

8/02/18

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED
MAR 19 2018
SC Court of Appeals

APPEAL FROM THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION
Appellate Panel

W.C.C. Nos. 1422259 & 1507127

Thomas Hebert, Employee/Claimant..... Respondent,

v.

Drucker & Falk, L.L.C., Employer, and
American Zurich Insurance Co./Zurich North America
c/o Gallagher Basset Services, Inc. (Carrier as to
WCC File No: 1507127), and Key Risk Management
Services, Inc. (Carrier as to WCC File No: 1422259),..... Defendants,

Of which Drucker & Falk, L.L.C., Employer, and
Key Risk Management Services, Inc., Carrier, are the Appellants.

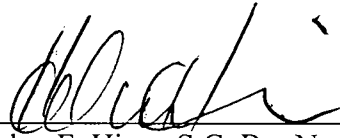
JOINT MOTION FOR STAY OF APPEAL

Appellants Drucker & Falk, L.L.C. and Key Risk Management Services, Inc., and Respondents Thomas Hebert and American Zurich Insurance Co./Zurich North America c/o Gallagher Basset Services, Inc. have agreed to mediate the issues raised in this appeal, in hopes of reaching a global settlement of this case. Therefore, Appellants and Respondents hereby jointly move to hold this appeal in abeyance for 60 days pending mediation, which will be scheduled as soon as is possible.

This motion conforms with Rule 240 and Rule 267, SCACR.

March 15, 2018

[SIGNATURES ON FOLLOWING PAGE]



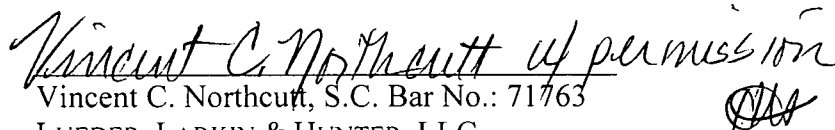
Helen F. Hiser, S.C. Bar No.: 76124
MCANGUS GOUDELOCK & COURIE, LLC
735 Johnnie Dodds Blvd., Suite 200
P.O. Box 650007
Mount Pleasant, South Carolina 29465
(843) 576-2900

*Attorneys for Appellants Drucker & Falk, L.L.C. and
Key Risk Management Services, Inc.*



Thomas M. White, S.C. Bar No.: 6004
THE STEINBERG LAW FIRM
Post Office Box 1028
Goose Creek, South Carolina 29445

Attorneys for Respondent Thomas Hebert



Vincent C. Northcutt, S.C. Bar No.: 71763
LUEDER, LARKIN & HUNTER, LLC
503 Wando Park Boulevard, Suite 205
Mt. Pleasant, South Carolina 29464

*Attorneys for Drucker & Falk, L.L.C. and
Respondent American Zurich Insurance Co./
Zurich North America c/o Gallagher Basset Services, Inc.*

Helen Hiser

From: Kate Hemingway <KHemingway@luederlaw.com>
Sent: Thursday, March 15, 2018 12:05 PM
To: Helen Hiser; Vince Northcutt
Cc: 'Tom White'; Brian O'Keefe; Ansley DeVita; Natalie Dalrymple; Susan Moten
Subject: RE: Tom Hebert

Helen,

Looks good. Vince's Bar Number is 71763. Please execute on our behalf.



Kate Hemingway

Partner

LUEDER, LARKIN & HUNTER, LLC

503 Wando Park Boulevard, Suite 205
Mt. Pleasant, South Carolina 29464

Telephone: 843-405-2241

Facsimile: 843-405-2241

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Website: www.luederlaw.com

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From: Helen Hiser [<mailto:helen.hiser@mgclaw.com>]
Sent: Thursday, March 15, 2018 9:12 AM
To: Vince Northcutt <VNorthcutt@luederlaw.com>
Cc: 'Tom White' <twhite@steinberglawfirm.com>; Brian O'Keefe <BOKeefe@mgclaw.com>; Ansley DeVita <ADeVita@luederlaw.com>; Natalie Dalrymple <NDalrymple@luederlaw.com>; Susan Moten <susan.moten@mgclaw.com>; Kate Hemingway <KHemingway@luederlaw.com>
Subject: RE: Tom Hebert

Sounds like a good place to be – thanks! I will wait to hear from Kate.

From: Vince Northcutt [<mailto:VNorthcutt@luederlaw.com>]
Sent: Thursday, March 15, 2018 9:04 AM
To: Helen Hiser
Cc: 'Tom White'; Brian O'Keefe; Ansley DeVita; Natalie Dalrymple; Susan Moten; Kate Hemingway
Subject: RE: Tom Hebert

Helen Hiser

From: Tom White <twhite@steinberglawfirm.com>
Sent: Wednesday, March 14, 2018 4:48 PM
To: Helen Hiser; Brian O'Keefe; 'Vince Northcutt'
Cc: 'Kate Hemingway'; 'Ansley DeVita'; 'Natalie Dalrymple'; Susan Moten
Subject: RE: Tom Hebert

Thanks Helen, you can sign for me, Bar # 6004.

