

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

RECEIVED  
OCT 10 2016  
SC Court of Appeals

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas  
DeAndrea G. Benjamin, Circuit Court Judge

Appellate Case No.: 2016-000788

Clarence B. Winfrey, Jr., .....Appellant,

v.

American Fire & Casualty Company c/o  
Liberty Mutual Group.....Respondent,

and

State of South Carolina.....Respondent.

MOTION AND PARTIES' CONSENT AGREEMENT  
FOR A STAY AND/OR AN EXTENSION OF TIME  
FOR FILING APPELLANT'S INITIAL BRIEF  
AND DESIGNATION OF MATTER

That the parties to the above-referenced Appeal have entered into an agreement as set forth hereinafter and hereby move for an Order of the Court granting a Stay of the Appeal or granting an extension of time for filing the Appellants Initial Brief and Designation of Matter until at least December 10, 2016. The basis for the Motion and Consent Agreement are set forth hereinafter:

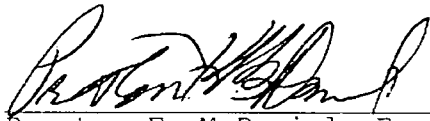
1. That the parties to the Appeals from the decisions of the South Carolina Workers' Compensation Commission, that being the Employer and Insurance Carrier and the Claimant in the matter of Clarence Winfrey v. Archway Services, Inc.; Appellate Case Nos.: 2014-001815; 2014-001816; and 2014-001788, have already requested that oral argument in those three (3) appellate cases set for October 4, 2016 be continued and reset at a later date to allow the parties to conduct informal discussions and formal discussions in October and a Mediation on November 4<sup>th</sup> in an effort to resolve through global settlement all of the issues involved. In that request, this appeal was referred to but was not specifically listed.

2. That as a result of that request, the oral argument of those appeals set for October 4, 2016 was continued by this Court and is reset for argument during the Term of Court in December on either December 6, 2016 or December 7, 2016.

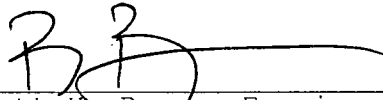
3. That the basis for this request is the same as the original request filed by the parties to the workers' compensation claim appeals which resulted in the appellate arguments being moved over to December, which is that the parties are entering into informal and formal meetings set in October and are conducting a third-party Mediation set for November 4<sup>th</sup> with the intent of trying to reach a global settlement of all issues relative to all appeals in this matter.

4. That as a result of these efforts during the months of October and November, the parties mutually request and move the Court for an Order either: Staying the appeal and the requirement of the filing of the Appellants Initial Brief and Designation of Matter; or granting an extension of time for the filing of the Appellant's Brief and Designation of Matter at least until December 10, 2016; or providing that the Briefing Schedule be reset to start on December 10, 2016.

WE HEREBY MUTUALLY CONSENT, AGREE, AND SO MOVE:



Preston F. McDaniel, Esquire  
SC Bar #: 3770  
MCDANIEL LAW FIRM  
1315 Elmwood Avenue  
Columbia, South Carolina 29201  
(803) 771-7211  
**Attorney for Appellant**



Brett H. Bayne, Esquire  
SC Bar #: 102018  
MCANGUS GOUDELOCK & COURIE  
1320 Main Street, 10<sup>th</sup> Floor  
Columbia, South Carolina 29201  
(803) 779-2300  
**Attorney for Respondent**  
**American Fire & Casualty Ins. Co.**



T. Parkin Hunter, Esquire  
SC Bar #: 2827  
Senior Assistant Attorney General  
Office of SC Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211  
(803) 734-3680  
**Attorney for Respondent**  
**State of South Carolina**

September 30, 2016

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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OCT 10 2016

SC Court of Appeals

APPEAL FROM RICHLAND COUNTY  
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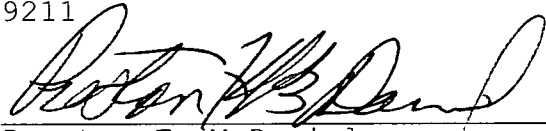
PROOF OF SERVICE

