

mgc

Reply To  
HELEN F. HISER  
Direct Dial: (843) 576-2930  
helen.hiser@mgclaw.com

October 18, 2017

**VIA ELECTRONIC MAIL AND U.S. MAIL**

Honorable Alma White  
Clerk of Court  
P.O. Box 479  
Georgetown, SC 29442-0479

RECEIVED  
OCT 20 2017  
SC Court of Appeals

RE: George Leggette v. Three D Machinery Installers, LLC and Amerisure  
Mutual Insurance Company c/o Amerisure Insurance  
Date of Accident: March 28, 2016  
WCC File No.: 1605900  
Our File No.: 20493.16096  
Claim No.: 2042150  
Court of Appeals No.: 2017-001730

Dear Ms. White:

We are in receipt of a letter sent to you by Stephen J. Wukela, Esq. concerning the above-captioned Workers' Compensation claim. As Mr. Wukela's October 17 letter confirms, the Commission Decision in this matter has been appealed to the South Carolina Court of Appeals. (Exh. A). As a result, it is neither, "an award of the Commission unappealed from [n]or an award of the Commission affirmed upon appeal" pursuant to S.C. Code Ann. § 42-17-70. While Mr. Wukela correctly states that, pursuant to S.C. Code Ann. § 42-17-60, orders of the Workers' Compensation Commission are not stayed on appeal (beyond an initial 30-day period of supersedeas), it is well-established that an employer is required only to make weekly compensation payments and to provide medical treatment as ordered by the Commission, but no other payments, during the pendency of an appeal. See, e.g., Johnson v. Sonoco Prods. Co., 381 S.C. 172, 672 S.E.2d 567 (2009) (weekly compensation payments must be made during the pendency of an appeal); Case v. Hermitage Cotton Mills, 236 S.C. 515, 533-534, 115 S.E.2d 57, 67-68 (1960) (weekly compensation payments must be made during the pendency of an appeal, but not additional amounts such as an award for disfigurement or payment of past medical expenses); McLeod v. Piggly Wiggly Carolina Co., 280 S.C. 466, 472, 313 S.E.2d 38, 41 (Ct. App. 1984) (Sections 42-17-60 and -70 "allow the payment of *weekly compensation* accruing after the date of the Commission's award") (emphasis added). Defendants are making weekly compensation payments to the Claimant, Mr. Leggette, pursuant to S.C. Code Ann. § 42-17-60.

Furthermore, while Rule 205, SCACR, provides that filing a notice of appeal does not prohibit the lower tribunal from proceeding with matters not affected by the appeal, this Court has not had and currently does not have jurisdiction over this matter. Unless

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Honorable Alma White  
October 18, 2017  
Page 2

and until there is a final order of the Commission no longer subject to appeal, this Court lacks any authority or jurisdiction to enforce the Commission Decision in this matter. S.C. Code Ann. § 42-17-70; Miller v. Springs Cotton Mills, 225 S.C. 326, 333, 82 S.E.2d 458, 461 (1954) (circuit court can only enforce unappealed Commission orders, or Commission orders affirmed on appeal); St. Paul-Mercury Indemn. Co. v. Sylvan, 213 F.2d 247, 138 (4th Cir. 1954) (a Commission order that is pending on appeal cannot be enforced by a court because it is not a final order). In this case, the appeal of the Commission Decision pending before the Court of Appeals is in the initial briefing stage and, as such, no decision has been made regarding the merits.

As a result, Mr. Wukela's request that this Court issue a judgment must be denied and any further attempts to collect on a non-final order should be subject to sanctions under S.C. Code Ann. § 15-36-10.

