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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Appellate Case No. 2017-001191

Doraine E. Martin, ... Respondent,

v.

SC Department of Corrections, and
State Accident Fund, ... Appellants.

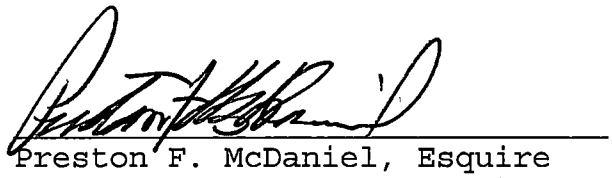
MOTION TO DISMISS APPEAL

TO: SOUTH CAROLINA COURT OF APPEALS, AND JOHN PAUL SIMKOVICH, ESQUIRE, ATTORNEY FOR APPELLANTS:

YOU WILL PLEASE TAKE NOTICE that pursuant to Rule 240, SCACR, the Respondent hereby moves for an Order of the Court dismissing the Appeal filed from the Order of the South Carolina Administrative Law Court, which is an interlocutory discovery Order; the grounds for which are more fully set forth in the Memorandum in Support of Motion as attached hereto and incorporated herein by reference.

I SO MOVE.

Respectfully submitted,



Preston F. McDaniel, Esquire
SC Bar No. 3770
McDANIEL LAW FIRM
1315 Elmwood Avenue
Columbia, South Carolina 29201
(803) 771-7211

Attorney for Respondent

May 25, 2017

THE STATE OF SOUTH CAROLINA
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APPEAL FROM THE SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Appellate Case No. 2017-001191

Doraine E. Martin, ... Respondent,

v.

SC Department of Corrections, and
State Accident Fund, ... Appellants.

MEMORANDUM IN SUPPORT OF MOTION TO DISMISS APPEAL

The Respondent would respectfully show unto the Court as follows:

1. That the Court will find upon review of the Orders, which were attached to the Notice of Appeal as filed with the Court pursuant to the SC Appellate Court Rules, that the decisions are in reference to the Petition and Rule to Show Cause filed by the Respondent with the Administrative Law Court under its authority to enforce discovery in administrative

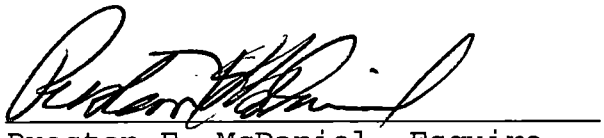
actions under the Administrative Procedures Act, SC Code §1-23-310, et. seq., for enforcement of a Subpoena for the production of documents and for a deposition, and to compel discovery in reference to the Subpoena. The two (2) Orders of the Administrative Law Court, were issued by Honorable H.W. Funderburk, Jr. with the final Order being issued by Judge Funderburk, Jr. on April 21, 2017. Although on file with the Court, additional copies are attached hereto and incorporated herein by reference for the Court's review as Exhibit "A".

2. That the Supreme Court has specifically and repeatedly held that an Order compelling discovery is not immediately appealable even if it is challenged as violating the attorney-client privilege. Wieters v. Bon-Secours-St. Francis Xavier Hosp., Inc., 381 S.C. 332, 673 S.E.2d 417 (2009), 378 S.C. 160, 662 S.E.2d 430 (SC App. 2008). Ex Parte Whetstone, 289 S.C. 580, 347 S.E.2d 881 (1986).

Therefore, the Order of the Administrative Law Court being a discovery Order ordering the resumption of the deposition of the adjuster and ordering the adjuster to answer certain questions and making rulings on the objections made at the initial deposition and ordering further that the claims file of the adjuster and all records subpoenaed be produced is a discovery Order and is not immediately appealable.

Wherefore, the Respondent moves to dismiss the appeal as being premature and being filed as to an interlocutory discovery Order that is not directly appealable.