Thomas M. White, Esq.



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From: Helen Hiser [mailto:helen.hiser@mgclaw.com]
Sent: Wednesday, March 14, 2018 3:22 PM
To: Tom White <twhite@steinberglawfirm.com>; Brian O'Keefe <BOKeefe@mgclaw.com>; 'Vince Northcutt' <VNorthcutt@luederlaw.com>
Cc: 'Kate Hemingway' <KHemingway@luederlaw.com>; 'Ansley DeVita' <ADeVita@luederlaw.com>; 'Natalie Dalrymple' <NDalrymple@luederlaw.com>; Susan Moten <susan.moten@mgclaw.com>
Subject: RE: Tom Hebert

All, attached is a brief motion to the Court of Appeals. I asked for 60 days to allow time, assuming a settlement is reached, to file with the Commission and tie up all the loose ends. If we end up needing a little additional time, the Court likely would grant that as well.

Logistically, it is simplest if you give me permission to sign on your behalf, assuming you agree to the attached Motion, as opposed to attempting to get original signatures from everyone. Let me know if you have any questions or concerns with it. Also, Tom and Vince, I will need your SC Bar Nos. for the signature page.

Thanks,
Helen

From: Tom White [mailto:twhite@steinberglawfirm.com]
Sent: Wednesday, March 14, 2018 2:34 PM
To: Helen Hiser; Brian O'Keefe; 'Vince Northcutt'; Susan Moten
Cc: Kate Hemingway; Ansley DeVita; Natalie Dalrymple
Subject: RE: Tom Hebert

That works for me

Thomas M. White, Esq.

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE SOUTH CAROLINA
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Appellate Panel

W.C.C. Nos. 1422259 & 1507127

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SC Court of Appeals

Thomas Hebert, Employee Respondent,

v.

Drucker & Falk, L.L.C. Employer, and
American Zurich Insurance Co./Zurich North America
c/o Gallagher Basset Services, Inc. (Carrier as to
WCC File No: 1507127), and Key Risk Management
Services, Inc. (Carrier as to WCC File No: 1422259), Defendants,

Of whom Drucker & Falk, L.L.C. Employer, and
Key Risk Management Services, Inc. are the Appellants.

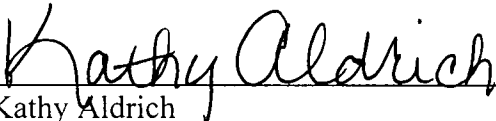
PROOF OF SERVICE

I certify that I have served the **Joint Motion for Stay of Appeal** on the attorney of record for Respondent Thomas Hebert and the attorney of record for Respondent American Zurich Insurance Co./Zurich North America c/o Gallagher Basset Services, Inc. by depositing a copy of it in the United States Mail, postage prepaid, on the 15th day of March, 2018, addressed as follows:

Thomas M. White, Esquire
The Steinberg Law Firm
Post Office Box 1028
Goose Creek, South Carolina 29445
Attorneys for Respondent Thomas Hebert

Vincent C. Northcutt, Esquire
Lueder, Larkin & Hunter, LLC
503 Wando Park Boulevard, Suite 205
Mt. Pleasant, South Carolina 29464

*Attorneys for Drucker & Falk, L.L.C. and
Respondent American Zurich Insurance Co./
Zurich North America c/o Gallagher Basset Services, Inc.*


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 Drucker & Falk, L.L.C.
and Key Risk Management Services, Inc.*

mgc

Reply To

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

March 15, 2018

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

RECEIVED
MAR 19 2018
SC Court of Appeals

RE: Thomas Hebert v. Drucker & Falk, LLC and Key Risk Insurance Company
of SC c/o Key Risk Management Services, Inc.
Date of Accident: December 8, 2014
WCC File No.: 1422259
Our File No.: 2016.15038
Claim No.: 15018596
Appeal No.: 2018-000325

Dear Ms. Kitchings:

Enclosed please find the original and seven (7) copies of the parties' Joint Motion for Stay of Appeal, and the original and one copy of the Proof of Service in the above-referenced matter. Please file the originals and return a clocked-in copy in the enclosed self-addressed, stamped envelope. Also enclosed is our firm's check in the amount of \$25 for filing the motion.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

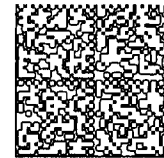


Helen F. Hiser

Enclosure

cc: Thomas M. White, Esq.
Vincent C. Northcutt, Esq.

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2016.15038/HFH/kea

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