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MAY 19 2017

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Docket No.:17-ALJ-30-0038-IJ

Doraine E. Martin,

Respondent,

v.

S.C. Dept. of Corrections and
State Accident Fund,

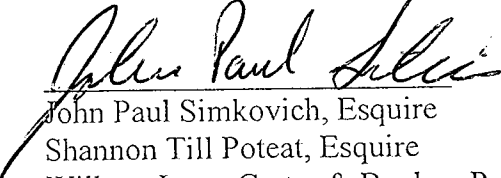
Appellants.

NOTICE OF APPEAL

Appellants, S.C. Department. of Corrections, Employer, and State Accident Fund, Carrier, appeal the Order of the Honorable H.W. Funderburk, Jr., filed April 21, 2017 on the following grounds:

1. THE ADMINISTRATIVE LAW COURT ERRED AS A MATTER OF LAW IN FINDING THAT THE ADMINISTRATIVE LAW COURT HAD JURISDICTION TO HEAR AND ISSUE AN ORDER ON THE RESPONDENT'S PETITION AND RULE TO SHOW CAUSE FOR ENFORCEMENT OF SUBPOENA FOR PRODUCTION OF DOCUMENTS AND TO COMPEL DISCOVERY IN PENDING CASES BEFORE THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION.
2. ALTERNATIVELY, IF THE ADMINISTRATIVE LAW COURT IS FOUND TO HAVE JURISDICTION OVER WORKERS' COMPENSATION CLAIMS, THE ADMINISTRATIVE LAW COURT ERRED AS A MATTER OF LAW BY FAILING TO DEFER JURISDICTION TO THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION AS APPELLANTS FILED A MOTION FOR PROTECTIVE ORDER WITH THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION PRIOR TO THE RESPONDENT'S FILING IN THE ADMINISTRATIVE LAW COURT.

3. ALTERNATIVELY, THE ADMINISTRATIVE LAW COURT ERRED AS A MATTER OF FACT AND CONCLUSION OF LAW THAT PRIOR TO THE DENIAL OF THE CLAIM, MARCH 17, 2016, NO LITIGATION COULD HAVE BEEN ANTICIPATED, NOR DID AN ATTORNEY-CLIENT RELATIONSHIP EXIST UNTIL COUNSEL WAS RETAINED ON APRIL 6, 2016.


John Paul Simkovich, Esquire
Shannon Till Poteat, Esquire
Willson Jones Carter & Baxley, P.A.
3600 Forest Drive, Suite 204
Columbia, SC 29204
Attorneys for Appellants

Date: May 19, 2017

Other Counsel of Record:

Preston R. McDaniel, Esquire
McDaniel Law firm
1315 Elmwood Avenue
Columbia, SC 29201

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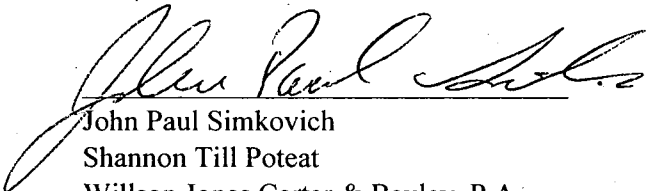
S.C. Dept. of Corrections and
State Accident Fund,

Appellants.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on May 19, 2017 by depositing a copy of it in the United States Mail, postage prepaid, on May 19, 2017, addressed to her attorney of record, Preston McDaniel, Esquire of the McDaniel Law Firm, 1315 Elmwood Avenue, Columbia, SC 29201. I also served the Notice of Appeal by depositing a copy of it in the United States Mail, postage prepaid, on May 19, 2017, addressed to the Administrative Law Court Clerk of Court, Jana E. Shealy, 1205 Pendleton Street, Suite 224, Edgar A. Brown Building, Columbia, SC 29201, and hand delivering to Jenny Abbott Kitchings, South Carolina Court of Appeals Clerk of Court, Richland County, 1015 Sumter Street, Columbia, South Carolina 29201.

May 19, 2017


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SC Court of Appeals

WILLSON JONES CARTER & BAXLEY, P.A.

ATTORNEYS AT LAW

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May 19, 2017

Via Hand Delivery

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

Re: Doraine Martin vs. SC Department of Corrections
ALC Docket No.: 17-ALJ-30-0038-IJ
WCC File No.: 1520218 DOI: 12/23/2015
Carrier: State Accident Fund - Claim No.: 2015-4381
WJC&B File No.: 0385.01326

Dear Ms. Kitchings:

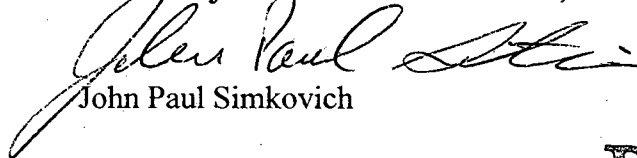
Enclosed for filing with the South Carolina Court of Appeals, please find the following:

1. An original and three copies of the Notice of Appeal;
2. Proof of Service of the Notice of Appeal;
3. A copy of the two Orders, which are to be challenged on appeal.

By copy of this letter to the parties' of record, as shown on the Proof of Service, I hereby serve a copy of the Notice of Appeal and Proof of Service.

With kindest regards,

WILLSON JONES CARTER & BAXLEY, P.A.


John Paul Simkovich

Enclosures
cc (w/ enc.): The Honorable Jana E. Shealy, ALC Clerk of Court
Mr. Preston McDaniel, Esquire
Ms. Mel anie Rouse (via-email)

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