Respectfully submitted,



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Attorney for Respondent

May 25, 2017

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Doraine E. Martin, Petitioner, vs. South Carolina Department of Corrections and State Accident Fund, Respondents.	Docket No.: 17-ALC-30-0038-Appeals **ORDER GRANTING PETITIONER'S MOTION FOR REHEARING AND/OR RECONSIDERATION AND/OR AMENDMENT OF THE COURT'S ORDER FILED MARCH 9, 2017**

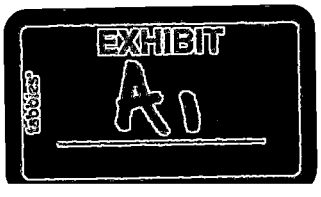
This matter is before the South Carolina Administrative Law Court ("ALC" or "Court") pursuant Doraine E. Martin's ("Martin" or "Petitioner") Motion for Rehearing and/or Reconsideration and/or Amendment of the Court's Order filed March 9, 2017. Upon consideration of Petitioner's Motion and the South Carolina Department of Corrections ("SCDC") and the State Accident Fund ("SAF") (collectively referred to as "Respondents") response, this Court grants Petitioner's Motion, and substitutes this Order for its previous Order filed March 9, 2017:

FACTS

Martin has two claims (WCC File Nos. 1520218 and 1422034) before the South Carolina Workers' Compensation Commission ("SCWCC"). Petitioner's claim no. 1520218 was denied on March 17, 2016, by SAF. On April 6, 2016, Petitioner was notified that Respondents had retained counsel.

The deposition of the adjuster for SAF was scheduled for February 8, 2017. At the deposition, Respondents objected to some of Petitioner's questions and directed that the adjuster not answer several questions on the bases that the answers were protected by attorney-client privilege and/or the work product doctrine. Specifically, the adjuster was instructed not to answer any questions regarding compensability or decisions made in relation to either the provision of medical care or the denial of medical care. In addition, the records requested for production at the deposition were not produced.[1]

[1] The list of documents requested in the subpoena were: "Entire Case Management file and all medical records, correspondence, emails, and other documents prior to Notification of the Retention of Counsel and non-privileged



Pursuant to Rule 30(j)(3), SCRCP, Respondents had five business days from the suspension of the deposition to file a motion for a protective order to preserve the objections made by counsel during the deposition. On February 14, 2017, Respondents, pursuant to Rule 26(c), SCRCP, moved before the SCWCC for a protective order. On February 21, 2017, Martin filed her Petition and Rule to Show Cause for Enforcement of Subpoena for Production of Documents and to Compel Discovery, by Answering Questions Posed During Discovery Examination, and Rulings on Objections Based on Privilege ("Petition") in this Court. Respondents jointly responded to Martin's Petition and argued that the ALC lacked jurisdiction. A hearing on the Petition was held on March 1, 2017.

DISCUSSION

Jurisdiction

Initially, the issue is whether this Court has jurisdiction to entertain this Petition. To determine whether the ALC has jurisdiction, the Court must interpret and apply the governing statutes.

"The question of statutory interpretation is one of law for the court to decide." *Alltel Commc'ns, Inc. v. S.C. Dep't of Revenue*, 399 S.C. 313, 316, 731 S.E.2d 869, 870 (2012). "The cardinal rule of statutory construction is to give words used in a statute their plain and ordinary meaning without resort to subtle or forced construction." *Tillotson v. Keith Smith Builders*, 357 S.C. 554, 558, 593 S.E.2d 621, 623–24 (Ct. App. 2004). "The language must also be read in a sense which harmonizes with its subject matter and accords with its general purpose." *Hitachi Data Sys. Corp. v. Leatherman*, 309 S.C. 174, 178, 420 S.E.2d 843, 846 (1992).

> The true guide to statutory construction is not the phraseology of an isolated section or provision, but the language of the statute as a whole considered in the light of its manifest purpose. In applying the rule of strict construction the courts may not give to particular words a significance clearly repugnant to the meaning of the statute as a whole, or destructive of its obvious intent. Every technical rule as to construction of a statute is subservient to and must yield to the expression of the will of the legislature, since all rules of statutory construction have for their sole object the discovery of the legislative intent and are valuable only insofar as in their application they aid the courts in their endeavor to ascertain that intent.

