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SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM GREENWOOD COUNTY  
Court of Common Pleas

Appellate Case No. 2016-002397

Lucille Tate, Employee, Claimant, Appellant

v.

Capsugel Holdings, US, Inc. Employer

and

Travelers Indemnity Company Carrier, Respondents.

MOTION TO WITHDRAW

COMES NOW Leland M. Malchow, attorney for the Claimant, and moves this Court for an Order granting his withdrawal in the above-styled case. Movant believes there is good cause to support his withdrawal from representation based upon the following:

1.

Claimant was notified in writing that Movant was withdrawing from her workers' compensation claims on November 1, 2016, and November 8, 2016, copies of which are attached hereto as Exhibit "A", and Exhibit "B". Furthermore, Movant has spoken to Claimant, and she has no objection to Movant's withdrawal in her workers' compensation claims.

2,

Movant has filed a Motion to Withdraw with the South Carolina Workers' Compensation Commission in the following claims: WCC FILE NO. 1119362, 1416152, & 1422948. See attached Exhibit "C".

WHEREFORE, Movant prays that this Court allows him to withdraw from representation of the Claimant.

Respectfully submitted.



---

LELAND M. MALCHOW  
SC Bar No. #064830  
Nimmons & Malchow  
460 Greene Street  
Augusta, Georgia 30901  
(706) 724-8890

December <sup>7</sup> 8, 2016  
Augusta, Georgia

Exhibit "A"  
NIMMONS & MALCHOW, P.C.  
ATTORNEYS AT LAW  
—  
460 GREENE STREET  
AUGUSTA, GEORGIA 30901-1322

KEN M. NIMMONS  
LELAND M. MALCHOW (S.C. ALSO)  
CHRISTOPHER C. JOHNSON (S.C. ALSO)  
lmalchow@nimmonsandmalchow.com

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TOLL FREE (877) 724-8907

P.O. BOX 460  
AUGUSTA, GEORGIA 30903

November 1, 2016

**VIA CERTIFIED MAIL #70142870000053438567**

Ms. Lucille Tate  
9944 Ekom Beach Road  
Ware Shoals, SC 29692

RE: Lucille Tate v. Pfizer, Inc.  
WCC File#1119362, 1416152, & 1422948

Dear Lucille:

Enclosed please find your copy of the appeal I have filed in regard to your back injury claim. Please note, I will not be doing anything further on your back injury claim other than filing the appeal.

I will not appeal the decision regarding your shoulder injury, and you will need to file said appeal yourself or obtain another attorney to do so.

I am enclosing your copy of the Motion to Withdraw and Order I am submitting to the Judge for signature.

I wish you good luck.

With kind regards, I am

Very truly yours,

  
Leland M. Malchow  
NIMMONS & MALCHOW

LMM/mc  
Enclosures

Exhibit "B"

NIMMONS & MALCHOW, P.C.

ATTORNEYS AT LAW

460 GREENE STREET  
AUGUSTA, GEORGIA 30901-1322

KEN M. NIMMONS  
LELAND M. MALCHOW (S.C. ALSO)  
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P.O. Box 460  
AUGUSTA, GEORGIA 30903

November 8, 2016

Ms. Lucille Tate  
9944 Ekom Beach Road  
Ware Shoals, SC 29692

RE: Lucille Tate v. Capsugel  
WCC File#1416152 & 1422948

Dear Lucille:

Enclosed please find your copy of the Decision and Order in the above-referenced matter.

As you will recall, we agreed that I would not appeal this Decision and Order. Should you wish to appeal you have 14 days from the date of the Order (November 22, 2016) to do so.

Please do not hesitate to contact me with any questions.