Very truly yours,



Helen F. Hiser  
Mary Margaret Hyatt

Attachments

cc: Stephen J. Wukela, Esq. (via email & U.S. Mail)  
Amy Bracy, Judicial Director, South Carolina Workers' Compensation Commission  
Hon. Jenny Kitchings, South Carolina Court of Appeals

mgc  
RECEIVED  
AUG 16 2017  
SC Court of Appeals

August 14, 2017

**Via U.S. Mail**

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

RE: George Leggette v. Three D Machinery Installers, LLC and Amerisure  
Mutual Insurance Company c/o Amerisure Insurance  
Date of Accident: March 28, 2016  
WCC File No.: 1605900  
Our File No.: 20493.16096  
Claim No.: 2042150  
Appeal No.: 2017-

Dear Ms. Kitchings:

Enclosed for filing are an original and one (1) copy of a Notice of Appeal the decision of the Appellate Panel of the South Carolina Workers' Compensation Commission in the above-referenced matter. Also, enclosed are the following:

1. an original and one copy of Proof of Service of the Notice of Appeal on Respondent;
2. an original and one copy of the Order being appealed;
3. two copies of our correspondence to the South Carolina Workers' Compensation Commission notifying of the appeal; and
4. a Check in the amount of \$100.00;

Please file the original documents and return the clocked-in copies in the enclosed, self-addressed stamped envelope.

Thanking you in advance for your assistance, I am

Very truly yours,

  
Helen F. Hiser

Enclosures

cc: Amy Bracy, S.C. Workers' Compensation Commission  
Stephen J. Wukela, Esq.



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Reply To  
HELEN F. HISER  
Direct Dial: (843) 576-2930  
helen.hiser@mgclaw.com

August 14, 2017

Amy Bracy, Judicial Director  
South Carolina Workers' Compensation Commission  
Post Office Box 1715  
Columbia, South Carolina 29202-1715

RECEIVED

AUG 16 2017

SC Court of Appeals

RE: George Leggette v. Three D Machinery Installers, LLC and Amerisure  
Mutual Insurance Company c/o Amerisure Insurance  
Date of Accident: March 28, 2016  
WCC File No.: 1605900  
Our File No.: 20493.16096  
Claim No.: 2042150  
Appeal No.: 2017-

Dear Ms. Bracy:

Please find enclosed for filing the original and one (1) copy of Notice of Appeal in the above-captioned case. I would appreciate your returning a clocked-in copy of the same to me in the envelope provided.

By copy of this letter, I am serving counsel of record with the above-referenced Notice of Appeal.

Thanking you in advance for your assistance, I am

Very truly yours,

  
Helen F. Hiser

Enclosures

cc: The Honorable Jenny Abbott Kitchings, S.C. Court of Appeals  
Stephen J. Wukela, Esq.

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THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

RECEIVED

AUG-16 2017

SC Court of Appeals

APPEAL FROM THE SOUTH CAROLINA  
WORKERS' COMPENSATION COMMISSION

W.C.C. No. 1605900

George C. Leggette, Jr., Employee, Claimant ..... Respondent,

v.

Three D Machinery Installers, LLC, Employer  
and Amerisure Mutual Insurance Company, Carrier ..... Appellants.

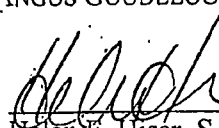
NOTICE OF APPEAL

Three D Machinery Installers, LLC and Amerisure Mutual Insurance Company hereby appeal the Order of the Appellate Panel of the South Carolina Workers' Compensation Commission filed July 24, 2017. Appellants received written notice of entry of this Order on July 24, 2017.

August 14, 2017

MCANGUS GOUELOCK & COURIE, LLC

By:



Helen F. Hiser, S.C. Bar No. 76124  
735 Johnnie Dodds Blvd., Suite 200  
P.O. Box 650007  
Mount Pleasant, South Carolina 29465  
(843) 576-2900

*Attorneys for Appellants Gregg Blakely Logging, Inc. and Palmetto Timber Fund.*

Other Counsel of Record:  
Stephen J. Wukela, Esq.  
WUKELA LAW FIRM  
P.O. Box 13057  
Florence, South Carolina 29504-3057

*Attorney for Respondent George C. Leggette, Jr.*

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

RECEIVED

APPEAL FROM THE SOUTH CAROLINA  
WORKERS' COMPENSATION COMMISSION

AUG 16 2017

SC Court of Appeals

W.C.C. No. 1605900

George C. Leggette, Jr., Employee, Claimant ..... Respondent,

v.