City of Columbia v. Niagara Fire Ins. Co., 249 S.C. 388, 391–92, 154 S.E.2d 674, 676 (1967).

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documents thereafter."

S.C. Code Ann. § 1-23-320(D)[2] (Supp. 2016) states:

> The agency hearing a contested case may issue subpoenas in the name of the agency for the attendance and testimony of witnesses and the production and examination of books, papers, and records on its own behalf or, upon request, on behalf of another party to the case.
>
> A party to the proceeding may seek enforcement of or relief from an agency subpoena before the Administrative Law Court pursuant to Section 1-23-600[(G)].[3]

S.C. Code Ann. § 1-23-600(G) (Supp. 2016) reads:

> Notwithstanding another provision of law, the Administrative Law Court has jurisdiction to review and enforce an administrative process issued by an agency or by a department of the executive branch of government, as defined in Section 1-30-10, such as a subpoena, administrative search warrant, cease and desist order, or other similar administrative order or process. A department or agency of the executive branch of government authorized by law to seek an administrative process may apply to the Administrative Law Court to issue or enforce an administrative process. A party aggrieved by an administrative process issued by a department or agency of the executive branch of government may apply to the Administrative Law Court for relief from the process as provided in the Rules of the Administrative Law Court.

"Agency" for the purposes of S.C. Code Ann. § 1-23-320(D) is defined as, "each state board,

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[2] S.C. Code Ann. § 1-23-320(D) was previously amended in 1998 to read:

> The agency hearing a contested case may issue in the name of the agency subpoenas for the attendance and testimony of witnesses and the production and examination of books, papers, and records on its own behalf or, upon request, on behalf of any other party to the case.
> The administrative law judge division shall, on application of any party to the proceeding enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers, and records and shall have the power to punish as for contempt of court, by a fine, or imprisonment or both, the unexcused failure or refusal to attend and give testimony or produce books, papers, and records as may have been required in any subpoena issued by the agency. A person to whom a subpoena has been issued may move before the administrative law judge for an order quashing or modifying the subpoena. The agency may issue to the sheriff of the county in which any hearing is held a warrant requiring him to produce at the hearing any witness who shall have ignored or failed to comply with any subpoena issued by the agency and duly served upon such witness. Such a warrant shall authorize the sheriff to arrest and produce at the hearing such witness, and it shall be his duty to do so; but the failure of a witness so to appear in response to any such subpoena may be excused on the same grounds as provided by law in the courts of this State as to the attendance of witnesses and jurors.

1998 S.C. Acts 359, § 2. S.C. Code Ann. § 1-23-320(D) was amended, to its current form, in 2008. *See* 2008 Acts 334, § 4.

[3] S.C. Code Ann. § 1-23-320(D) erroneously references S.C. Code Ann. § 1-23-600(F), instead of S.C. Code Ann. § 1-23-600(G). 2008 Acts 334, § 7, added a new subsection (E) and shifted previous subsections (E) through (H) forward one letter alphabetically. Therefore, S.C. Code Ann. § 1-23-600(D) refers to contents now codified at S.C. Code Ann. § 1-23-600(G).

commission, department, or officer, other than the legislature, the courts, or the Administrative Law Court, authorized by law to determine contested cases." S.C. Code Ann. § 1-23-310(2) (Supp. 2016). A "contested case" is defined as, "a proceeding including, but not restricted to, ratemaking, price fixing, and licensing, in which the legal rights, duties, or privileges of a party are required by law to be determined by an agency after an opportunity for hearing." S.C. Code Ann. § 1-23-310(3). SCWCC, the authority issuing the subpoena, is an agency as defined by S.C. Code Ann. § 1-23-310(2). Thus, a party to a proceeding before the SCWCC (in this case, Martin) can seek enforcement of an agency subpoena before the ALC.