With kind regards, I am

Very truly yours,

  
Leland M. Malchow  
NIMMONS & MALCHOW

LMM/mc  
Enclosure

Exhibit "C"

STATE OF SOUTH CAROLINA  
BEFORE THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION  
WCC FILE NO. 1119362, 1416152, & 1422948

Lucille Tate,	)	
	)	
Claimant/Employee,	)	
	)	
vs.	)	
	)	<b>MOTION TO WITHDRAW</b>
Pfizer, Inc.,	)	<b>AS COUNSEL</b>
	)	
Employer,	)	
	)	
Insurance Company State of	)	
Pennsylvania, c/o Sedgwick Claims	)	
Management Services, Inc.,	)	
	)	
Carrier.	)	

COMES NOW Leland M. Malchow, attorney for the Claimant, and moves this Court for an Order granting his withdrawal in the above-styled case. Movant believes there is good cause to support his withdrawal from representation based upon the following:

1.

Claimant Lucille Tate's claim in WCC File No. 1119362 came before the Honorable Melody L. James on August 1, 2016 for hearing. A Decision and Order was entered in this matter on October 21, 2016.

2.

Movant has filed a Form 30/Request for Commission Review, and Application For Review And Exceptions on behalf of the Claimant in WCC File No. 1119362.

3.

Movant has spoken to Claimant, and she has no objection to Movant's withdrawal in WCC FILE NO. 1119362, 1416152, & 1422948.

4.


Claimant was awarded a six (6%) percent permanent partial disability to her back in the amount of \$12,335.76 in WCC File No. 1119362. The Movant wishes to file a lien in WCC File No. 1119362 for 1/3 (or \$4,111.92) of the six (6%) percent permanent partial disability rating..

5.

Movant also wishes to file a lien in claim WCC File No. 1119362 for the amount of \$1,867.00 for attorneys costs.

WHEREFORE, Movant prays that this Court allow him to withdraw from representation of the Claimant.

Respectfully submitted.

  
LELAND M. MALCHOW  
Attorney for Claimant  
Nimmons & Malchow  
460 Greene Street  
Augusta, Georgia 30901  
(706) 724-8890

November 1, 2016  
Augusta, Georgia

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Motion to Withdraw As Counsel and Order has been served upon the following by depositing same in the United States Mail with sufficient postage attached thereto to ensure delivery, addressed as follows:

Stephanie L. Pugh, Esq.  
McAngus, Goudelock, & Courie, LLC  
Attorneys at Law  
55 E. Camperdown Way  
Suite 300  
P.O. Box 2980  
Greenville, SC 29602

Franklin D. Guerrero  
Willson, Jones, Carter & Baxley, P.A.  
Attorneys at Law  
872 S. Pleasantburg Drive  
Greenville, SC 29607


Ms. Lucille Tate  
9944 Ekom Beach Road  
Ware Shoals, SC 29692

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DEC 12 2016

SC Court of Appeals

This 1<sup>st</sup>, day of November, 2016.

  
LELAND M. MALCHOW  
SC Bar No. #064830

STATE OF SOUTH CAROLINA  
BEFORE THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION  
WCC FILE NO. 1119362, 1416152, & 1422948

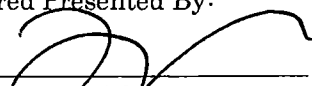
Lucille Tate,	)	
	)	
Claimant/Employee,	)	
	)	
vs.	)	
	)	<b>ORDER</b>
Pfizer, Inc.,	)	
	)	
Employer,	)	
	)	
Insurance Company State of	)	
Pennsylvania, c/o Sedgwick Claims	)	
Management Services, Inc.,	)	
	)	
Carrier.	)	

Counsel for Claimant having moved this Court for an Order granting his motion to withdraw, and to file a lien in WCC File No. 1119362 in the amount of \$4,111.92, and \$1,867.66 in attorneys costs, it is hereby Ordered, Adjudged, and Decreed that Leland M. Malchow be allowed to withdraw from representation of the Claimant, and said lien is hereby approved.

So Ordered, this \_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Commissioner Melody L. James

Ordered Presented By:

  
\_\_\_\_\_  
Leland M. Malchow  
Attorney for Claimant  
460 Greene Street  
Augusta, Georgia 30901  
(706) 724-8890

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM GREENWOOD COUNTY  
Court of Common Pleas

Appellate Case No. 2016-002397

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Lucille Tate,

Employee, Claimant, Appellant

v.

Capsugel Holdings, US, Inc.