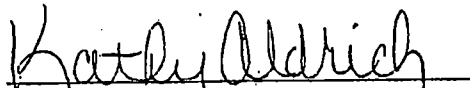
Three D Machinery Installers, LLC, Employer  
and Amerisure Mutual Insurance Company, Carrier ..... Appellants.

**PROOF OF SERVICE**

I certify that I have served Appellants' **Notice of Appeal** on the South Carolina Workers' Compensation Commission and on the attorney of record for Respondent George C. Leggette, Jr. by depositing a copy of it in the United States Mail, postage prepaid, on the 14th day of August, 2017, addressed as follows:

The Honorable Amy Bracy  
Judicial Director, South Carolina Workers' Compensation Commission  
P.O. Box 1715  
Columbia, South Carolina 29202-1715

Stephen J. Wukela, Esq.  
WUKELA LAW FIRM  
P.O. Box 13057  
Florence, South Carolina 29504-3057



Kathy Aldrich  
Assistant to Helen F. Hiser  
MCANGUS GOUDELOCK & COURIE LLC  
P.O. Box 650007  
Mount Pleasant, South Carolina 29465  
(843) 576-2900  
*Attorneys for Appellants*

APPELLATE PANEL  
DECISION AND ORDER  
OF THE  
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION  
WCC FILE NO. 1605900

RECEIVED

AUG 16 2017  
SC Court of Appeals

George C. Leggette, Jr., Employee,

Claimant/Appellant,

vs.

Three D Machinery Installers, LLC., Employer,  
and Amerisure Mutual Insurance Company,  
Carrier,

Defendants/Respondents.

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Appellate Panel Review held in Columbia,  
South Carolina, on May 15, 2017 notices  
timely and properly served on all  
parties of interest.

Appellate Panel Decision and Order filed  
7-24, 2017

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APPEARANCES:

Claimant/Appellant represented by Stephen J. Wukela, Esquire  
of Florence, South Carolina

Defendants/Respondents represented by Mary Margaret Hyatt,  
Esquire, of Columbia, South Carolina



## The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

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COLUMBIA, SOUTH CAROLINA 29211  
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[www.sccourts.org](http://www.sccourts.org)

August 22, 2017

Ms. Helen F Hiser, Esquire  
PO Box 650007  
Mount Pleasant SC 29465

Re: George Leggette, Jr. v. Three D Machinery Installers, LLC  
Appellate Case No. 2017-001730

Dear Counsel:

This Court has received your notice of appeal, and the case has been assigned the appellate case number that appears above. Please use this number on all future correspondence relating to this matter.

All parties to this matter are advised that all filings must comply with the requirements of Rule 267 of the South Carolina Appellate Court Rules (SCACR). The SCACR are available online at [www.sccourts.org/courtreg](http://www.sccourts.org/courtreg). Additionally, any filings submitted by counsel admitted in South Carolina must include counsel's bar number.

The attention of the parties is directed to the order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals. The order can be found at [www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2014-04-15-02](http://www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2014-04-15-02). Please note that the responsibility for insuring that information is redacted or sealed as required by this order rests with counsel and the parties. This office will *not* review filings for redaction or to determine if materials should be sealed.

This is to advise that the title in the above matter should read as follows:

George C. Leggette, Jr., Employee, Respondent,

v.

Three D Machinery Installers, LLC., Employer, and Amerisure Mutual Insurance Company, Carrier, Appellants.

All future records in this matter should reflect this title. If you have any questions, please do not hesitate to contact this office.

Very truly yours,

*V. Cleve Allen, Deputy*

CLERK

cc: Stephen J. Wukela, Esquire  
Mary Margaret Shingler Hyatt, Esquire  
Amy Bracy

**mgc**

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MOUNT PLEASANT, SC 29465

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**20493.16096 /HFH/kea**

The Honorable Jenny Abbott Kitchings  
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South Carolina Court of Appeals  
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Columbia, South Carolina 29211



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