The Court is mindful of the language in S.C. Code Ann. § 1-23-600(G). By use of the introductory phrase, "notwithstanding any other provision of law..." the legislature intended that S.C. Code Ann. § 1-23-600(G) "be exclusive of other provisions of law..." *Mosteller v. Cty. of Lexington*, 336 S.C. 360, 364, 520 S.E.2d 620, 622 (1999). Therefore, this Court will read the statute as a whole as allowing, under S.C. Code Ann. § 1-23-320(D), Martin to seek enforcement of a subpoena before the ALC. *See S.C. State Ports Auth. v. Jasper Cty.*, 368 S.C. 388, 398, 629 S.E.2d 624, 629 (2006) ("the statute must be read as a whole and sections which are a part of the same general statutory law must be construed together and each one given effect.").

Enforcement of Subpoena

Petitioner is requesting that Respondents provide Petitioner the requested production of documents pursuant to the subpoena. Additionally, Petitioner requests that the Court order the adjuster to answer all questions relevant to discovery, specifically "concerning compensability or decisions made in relation to either the provision of medical care or the denial of medical care or refusal to authorize medical care during the time period as had been requested by the authorized treating physicians at Lexington Occupational Health." Questions about the claims administration process up to and including the time that Martin was notified of the denial of the claim and prior to the notification of counsel being involved in the claim were asked.

Respondents objected to the questions on the grounds of the attorney-client privilege, attorney work product doctrine, and the anticipation of litigation rule. 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. "The attorney-client privilege protects against

disclosure of confidential communications by a client to his attorney." *State v. Owens*, 309 S.C. 402, 407, 424 S.E.2d 473, 476 (1992). Because a relationship between a client did not exist at the time of the denial of the claim, the objection on the grounds of attorney-client privilege was not proper. "The determination of whether the privilege applies is within the sound discretion of the trial judge and his decision will not be reversed absent an abuse of that discretion." *Ross v. Med. Univ. of S.C.*, 317 S.C. 377, 384, 453 S.E.2d 880, 885 (1994).

Next, Respondents objected on the ground of the attorney work product doctrine. The attorney work product doctrine protects "against disclosure of the mental impressions, conclusions, opinions, or legal theories of an attorney or other representative of a party concerning the litigation." Rule 26(b)(3), SCRCP; *See also Tobaccoville USA, Inc. v. McMaster*, 387 S.C. 287, 294, 692 S.E.2d 526, 530 (2010). The Court believes that Respondents' objections based on the anticipation of litigation rule is the same as attorney work product doctrine. The documents and testimony sought references the claims administration process prior to the retention of an attorney on April 6, 2016. Therefore, these objections are also overruled; the information requested by Petitioner, both the documents and oral testimony, is discoverable. *See generally S.C. State Highway Dep't v. Booker*, 260 S.C. 245, 195 S.E.2d 615 (1973). It is therefore,

ORDERED that the parties shall reconvene the deposition of the adjuster within forty-five (45) days of this Order. The adjuster shall answer questions about the claims and decisions to provide or deny authorization for medical care between the date of the incident, December 23, 2015, and the notification of denial of the claim on March 17, 2016.

AND IT IS FURTHER ORDERED that Respondents shall provide to Petitioner within thirty (30) days of this Order the documents requested in the subpoena, specifically, the "[e]ntire Case Management file and all medical records, correspondence, emails, and other documents prior to Notification of the Retention of Counsel and non-privileged documents thereafter."

Should Respondents or adjuster fail to obey this order, they shall be ordered to appear before this Court to show cause, if any, why they should not be held in contempt of court for such disobedience, pursuant to S.C. Code Ann. §§ 1-23-320(D), 1-23-630 (2005), and 14-5-320 (2017).

Petitioner may submit a motion for costs and attorney's fees limited to the matter before this Court.

AND IT IS SO ORDERED.

