

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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

RECEIVED

APR 24 2017

SC Court of Appeals

Appellate Case No.: 2016-000788

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

v.

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

and

State of South Carolina.....Respondent.

MOTION FOR AND CONSENT AGREEMENT  
REQUESTING AN EXTENSION OF TIME  
TO FILE RECORD ON APPEAL

The Appellant hereby moves for and the parties in the above-referenced matter hereby consent to and request an extension of time for the filing of the Record on Appeal on the following basis:

1. That this matter is a Declaratory Judgment action which is one of multiple actions and/or appeals arising out of the underlying workers' compensation case, Clarence B. Winfrey, Jr. v.



Archway Services, Inc., Employer, and American Fire & Casualty Insurance Company c/o Liberty Mutual Group, Carrier; WCC File No. 1306305.

2. That the parties, Clarence Winfrey and American Fire & Casualty Insurance Company, through their Counsel as the Court has previously been notified have entered into settlement negotiations in an effort to reach a global settlement of all issues and actions currently pending in all matters both in this Court and in other Courts. The parties would submit that Counsel for the Defendant, American Fire & Casualty in this matter, as of this filing is awaiting authority in reference to a global settlement of all issues. Obviously due to the numerous and varied actions arising out of this underlying workers' compensation action, substantial authority is required and also due to the multiple issues that have to be considered require significant input and involvement of various sections and individuals within American Fire & Casualty.

3. That the Record in this matter is extensive and will result in significant cost for submission to the Court. The parties verily believe that this matter will be resolved through settlement and/or notification to the Court that this matter will proceed to full Briefing and presentation to the Court within the next thirty (30) to sixty (60) days.

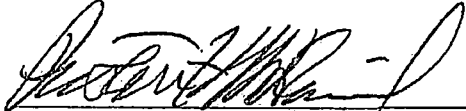
4. That based on the above, the parties mutually request an

extension for the filing of the Record on Appeal for a period of thirty (30) to sixty (60) days and would request sixty (60) days if the Court would be so gracious as to allow the parties that amount of time to try to consummate this extremely complicated global settlement involving multiple causes of action pending in multiple Courts.

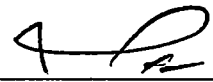
Wherefore, based on the above we consent and agree to an extension being granted by the Court and hereby request a sixty (60) day extension if the Court would be so kind.

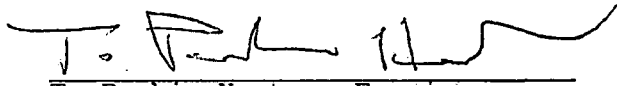
WE HEREBY MUTUALLY CONSENT, AGREE, AND SO MOVE:

I 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*

WE CONSENT:

  
\_\_\_\_\_  
Brett H. Bayne, Esquire  
SC Bar #: 10018  
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*

April 18, 2017

THE STATE OF SOUTH CAROLINA  
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and

State of South Carolina.....Respondent.

PROOF OF SERVICE

I certify that I have served the MOTION FOR AND CONSENT  
AGREEMENT REQUESTING AN EXTENSION OF TIME TO FILE RECORD ON  
APPEAL by depositing a copy of it in the United States Mail,  
postage prepaid, on April 24, 2017 addressed to:

VIA EMAIL - brett.bayne@mgclaw.com  
AND US MAIL  
Brett H. Bayne, Esquire  
McAngus, Goudelock & Courie  
Post Office Box 12519  
Columbia, SC 29211

VIA EMAIL - phunter@scag.gov  
AND US MAIL  
T. Parkin C. Hunter  
Senior Assistant Attorney General  
Post Office Box 11549  
Columbia, SC 29211

Dated: April 24, 2017



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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

April 24, 2017

**VIA HAND DELIVERY**

Honorable Jenny Abbott Kitchings  
Clerk of Court  
SC Court of Appeals  
1220 Senate Street  
Columbia, South Carolina 29211

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APR 24 2017  
SC Court of Appeals

**RE: Clarence Winfrey v. American Fire & Casualty  
Appellate Case No.: 2016-000788**

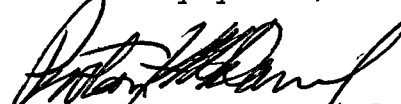
Dear Ms. Kitchings:

Please find attached a Motion and Consent Agreement entered into by the parties requesting an extension for the filing of the Record on Appeal in the above-referenced matter. As is set forth in the Motion and Agreement, Mr. Bayne is simply waiting on confirmation of settlement authority and once received, we will hopefully be able to present a global settlement on all matters currently pending before the Court. We will not request any further extensions, but so believe if we can be granted a period of sixty (60) days for the filing of the Record that that should be more than enough time to resolve this matter. In addition, as noted in the argument, the Record in this case is extensive and this would save a tremendous amount of expense for the parties, and particularly the injured worker in this matter.

By copy of this letter, I am notifying and forwarding a copy of the Motion and Consent Agreement to all parties of Record. The required Proof of Service is attached, as well as the required \$25.00 filing fee.

I hope that this is sufficient for filing with the Court.

Sincerely yours,

  
Preston F. McDaniel

PFM/kth  
Enclosures

cc: Brett H. Bayne, Esquire (Via Email and US Mail)  
T. Parkin Hunter, Esquire (Via Email and US Mail)

McDaniel Law Firm  
1315 Elmwood Avenue  
Columbia, SC 29201

**VIA HAND DELIVERY**  
Honorable Jenny Abbott Kitchings  
Clerk of Court  
SC Court of Appeals  
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