

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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JAN 29 2018  
SC Court of Appeals

APPEAL FROM THE SOUTH CAROLINA  
WORKERS' COMPENSATION COMMISSION

W.C.C. No. 1605900

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

v.

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

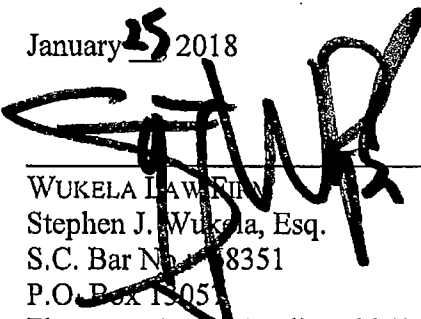
**AGREEMENT TO DISMISS APPEAL**

Pursuant to Rule 260(b), SCACR, the parties hereto agree that this appeal should be dismissed with prejudice. This matter is currently pending before this Court on appeal from an Order of the South Carolina Worker's Compensation Commission. Respondent George C. Leggette, Jr., is represented by Stephen J. Wukela, Esquire, and Appellants Three D Machinery Installers, LLC and Amerisure Mutual Insurance Company are represented by Helen F. Hiser, Esquire. Appellants were represented by Mary Margaret Hyatt, Esquire, before the Commission. Appellants and Respondent have reached a settlement agreement regarding the issues on appeal. The parties have further agreed that each party will bear its own costs with respect to this appeal.

Under S.C. Code Ann. § 42-9-390 (Voluntary Settlements), for injuries occurring after July 1, 2007, and so long as both parties are represented by an attorney, the employer only needs to file a copy of the settlement agreement with the Commission.

Respondent George C. Leggette, Jr. alleged injuries arising out of a March 28, 2016 accident, and both parties have been represented throughout this case by counsel. The settlement agreement has been filed with the Commission and is attached hereto for the Court's files. The parties agree that this appeal should be dismissed without further delay.

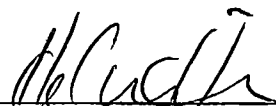
January 25 2018



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WUKELA LAW FIRM  
Stephen J. Wukela, Esq.  
S.C. Bar No. 8351  
P.O. Box 1505  
Florence, South Carolina 29504-3057  
(843) 669-5634

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



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MCANGUS GOUDELOCK & COURIE, LLC  
Helen F. Hiser  
S.C. Bar No.: 76124  
P.O. Box 650007  
Mount Pleasant, South Carolina 29465  
(843) 576-2900

*Attorneys for Appellants Three D Machinery  
Installers, LLC and Amerisure Mutual  
Insurance Company*

SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

W.C.C. FILE NO: 1605900

GEORGE LEGGETTE,  
Employee,  
Claimant,  
vs.  
THREE D METAL WORKS, INC.,  
Employer,  
AND  
AMERISURE MUTUAL INSURANCE  
COMPANY C/O AMERISURE  
INSURANCE,  
Carrier,  
Defendants.

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SETTLEMENT AGREEMENT  
AND RELEASE

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George Leggette "Claimant" alleges to have injured his back, left leg, and teeth, by accident arising out of and in the course of his employment with Three D Metal Works, Inc. "Employer" on or about March 28, 2016 when he allegedly struck his back on steps during a seizure.

Claimant's average weekly wage is \$849.37; and the compensation rate is \$566.27.

Claimant contends that he sustained an accidental injury arising out of and in the course of employment; that the relationship of employer and employee existed at the time of the injury; that he is in need of additional medical examination and treatment; that he has lost compensable time from work and wages; that he has sustained permanent disability in excess of any ratings by

treating physicians; and Defendants dispute the Claimant's allegations and deny that any benefits are due. This settlement is reached on a doubtful and disputed basis.

Claimant has been treated and/or evaluated by Georgetown County EMS, an unauthorized provider, who did not rate the Claimant's permanent impairment, by Georgetown Memorial Hospital, an unauthorized provider, who did not rate the Claimant's permanent impairment, by Lizina Green, M.D., an unauthorized provider, who did not rate the Claimant's permanent impairment, by Gentle Dentistry, an unauthorized provider, who did not rate the Claimant's permanent impairment, by Tideland's Andrews Medical Center, an unauthorized provider, who did not rate the Claimant's permanent impairment and by W.S. Edwards Jr., M.D., who did not rate the Claimant's permanent impairment.

In consideration of the sum of One Hundred Thousand Dollars and No Cents (\$100,000.00), Claimant does hereby release and forever discharge Defendants from any and all claims, demands, actions or causes of action under the South Carolina Workers' Compensation Act, on account of any and all injuries, disability, disfigurement, specific loss, death, operations, medical, hospital or like expense, continuances, recurrences, aggravations, changes of condition, ailments, illnesses, and diseases or other damages, consequences or results, past, present or future in any way connected with, or arising from the alleged injury sustained by Claimant on or about March 28, 2016, and does hereby acknowledge that Defendants have fully, finally and completely paid and discharged all of their obligations, liabilities and responsibilities under the South Carolina Workers' Compensation Act, and that the sum set forth above is being paid to, and received by, Claimant in full and final satisfaction of all claims whatsoever as a result of the alleged accident described above and that Defendants shall not be liable for any additional

payments whatsoever.

WHEREAS, full and complete medical reports are on file with the South Carolina Workers' Compensation and these are duly considered by it in approving this Settlement Agreement and Release.