H. W. Funderburk, Jr.
Administrative Law Judge

April 21, 2017
Columbia, South Carolina

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

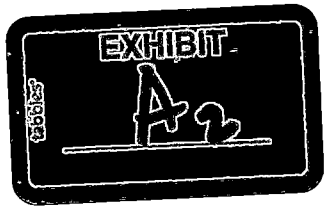
Doraine E. Martin, Petitioner, vs. South Carolina Department of Corrections and State Accident Fund, Respondents.	Docket No.: 17-ALJ-30-0038-AP **ORDER**

This matter is before the South Carolina Administrative Law Court ("ALC" or "Court") pursuant to a Petition and Rule to Show Cause for Enforcement of Subpoena for Production of Documents and to Compel Discovery, by Answering Questions Posed During Discovery Examination, and Rulings on Objections Based on Privilege ("Petition") filed by Doraine E. Martin ("Martin" or "Petitioner"). The South Carolina Department of Corrections ("SCDC") and the State Accident Fund ("SAF") (collectively referred to as "Respondents") jointly responded to Martin's Petition and argued that ALC lacks jurisdiction. A hearing on the Petition was held on March 1, 2017.

FACTS

Martin has two claims (WCC File Nos. 1520218 and 1422034) that are currently pending before the South Carolina Workers' Compensation Commission ("SCWCC"). The deposition of the adjuster for SAF was scheduled for February 8, 2017. At the deposition, Respondents objected to some of Petitioner's questions and directed that the adjuster not answer several questions on the bases that the answers were protected by attorney-client privilege and/or the work product doctrine.

Pursuant to Rule 30(j)(3), SCRCP, Respondents had five business days from the suspension of the deposition to file a motion for protective order to preserve the objections made by counsel during the deposition. On February 14, 2017, Respondents, pursuant to Rule 26(c), SCRCP, moved before the SCWCC for a protective order. On February 21, 2017, Martin filed her Petition in this Court, seeking enforcement of the subpoena.



DISCUSSION

The first issue before this Court is whether it has jurisdiction to entertain this Petition. To determine whether the ALC has jurisdiction, the Court must interpret the governing statutes using the rules of statutory construction.

"The question of statutory interpretation is one of law for the court to decide." *Alltel Commc'ns, Inc. v. S.C. Dep't of Revenue*, 399 S.C. 313, 316, 731 S.E.2d 869, 870 (2012). "The cardinal rule of statutory construction is to give words used in a statute their plain and ordinary meaning without resort to subtle or forced construction." *Tillotson v. Keith Smith Builders*, 357 S.C. 554, 558, 593 S.E.2d 621, 623–24 (Ct. App. 2004). "The language must also be read in a sense which harmonizes with its subject matter and accords with its general purpose." *Hitachi Data Sys. Corp. v. Leatherman*, 309 S.C. 174, 178, 420 S.E.2d 843, 846 (1992).

> The true guide to statutory construction is not the phraseology of an isolated section or provision, but the language of the statute as a whole considered in the light of its manifest purpose: In applying the rule of strict construction the courts may not give to particular words a significance clearly repugnant to the meaning of the statute as a whole, or destructive of its obvious intent. Every technical rule as to construction of a statute is subservient to and must yield to the expression of the will of the legislature, since all rules of statutory construction have for their sole object the discovery of the legislative intent and are valuable only insofar as in their application they aid the courts in their endeavor to ascertain that intent.

City of Columbia v. Niagara Fire Ins. Co., 249 S.C. 388, 391–92, 154 S.E.2d 674, 676 (1967).

S.C. Code Ann. § 1-23-320(D) (Supp. 2016) states:

> The agency hearing a contested case may issue subpoenas in the name of the agency for the attendance and testimony of witnesses and the production and examination of books, papers, and records on its own behalf or, upon request, on behalf of another party to the case.
>
> A party to the proceeding may seek enforcement of or relief from an agency subpoena before the Administrative Law Court pursuant to Section 1-23-600(F).