Employer

and

Travelers Indemnity Company

Carrier, Respondents.

PROOF OF SERVICE

I certify that I have served the Motion To Withdraw, and Order of Withdrawal on Stephanie L. Pugh, Esq., Franklin D. Guerrero, Esq., and Ms. Lucille Tate by depositing a copy of it in the United States Mail, postage prepaid, on December 8, 2016, addressed to the following:

Stephanie L. Pugh, Esq.  
McAngus, Goudelock, & Courie, LLC  
Attorneys at Law  
55 E. Camperdown Way  
Suite 300  
P.O. Box 2980  
Greenville, SC 29602

Franklin D. Guerrero, Esq.  
Willson, Jones, Carter & Baxley, P.A.  
Attorneys at Law  
872 S. Pleasantburg Drive  
Greenville, SC 29607

Ms. Lucille Tate  
9944 Ekom Beach Road  
Ware Shoals, SC 29692



---

LELAND M. MALCHOW  
SC Bar No. #064830  
Nimmons & Malchow  
460 Greene Street  
Augusta, Georgia 30901  
(706) 724-8890

December <sup>7</sup> 8, 2016  
Augusta, Georgia

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM GREENWOOD COUNTY  
Court of Common Pleas

Appellate Case No. 2016-002397

Lucille Tate, Employee, Claimant, Appellant

v.

Capsugel Holdings, US, Inc. Employer

and

Travelers Indemnity Company Carrier, Respondents.

ORDER OF WITHDRAWAL

Counsel for Claimant having moved this Court for an Order granting his motion to withdraw in the above matter, it is hereby Ordered, Adjudged, and Decreed that Leland M. Malchow be allowed to withdraw from representation of the Claimant.

So Ordered, this \_\_\_ day of \_\_\_\_\_, 2016.

---

JUDGE, SOUTH CAROLINA COURT OF APPEALS

NIMMONS & MALCHOW, P.C.

ATTORNEYS AT LAW

460 GREENE STREET  
AUGUSTA, GEORGIA 30901-1322

KEN M. NIMMONS  
LELAND M. MALCHOW (S.C. ALSO)  
CHRISTOPHER C. JOHNSON (S.C. ALSO)

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EMAIL lmalchow@nimmonsandmalchow.com

P. O. BOX 460  
AUGUSTA, GEORGIA 30903

December 7<sup>th</sup>, 2016

VIA CERTIFIED MAIL #70160910000081616839

Ms. V. Claire Allen  
Deputy Clerk  
The South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

RECEIVED

DEC 12 2016  
SC Court of Appeals

Re: Lucille Tate v. Capsugel Holdings  
Appellate Case No. 2016-002397

Dear Ms. Allen:

Please find enclosed the following:

1. One (1) original and one (1) copy of our Motion to Withdraw as Counsel in the above-referenced case;
2. One (1) original and one (1) Proposed Order;
3. Check made payable to South Carolina Court of Appeals in the amount of \$25.00; and
4. Two self-addressed envelopes.

We would appreciate you returning a clocked-in copy of our Motion to us in one of the self-addressed envelopes. If our Motion meets with approval, we would appreciate the Judge signing the enclosed Order, and then returning a copy to us in the self-addressed envelope.

Please let me know if you have any questions or concerns.

With kind regards, I am

Very truly yours,

A handwritten signature in black ink, appearing to be 'L. Malchow', written in a cursive style.

Leland M. Malchow  
Nimmons & Malchow, PC

LMM/mc  
Enclosures

cc: Stephanie L. Pugh, Esq.  
Franklin Guerro, Esq.  
Lucille Tate

Nimmons & Malchow, PC  
460 Greene Street  
Augusta, Georgia 30901



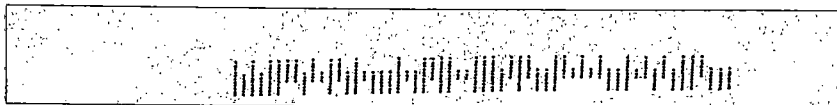
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SC Court of Appeals



Ms. V. Claire Allen  
Deputy Clerk  
The South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

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