

**Carter, Elizabeth A.**

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**From:** Kitchings, Jenny  
**Sent:** Wednesday, November 16, 2016 4:52 PM  
**To:** Carter, Elizabeth A.  
**Subject:** Fwd: URGENT - Winfrey v. Archway Services; Appellate Case No. 2014-001788  
**Attachments:** SCAN16111616430.pdf; ATT00001.htm

Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals

Begin forwarded message:

**From:** "Kim Hinkle" <[kim@pfmcdlaw.com](mailto:kim@pfmcdlaw.com)>  
**Date:** November 16, 2016 at 4:46:51 PM EST  
**To:** "Hon. Jenny Abbott Kitchings" <[jkitchings@sccourts.org](mailto:jkitchings@sccourts.org)>  
**Cc:** "Elaine Boyd" <[eboyd@wcc.sc.gov](mailto:eboyd@wcc.sc.gov)>, "Brett H. Bayne" <[brett.bayne@mgclaw.com](mailto:brett.bayne@mgclaw.com)>  
**Subject:** URGENT - Winfrey v. Archway Services; Appellate Case No. 2014-001788

The attached is being sent to you at the request of Preston F. McDaniel, Esquire.

Kimberley T. Hinkle, Senior Paralegal  
to Preston F. McDaniel, Esquire  
McDaniel Law Firm  
1315 Elmwood Avenue  
Columbia, SC 29201  
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Proudly representing injured workers  
for over 30 years

Preston F. McDaniel

Telephone (803) 771-7211

Matthew Robertson

Facsimile (803) 252-0709

November 16, 2016

**EMERGENCY~~IMMEDIATE**  
**REPLY REQUESTED~~**

VIA EMAIL - [jkitchings@sccourts.org](mailto:jkitchings@sccourts.org)

VIA FACSIMILE - 734-1839

AND VIA HAND DELIVERY

Chief Judge James E. Lockemy  
or Assigned Judge to Writs of Mandamus  
and Prohibition  
c/o Jenny Abbott Kitchings  
SC COURT OF APPEALS  
1220 Senate Street  
Columbia, South Carolina 29211

**RE: Clarence Winfrey v. Archway Services, Inc.**  
**Appellate Case No: 2014-001788**

**Petition for Writs of Mandamus and Prohibition and**  
**Ex Parte Emergency Order**

Dear Chief Judge Lockemy or Assigned Judge:

I just got off a telephone conference with Commissioner Wilkerson and Defense Counsel, Mr. Brett Bayne. Prior to the filing in the Supreme Court on Tuesday of the Writs of Mandamus and Prohibition and the Ex Parte Order, on Monday I had filed a Motion for Emergency Relief and to hear a Motion for Reconsideration to the Administrative Form Order that had been issued by Commissioner Wilkerson. Commissioner Wilkerson is willing to move forward Friday on that request but has been advised by their Legal Department that he cannot move forward on my Motion for Reconsideration without me withdrawing the Petition for the Writs and the request under that Petition for a Motion staying enforcement of his Order. I advised him that I believed that to be incorrect that he can take action that would prevent the necessity of the Writs and Defense Counsel advised that he thought that legal was correct.

He is willing to hold a hearing Friday morning which may resolve all of these issues including the Ex Parte Order request but we need to know from the Court whether or not in the Court's Opinion he can move forward with a hearing without the withdrawal and/or in spite of the Petition for the Writs of Mandamus and

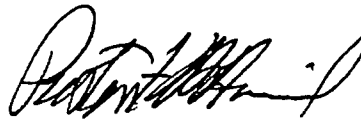
Chief Judge James E. Lockemy  
November 16, 2016  
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Prohibition and Ex Parte Order request; or if the Court can stay further action on the Petition until after a hearing is held, or fashion other special relief in this unusual situation. If the Court directs that I have to withdraw the Petition, then I will make that decision after I hear back from the Court but I am in hopes that the Court can fashion a remedy and direction to the Commission which will allow Commissioner Wilkerson to move forward but at the same time, protecting my client's right to move forward on the Petition and request for an Ex Parte Order.

By copy of this email, I am forwarding a copy per my discussion with Commissioner Wilkerson and Mr. Bayne, representing the Defendants, to them.

I await the Court's direction and I stand ready to appear before the Court upon notice today or tomorrow.

Respectfully submitted,



Preston F. McDaniel

PFM/kth

cc: Commissioner Avery Wilkerson (Via Email Only - [aboyd@sc.wcc.gov](mailto:aboyd@sc.wcc.gov))  
Brett H. Bayne, Esquire (Via Email Only - [brett.bayne@agclaw.com](mailto:brett.bayne@agclaw.com))

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM SOUTH CAROLINA  
WORKERS' COMPENSATION COMMISSION

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Appellate Case No. 2014-001788

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Clarence Winfrey, Employee, ..... Respondent/Movant,

v.

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

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PROOF OF SERVICE

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I certify that I have served the **LETTER TO CHIEF JUDGE JAMES  
E. LOCKEMY DATED NOVEMBER 16, 2015** on November 16, 2016 addressed  
as follows:

**VIA EMAIL - jkitchings@sccourts.org**

**VIA FACSIMILE - 734-1839**

**AND VIA HAND DELIVERY**

Chief Judge James E. Lockemy  
or Assigned Judge to Writs of Mandamus  
and Prohibition

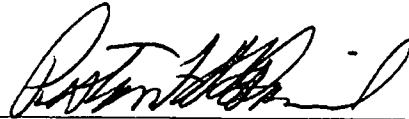
c/o Jenny Abbott Kitchings  
SC COURT OF APPEALS  
1220 Senate Street  
Columbia, South Carolina 29211

**VIA EMAIL ONLY - eboyd@wcc.sc.gov**

Commissioner Avery Wilkerson  
SC Workers' Compensation Commission  
PO Box 1715  
Columbia, SC 29202

VIA EMAIL ONLY - [brett.bayne@mgclaw.com](mailto:brett.bayne@mgclaw.com)  
Brett H. Bayne, Esquire  
McAngus, Goudelock & Courie  
Post Office Box 12519  
Columbia, SC 29211

Dated: November 16, 2016



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Attorney for Respondent/Movant