S.C. Code Ann. § 1-23-600(F) (Supp. 2016) reads:

> Notwithstanding another provision of law, a state agency authorized by law to seek injunctive relief may apply to the Administrative Law Court for injunctive or equitable relief pursuant to Section 1-23-630. The provisions of this section do not affect the authority of an agency to apply for injunctive relief as part of a civil action

filed in the court of common pleas.[1]

"Agency" for the purposes of S.C. Code Ann. § 1-23-320(D) is defined as, "each state board, commission, department, or officer, other than the legislature, the courts, or the Administrative Law Court, authorized by law to determine contested cases." S.C. Code Ann. § 1-23-310(2) (Supp. 2016). A "contested case" is defined as, "a proceeding including, but not restricted to, ratemaking, price fixing, and licensing, in which the legal rights, duties, or privileges of a party are required by law to be determined by an agency after an opportunity for hearing." S.C. Code Ann. § 1-23-310(3). Although neither SCDC nor SAF is an agency as defined by S.C. Code Ann. § 1-23-310(2), the state agency that issued the subpoena, SCWCC, is such an agency. Thus, a party to the proceeding before the SCWCC, here Martin, can seek enforcement of an agency subpoena before the ALC.

The Court is mindful of the language in S.C. Code Ann. § 1-23-600(F). By use of the introductory phrase, "notwithstanding any other provision of law..." the legislature intended that S.C. Code Ann. § 1-23-600(F) "be exclusive of other provisions of law..." *Mosteller v. Cty. of Lexington*, 336 S.C. 360, 364, 520 S.E.2d 620, 622 (1999). However, the ALC "will not construe a statute in a way which leads to an absurd result or renders it meaningless." *Florence Cty. Democratic Party v. Florence Cty. Republican Party*, 398 S.C. 124, 128, 727 S.E.2d 418, 420 (2012). This Court "should seek a construction that gives effect to every word of a statute rather than adopting an interpretation that renders a portion meaningless." *Hinton v. S.C. Dep't of Prob., Parole & Pardon Servs.*, 357 S.C. 327, 342, 592 S.E.2d 335, 343 (Ct. App. 2004). Thus, the limitations of S.C. Code Ann. § 1-23-600(F), "a state agency... may apply to the Administrative Law Court for injunctive or equitable relief..." appears to only grant a state agency the ability to apply to the ALC for injunctive relief. However, that interpretation would render S.C. Code Ann. § 1-23-320(D) meaningless, because a non-agency party would not be able to go before the ALC to seek enforcement of or to obtain relief from a subpoena. Therefore, this Court will read the statute as a

[1] S.C. Code Ann. § 1-23-630 (Supp. 2016) reads:

> (A) Each administrative law judge of the division has the same power at chambers or in open hearing as do circuit court judges and to issue those remedial writs as are necessary to give effect to its jurisdiction.
>
> (B) An administrative law judge may authorize the use of mediation in a manner that does not conflict with other provisions of law and is consistent with the division's rules of procedure.

whole as allowing, under S.C. Code Ann. § 1-23-320(D), Martin to seek enforcement of a subpoena before the ALC. *See S.C. State Ports Auth. v. Jasper Cty.*, 368 S.C. 388, 398, 629 S.E.2d 624, 629 (2006) ("the statute must be read as a whole and sections which are a part of the same general statutory law must be construed together and each one given effect.").

Although the ALC has jurisdiction to enforce the subpoena at issue, the Court chooses to defer to the discovery proceeding before the SCWCC. SCWCC has jurisdiction to hear the discovery issue by way of Respondents' Motion for Protective Order filed on February 14, 2017. Therefore, there is concurrent jurisdiction to determine the enforcement of or relief from the subpoena at issue.[2]

