

**McDANIEL LAW FIRM**  
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Proudly representing injured workers  
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July 7, 2016

VIA EMAIL - [sdebruhl@wcc.sc.gov](mailto:sdebruhl@wcc.sc.gov)

Chairman T. Scott Beck  
SC Workers Compensation Commission  
1333 Main Street  
Columbia, South Carolina 29202

**IMMEDIATE ATTENTION**  
**REQUESTED DUE TO**  
**THE EMERGENT**  
**SITUATION**

**RE: Clarence B. Winfrey v. Archway Service, Inc.**  
**WCC File No. 1306305**

Dear Chairman Beck:

I am writing this to you in your capacity as Chairman of the Commission and as a Commissioner. Attached is an Order from Judge Thomas directing me to seek relief from the, "Appellant Panel" with the Commission, wherein I was seeking a protective order as to a deposition set for this coming Monday, July 11<sup>th</sup>. As you and I both know there is no such standing entity at the Commission known as the, "Appellate Panel". The Appellant Panels are two (2) panels of three (3) Commissioners with each panel's membership being assigned each month and who hear Request for Review by the Full Commission from a Hearing Commissioner's decision and who meet once a month for approximately 2-3 days one week, currently the 3<sup>rd</sup> week of each month.

Since there is no such standing entity as an "Appellant Panel" and since Motions are handled by individual Commissioner, I will be glad to file a Motion this afternoon if the Commission will entertain Motion and either require immediate response or will issue a preliminary protective Order canceling the deposition until proper notice and response time is available.

The facts are basically these, on Friday, July 1<sup>st</sup> we received an email from the scheduling nurse at MUSC wanting to know whether or not they could schedule surgery in light of the deposition that was set for July 11<sup>th</sup> with the doctor. I immediately notified Brett Bayne that I knew nothing about the deposition that I had not been served with notice and that I had protection for that week from the Commission and would to be out of the country on vacation.

That afternoon at 4:00 pm a Notice of Deposition was served on me and I was notified that the deposition was going forward.

On Tuesday, the first business day after the 4<sup>th</sup> of July holiday, I filed with the Court of Appeals. On the next day Judge Thomas issued her Order.

Commissioner T. Scott Beck

July 7, 2016

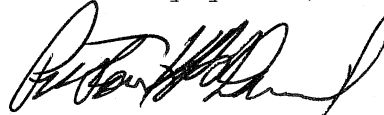
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Simultaneously, I am filing a petition in the Supreme Court, because quite frankly knowing that no such entity as the Appellant Panel exist on a standing basis I did not know what else to do. I will follow your direction, but I believe it would be appropriate pursuant to Rule 215, for an individual Commissioner to hear this Motion. I will be glad to put this Motion in the proper format, and of course pay the \$25.00 Motion fee.

By copy of this letter I am notifying both Judge Thomas and Mr. Bayne of this communication and my attempt to try to comply with the Order; which as written affords me no relief.

As always, I appreciate all the courtesies and kindnesses shown to me by the Commission. I will be available by telephone conference until close of business Friday the 8<sup>th</sup> and by cell phone until 11:35 AM Sunday, July 10<sup>th</sup>.

Sincerely yours,



Preston F. McDaniel

PFM/rmt

cc: Honorable Paula H. Thomas (via email: [pthomas@sccourts.org](mailto:pthomas@sccourts.org))  
Brett Bayne, Esquire (Via Email: [brett.bayne@mgclaw.com](mailto:brett.bayne@mgclaw.com))

# The South Carolina 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.

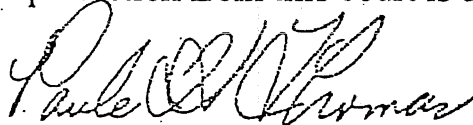
Appellate Case No. 2014-001788

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## ORDER

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Respondent has filed an emergency motion for an order of protection, seeking this court to postpone a deposition set for July 11, 2016. As this court has previously noted, the Appellate Panel has retained jurisdiction over motions relating to this type discovery and depositions. Because this motion is more appropriate for the Appellate Panel, the motion for an order of protection from this court is denied.



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FOR THE COURT

Columbia, South Carolina

**FILED**

July 6, 2016

cc:

Brett Harris Bayne, Esquire  
Preston F. McDaniel, Esquire  
Amy Bracy