WHEREAS, the Claimant hereby requests this Commission approve the allocation of the aforementioned proposed settlement sum as follows: Thirty-Three Thousand Three Hundred Thirty-Three and 33/100 (\$33,333.33) Dollars toward the payment of attorney's fees and Two Thousand Three Hundred Thirty-Six and 09/100 (\$2,336.09) Dollars toward the payment of costs and Sixty-Four Thousand Three hundred Thirty and 58/100 (\$64,330.58) in compromise settlement of disputed past and future disability compensation benefits at the rate of Forty-Eight and 26/100 (\$48.26) Dollars per week commencing February 1, 2018 for a period of One Thousand Three Hundred Thirty-Three (1,333) weeks thereafter, which is the Claimant's life expectancy pursuant to '19-1-50 of the Code of Laws of South Carolina, 1976, as Amended, James v. Anne's, Inc., 2010 S.C. Lexis 340 (S.C. Oct. 25, 2010), and by the Third Circuit Court of Appeals in Sciarotta v. Bowen, 837 F.2d 135 (3rd Cir. 1988).

Defendants agree to pay for an authorized evaluation with W.S. Edwards Jr., M.D., on or about December 28, 2017, in such amounts as may be approved by the South Carolina Workers' Compensation Commission. Defendants specifically deny responsibility for payment of any past, present or future unauthorized medical expenses or treatment incurred as a result of the alleged accidents described above. Defendants deny any liability under the South Carolina Workers' Compensation Act. This agreement represents a compromised settlement of a disputed and denied matter and only represents the release of any possible compensability exposure. It is not

the intention of the insurer to shift responsibility of future medical benefits to the Federal Government.

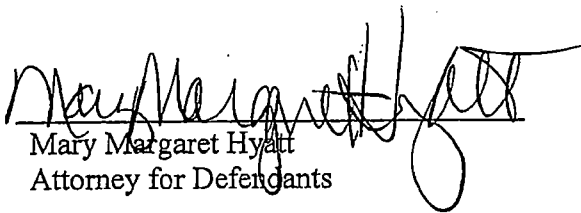
Claimant and his attorney represent that Claimant has been fully advised of his rights under the South Carolina Workers' Compensation Act and that they are of the opinion that the proposed settlement is reasonable and fair. Claimant's attorney represents that he has reviewed the settlement and has explained the terms fully to Claimant and Claimant voluntarily and without coercion agreed to the terms.


Claimant hereby relinquishes and releases each and every claim which he or anyone on his behalf now has, or may hereafter have, so that he shall not have any other or future claim or demand of any kind or nature as a result of the alleged accident described above.

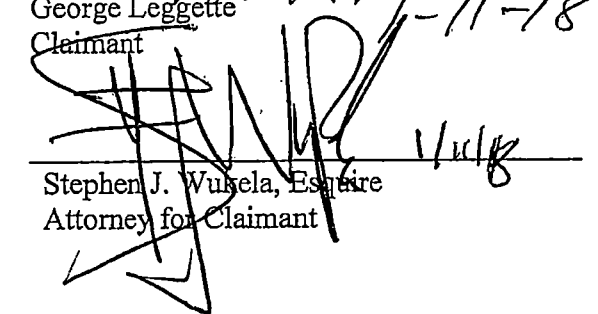
The parties are hereby filing this SETTLEMENT AGREEMENT AND RELEASE with the South Carolina Workers' Compensation Commission as required by S.C. Code Ann. § 42-9-390.

WE CONSENT:

McAngus Goudelock & Courie, L.L.C.

  
Mary Margaret Hyatt  
Attorney for Defendants

  
George Leggette  
Claimant  
1-11-18

  
Stephen J. Wuhela, Esquire  
Attorney for Claimant  
1/11/18

Myrtle Beach, South Carolina

Date: 1-17-18

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM THE SOUTH CAROLINA  
WORKERS' COMPENSATION COMMISSION

W.C.C. No. 1605900

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

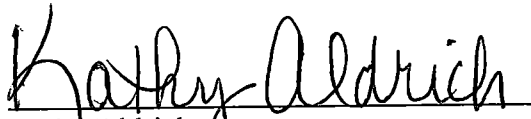
v.

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

**PROOF OF SERVICE**

I certify that I have served a copy of the **Agreement to Dismiss Appeal** on Respondent George C. Leggette, Jr. by depositing a copy of it in the United States Mail, postage prepaid, on the 25th day of January, 2018, addressed as follows:

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



Kathy Aldrich  
Assistant to Helen F. Hiser  
735 Johnnie Dodds Blvd., Suite 200  
P.O. Box 650007  
Mount Pleasant, South Carolina 29465  
(843) 576-2900

*Attorneys for Appellants Three D Machinery  
Installers, LLC and Amerisure Mutual Insurance  
Company*



**Reply To**

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

January 25, 2018

**Via U.S. Mail**

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

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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.: 2017-001730

Dear Ms. Kitchings:

Please find enclosed for filing the original and seven (7) copies of an Agreement to Dismiss Appeal in the above-referenced matter. I would appreciate your returning a clocked-in copy of same to me in the enclosed, self-addressed stamped envelope.

If you have any questions, please contact me.

Yours truly,

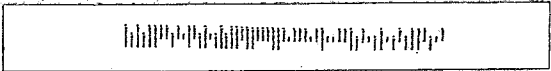
McAngus Goudelock & Courie, LLC



Helen F. Hiser

**Enclosures**

cc: Stephen J. Wukela, Esq.  
S.C. Workers' Compensation Commission, Judicial Director



**mgc** | INSURANCE  
DEFENSE

POST OFFICE BOX 650007  
MT. PLEASANT, SC 29465

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20493.16096 /HFH/kea  
The Honorable Jenny Abbott Kitching  
Clerk of Court  
South Carolina Court of Appeals  
P. O. Box 11629  
Columbia, South Carolina 29211

**SC Court of Appeals**