The Court believes that it would be imprudent to render a decision on this issue while the SCWCC is also attempting to resolve the issue, especially considering the potential for inconsistent results. Additionally, the decision reached by the SCWCC will be preserved for appellate review after the contested case becomes a final decision. *C.f. Tucker v. Tucker*, 264 S.C. 172, 177-78, 213 S.E.2d 588, 590 (1975) ("As a rule the exercise of concurrent jurisdiction is controlled by the principle of priority. According to this principle the court of concurrent jurisdiction that first exercises it thereby acquires exclusive jurisdiction to further proceed in the case. In other words, once a court of concurrent jurisdiction has begun to exercise its jurisdiction over a case its authority to deal with the action is, subject to appellate review, exclusive until it is completely disposed of, and no other court of concurrent jurisdiction may interfere with the proceedings thus pending. . . .") (citation omitted); *see also Richardson, Plowden, Grier & Howser v. Pyle*, 322 S.C. 371, 374, 472 S.E.2d 232, 233 (1996) ("To allow a client to unilaterally remove a fee dispute to the Board when a contract action is pending in circuit court to collect attorney's fees would be inconsistent with the well-settled rule that where there is concurrent jurisdiction, the first tribunal to acquire jurisdiction has exclusive jurisdiction.").

Because SCWCC is the agency hearing the contested case, it has jurisdiction and authority to issue rulings on enforcement of its subpoenas. In addition, Respondents' Motion for Protective Order, filed prior to this Petition, will resolve the dispute as to whether Respondents must produce

[2] SCWCC has the authority and power to enforce its subpoenas. S.C. Code Ann. § 42-3-150 (2015); *See also* 8 S.C. Code Ann. Regs. 67-215 (2012).

documents and whether the adjuster must answer questions that were objected to by Respondents. Thus, to minimize the possibility of inconsistent decisions, this Court declines to invoke its jurisdiction. It is therefore,

ORDERED that the discovery in this matter must remain in the exclusive jurisdiction of the South Carolina Workers' Compensation Commission.

AND IT IS FURTHER ORDERED that this matter before the ALC is **DISMISSED.**

AND IT IS SO ORDERED.

H. W. Funderburk, Jr.
Administrative Law Judge

March 9, 2017
Columbia, South Carolina

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Appellate Case No. 2017-001191

Doraine E. Martin, ... Respondent,

v.

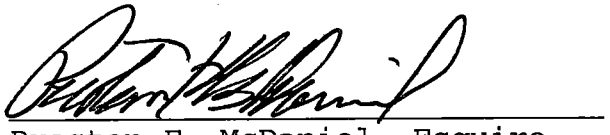
SC Department of Corrections, and
State Accident Fund, ... Appellants.

PROOF OF SERVICE

I certify that I have served the **MOTION TO DISMISS APPEAL** with **MEMORANDUM IN SUPPORT** by depositing a copy of it in the United States Mail, postage prepaid, on May 25, 2017 addressed as follows to:

John Paul Simkovich, Esquire
Shannon Till Poteat, Attorney
Willson, Jones, Carter & Baxley, PA
3600 Forest Drive, Suite 204
Columbia, South Carolina 29204

Respectfully submitted,



Preston F. McDaniel, Esquire
SC Bar No. 3770
McDANIEL LAW FIRM
1315 Elmwood Avenue
Columbia, South Carolina 29201
(803) 771-7211
Attorney for Respondent

May 25, 2017

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

Matthew Robertson

Telephone (803) 771-7211

Facsimile (803) 252-0709

May 25, 2017

Honorable Jenny Abbott Kitchings
Clerk of Court
SC Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: Doraine E. Martin v. SC Dept. of Corrections
Appellate Case No. 2017-001191

Dear Ms. Kitchings:

Please find attached a **MOTION TO DISMISS APPEAL** with **MEMORANDUM IN SUPPORT** which I am filing with the Court along with the required number of copies and enclosing the required $25.00 filing fee.

