080; SAF 2012-4553
Martinez v CCS
PO Box 210039
Columbia, SC 29221-0039

Mr. J. Kevin Couch
Atty for Uninsured Employers' Fund
Wilson Jones Carter & Baxley, PA
872 S. Pleasantburg Drive
Greenville, SC 29607

Mr. Jesus Martinez
3736 Todd Quarter Road
Waterloo, SC 29384-3714

H. Jeff McLeod
Attorney for Claimant
212 E. Shockley Ferry Road
Anderson, SC 29624
(864) 226-3330

006

STATE OF SOUTH CAROLINA
COUNTY OF ANDERSON

IN THE SOUTH CAROLINA
WORKERS' COMPENSATION
COMMISSION

Jesus Martinez,
Claimant,

vs.

CCS Masonry LLC,
Employer
State National Insurance Company,
(CCS') Carrier,
Uninsured Employers' Fund,
(CCS' Potential) Carrier,
Landmark Builders of South Carolina,
Employer, and
Amerisure Insurance Company,
(Landmark's) Carrier,

Defendants.

THIRD MOTION TO BE RELIEVED AS
ATTORNEY FOR
Mr. Jesus Martinez

SCWCC File No.: 1205080

H. Jeff McLeod moves to be relieved as Mr. Jesus Martinez' attorney for good cause, considering the extensive efforts expended and the poor results obtained.

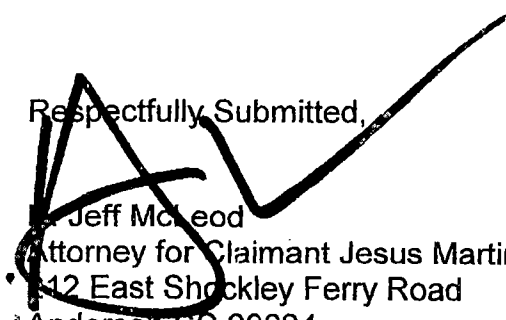
Regulation 67-1203(B) provides that "an attorney may withdraw as counsel on the showing of good cause." Further, the Rules for Professional Conduct, Rule 1.16(b)(7), indicates that an attorney may withdraw from representation for a multitude of reasons, including the financial burden, as well as "other good cause".

This motion is based on the fact that after lengthy negotiations (particularly, with the Claimant), extensive discovery covering literally thousands of pages, the treating surgeon's opinion of causation and a full hearing, this attorney was unable to obtain recognition that the claim was compensability. This attorney has expended his best efforts and some \$2,300 in costs, which have been unavailing; this attorney is exhausted. It is time for a change and the Claimant may have more success with another attorney.

WHEREFORE, the movant requests an order:

- A. Relieving H. Jeff McLeod as Mr Jesus Martinez' attorney of record;
- B. And for such other and further relief as the Commission deems just.

Respectfully Submitted,


Jeff McLeod
Attorney for Claimant Jesus Martinez
12 East Shockley Ferry Road
Anderson SC 29624
864.226.3330

Anderson, SC
Dated: December 7, 2015

H. Jeff McLeod, Attorney at Law
212 E. Shockley Ferry Road
Anderson, SC 29624

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Hon. Jenny Abbott Kitchings
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