

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

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MAR 27 2017
SC Court of Appeals

Appeal From The South Carolina
Workers' Compensation Commission

Avery B. Wilkerson, Jr., Commissioner
T. Scott Beck, Commissioner
Aisha Taylor, Commissioner

WCC File No. 1104105
Appellate Case No. 2016-000597

Kelly McPherson,

Claimant/Appellant,

v.

Charleston County School District,

Employer/Carrier/Respondent,

CONSENT MOTION FOR LIMITED REMAND

YOUNG CLEMENT RIVERS LLP

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*Attorneys for the Respondent Charleston County
School District*

COME NOW Employer/Carrier/Respondent Charleston County School District (“School District”), by and through its undersigned counsel, joined by and with the consent of Claimant/Appellant Kelly McPherson (“McPherson”), by and through her undersigned counsel, and on the grounds stated below, hereby move this Honorable Court for a limited remand of this case to the South Carolina Workers’ Compensation Commission (“Commission”) for consideration and approval of a certain settlement agreement, which, if approved, will render this appeal moot.

1. The case arises out of a compensable injury by accident on February 3, 2011. McPherson filed a Form 50 with the Commission for this injury on April 19, 2011.

2. McPherson appealed the Commission’s February 23, 2016 Decision and Order on March 18, 2016.

3. On December 7, 2016, McPherson filed a Form 50 for a change of condition with the Commission.

4. McPherson and the School District have settled the claims related to the December 2016 change of condition and the claims which are currently on appeal, as a result of the February 2011 claim. This settlement (“Agreement and Final Release (clincher)”) now requires the approval of the Commission per S.C. Reg. 67-801 – 67-803.

5. Were the settlement to be approved, this appeal would be rendered moot—no longer would there be any issue regarding whether the Commission correctly calculated McPherson’s average weekly wage when dividing her salary for the last four quarters by fifty-two.

WHEREFORE, Respondent, joined by and with the consent of Appellant, moves for a limited remand of this matter to the Commission for the sole purpose of that the Commission

consider and approval of the Agreement and Final Release (clincher) which Appellant and Respondent have reached. Should the Commission approve the Agreement and Final Release (clincher), the parties intend to seek an order dismissing this appeal by agreement (with all parties bearing their own fees and costs on appeal, i.e., with no award of appellate fees or costs being granted in favor of or against any party). Should the Commission not approve the Agreement and Final Release (clincher), the parties will promptly inform the Court so that this appeal may resume. Lastly, Appellant and Respondent ask the Court to hold this appeal in abeyance until it acts upon the instant motion.

Respectfully submitted,

YOUNG CLEMENT RIVERS LLP

By: 

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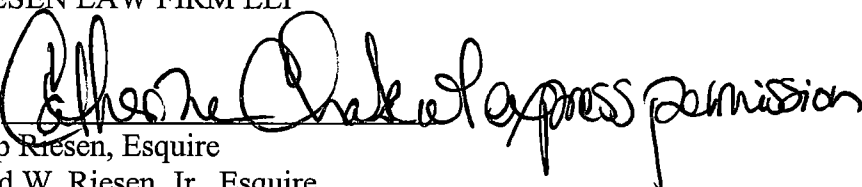
*Attorneys for the Respondent Charleston County
School District*

Charleston, South Carolina

Dated: 

WE SO MOVE AND CONSENT:

RIESEN LAW FIRM LLP

By:  *Express permission*
for Trip Riesen, Esquire

Fred W. Riesen, Jr., Esquire

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Attorneys for the Appellant Kelly McPherson

Dated: _____

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PROOF OF SERVICE

YOUNG CLEMENT RIVERS LLP

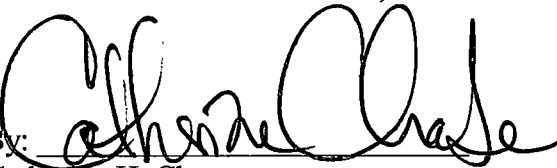
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*Attorneys for the Respondent Charleston
County School District*

I, Catherine H. Chase, of Young Clement Rivers, LLP, counsel for the Respondent above named, do hereby certify that I have served the *Consent Motion for Limited Remand* on the above-named Claimant/Appellant via email and by depositing a copy of the same in the United States Mail, postage prepaid, on March 24, 2017, addressed as follows to all counsel of record:

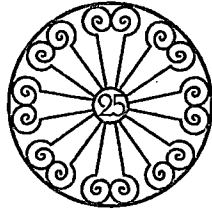
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YOUNG CLEMENT RIVERS, LLP

By: 
Catherine H. Chase

Charleston, South Carolina

Dated: March 24, 2017



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March 24, 2017

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

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MAR 27 2017
SC Court of Appeals

Re: Kelly McPherson v. Charleston County School District
WCC File Number: 1104105
YCR File: 5167-20110464

Dear Ms. Kitchings:

Enclosed herewith for filing please find the original and seven (7) copies of a Consent Motion for Limited Remand, along with the original and one copy of the Proof of Service and this firm's check in the amount of \$25.00 for filing fees. Please file the originals and return one file-stamped copy of each document to me in the envelope provided.

As always, thank you for your assistance. If you have any questions, please do not hesitate to contact me. With best wishes and kindest regards, I am

Sincerely,

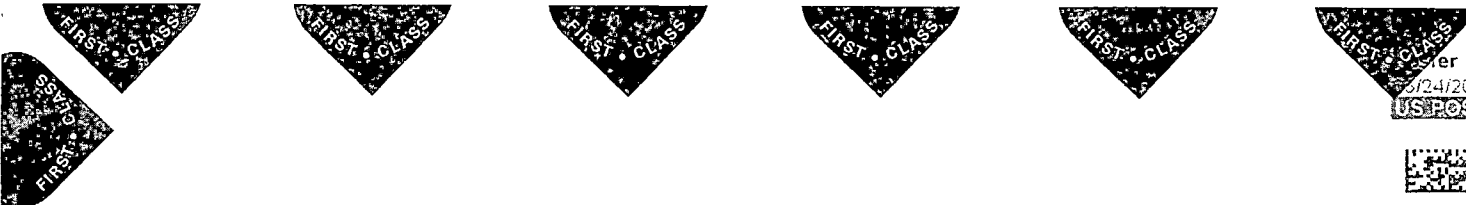
YOUNG CLEMENT RIVERS, LLP

Catherine H. Chase

CHC/tlb

Enclosures

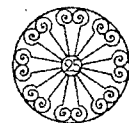
cc (w/enc., via email and U.S. Mail): Trip Riesen, Esquire, Riesen Law Firm, LLP
Fred W. Riesen, Jr., Esquire, Riesen Law Firm, LLP
W. Allen Nickels, III, Nickels Law Firm, LLC



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