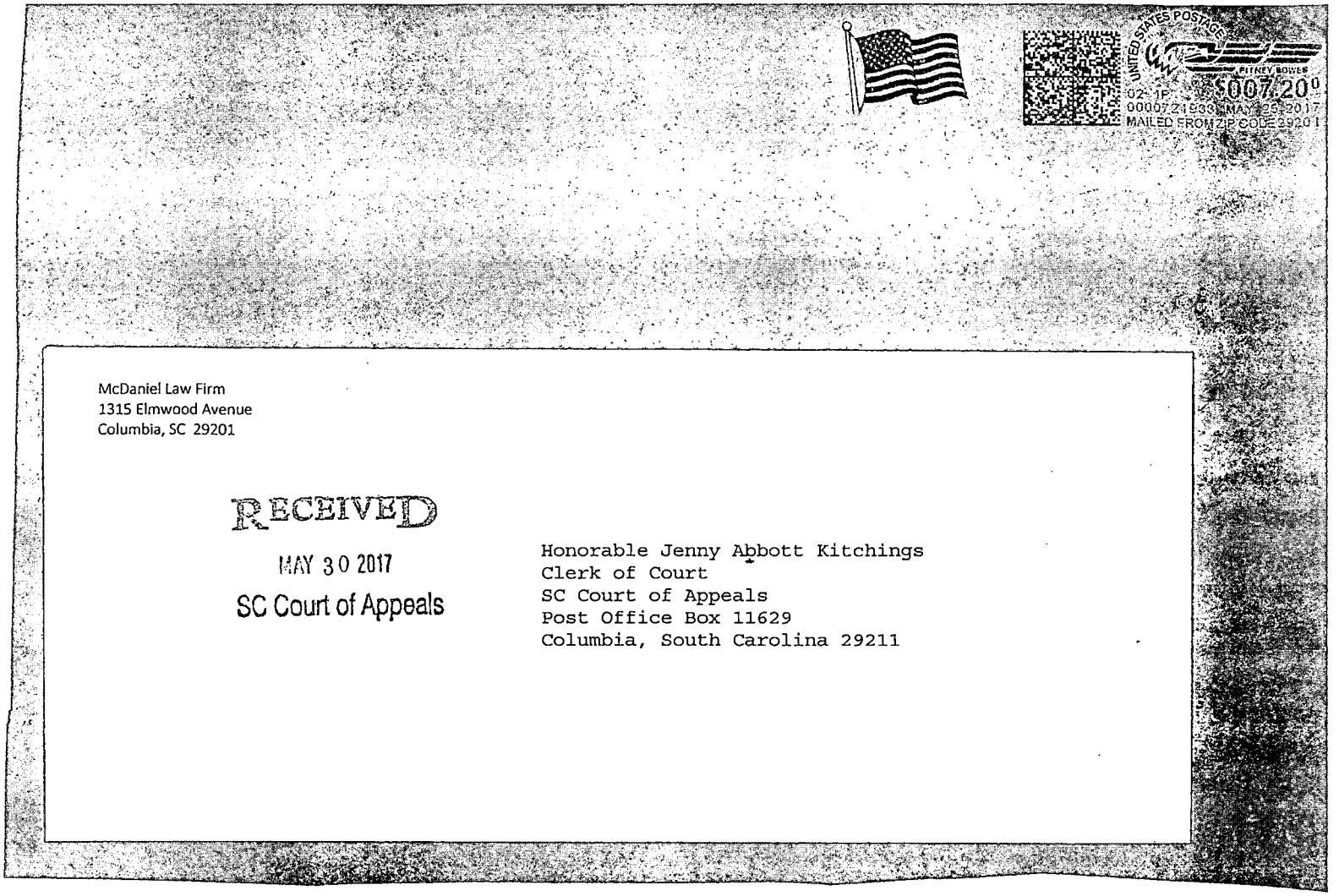
By copy of this letter, I am notifying and serving Counsel for the Appellants with a copy of this Motion. As always, I appreciate all the courtesies and kindnesses shown to me by the Court.

Sincerely yours,

Preston F. McDaniel

PFM/kth
Enclosures

cc: John Paul Simkovich, Esquire
Shannon Till Poteat, Attorney at Law



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McDaniel Law Firm
1315 Elmwood Avenue
Columbia, SC 29201

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SC Court of Appeals

Honorable Jenny Abbott Kitchings
Clerk of Court
SC Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211