I certify that I have served the **MOTION AND PARTIES' CONSENT AGREEMENT FOR A STAY AND/OR AN EXTENSION OF TIME FOR FILING APPELLANT'S INITIAL BRIEF AND DESIGNATION OF MATTER** by depositing a copy of it in the United States Mail, postage prepaid, on October 5, 2016 addressed to:

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

T. Parkin C. Hunter  
Senior Assistant Attorney General  
Post Office Box 11549  
Columbia, SC 29211

Dated: October 5, 2016



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

**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

Telephone (803) 771-7211

Matthew Robertson

Facsimile (803) 252-0709

October 5, 2016

V. Claire Allen, Deputy Clerk  
SC Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

**RECEIVED**

OCT 10 2016

SC Court of Appeals

RE: MOTION/CONSENT AGREEMENT TO STAY OF APPEAL AND/OR  
EXTENSION TO FILE APPELLANT'S BRIEF AND DESIGNATION  
OF MATTER

**Clarence Winfrey v. American Fire & Casualty  
Insurance Company c/o Liberty Mutual Group and State of  
South Carolina Appellate Case Nos.: 2016-000788**

Dear Ms. Allen:

Please find attached a Mutual Consent Agreement/Motion requesting that the Court either grant a Stay of the above-referenced appeal or grant an extension of time for filing the Appellant's Initial Brief and Designation of Matter.

Please let me explain this request because the request while simple could be very confusing. There are three (3) other appeals pending before the Court involving this same case. Mr. Bayne and I made a previous request in reference to those three appeals of the underlying workers' compensation claim, which the Court granted and continued oral argument on those appeals that had been set for October 4<sup>th</sup> over to the December 6<sup>th</sup> term.

The basis for our mutual request in this appeal, as you will see, is the same as it was for cancelling and moving the oral arguments over in those appeals. Again, the basis is that we are having informal and formal discussions set in October and we have a third-party mediation on November 4<sup>th</sup>, all of which may lead to a global settlement of all the issues concerning all of these appeals that are pending before the Court.

I couched the Motion and Agreement in this request in terms of either a stay and/or an extension of time to file. If the Court is so kind as to grant this request, we would request that either the Court stay this matter and reset the Briefing Schedule beginning on December 10<sup>th</sup> or that the Court grant an extension of time for the filing of the Appellant's Initial Brief and the Designation of Matter to at least December 10<sup>th</sup>. Of course, we would welcome and seek the Court's guidance and

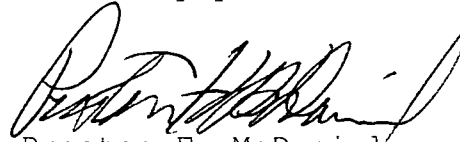
V. Claire Allen, Deputy Clerk  
October 5, 2016  
Page 2 of 2

direction as to any Order that the Court feels is appropriate which would move all of the processings of this appeal past the months of October and November when we will try to reach a global settlement of all these matters.

By copy of this letter, I am notifying and confirming our agreement and the filing of this Motion/Consent Agreement with the Court with Mr. Bayne, representing the employer and the insurance carrier and Mr. Hunter, representing the State of South Carolina. Also enclosed is the required \$25.00 filing fee for the filing of this Motion.

As always, I appreciate all the courtesies and kindnesses shown to me and my clients by the Court, in this and all matters. Should the Court need any further clarification or have any questions, please feel free to contact me at your convenience.

Sincerely yours,



Preston F. McDaniel

PFM/kth/abh  
Enclosures

cc: Brett H. Bayne, Esquire (via email and US Mail [brett.bayne@mgclaw.com](mailto:brett.bayne@mgclaw.com))  
T. Parkin Hunter, Esquire via email and US Mail: [phunter@scaq.gov](mailto:phunter@scaq.gov))