

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

Telephone (803) 771-7211

Matthew Robertson

Facsimile (803) 252-0709

April 25, 2018

RECEIVED

APR 27 2018

SC Court of Appeals

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

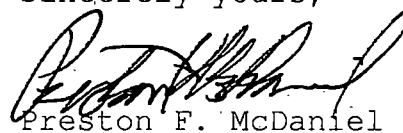
**RE: Clarence B. Winfrey, Jr. v. Archway Services,
Inc. and American Fire & Casualty Insurance Co.
Court of Appeals Appellate Case No. 2014-001788**

Dear Ms. Kitchings:

Enclosed herewith for filing, please find the original and seven (7) copies of our **REPLY TO THE RETURN IN OPPOSITION TO THE MOTION FOR THE TAXING OF COSTS AND ATTORNEY'S FEES AGAINST THE APPELLANTS/PETITIONERS** along with the original Proof of Service of the same in the above-named matter. I would appreciate your returning a clocked-in copy to me in the enclosed self-address, stamped envelope.

By copy of this letter I am serving counsel for the Appellants/
Petitioners with a copy of our Reply.

Sincerely yours,



Preston F. McDaniel

PFM/abh/*mmk*
Enclosures

cc: Brett H. Bayne, Jr., Esquire

RECEIVED

APR 27 2018

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
Court of Appeals

APPEAL FROM THE SOUTH CAROLINA WORKER'S COMPENSATION COMMISSION WCC
NO. 1306305

COURT OF APPEALS APPELLATE CASE NO. 2014-001788
SUPREME COURT APPELLATE CASE NO. 2017-002251

Clarence B. Winfrey, Jr., Employee,Respondent,
v.
Archway Services, Inc., Employer,
And American Fire & Casualty Insurance Company,
Carrier,Appellants/Petitioners.

**REPLY TO THE RETURN IN OPPOSITION TO THE
MOTION FOR THE TAXING OF COSTS AND
ATTORNEY'S FEES AGAINST THE APPELLANTS/PETITIONERS**

By way of Reply to the Return filed by the Appellants/
Petitioners:

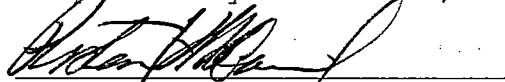
1. That in reference to Respondent's request for taxation of costs for the filing fees for the extraordinary Motions filed with this Court and with the South Carolina Supreme Court, the Movant and Respondent as to the appeal before both Courts would submit that these Motions were due to extraordinary circumstances. Rule 220(b) and Rule 242(J) (2) SCACR were adopted so as to provide for and to address exactly the type of circumstances that exist in this matter. The provision of medical care during the pendency of an appeal is an extraordinary statutory provision as compared to ordinary statutory provisions applicable to staying matters pending before the Court under Rule 241 and is a specifically

listed exceptionL: Rule 241(b)(7), SCACR. It is an extraordinary provision established to protect the rights and benefits of injured workers so as to insure the payment of benefits to the injured worker during appeal of an Award.

2. That as to the other Motion, it resulted from Appellants filing a motion before the South Carolina Workers' Compensation Commission to cut off medical care and weekly compensation at a time when the entire matter, which was denied in total, was on appeal as to all issues before this Court and the Supreme Court which is an extra-ordinary situation; especially in light of Rule 241(b)(7), SCACR.

WHEREFORE, the Respondent verifiably believes that as to these motion fees extraordinary circumstances exist as contemplated by the Rules which justifies the award of costs for the filing of these Motions.

Respectfully submitted,



Preston F. McDaniel, Esq.

SC Bar No. 3770

McDaniel Law Firm

1315 Elmwood Avenue

Columbia, SC 29201

(803) 771-7211

Atty for Movant/Respondent Before
This Court and the Supreme Court

April 25, 2018

Other Counsel of Record:
Brett H. Bayne, Esquire
McAngus, Goudelock & Courie
Post Office Box 12519
Columbia, SC 29211
(803) 779-2300

Attorney for Appellants/Petitioners

THE STATE OF SOUTH CAROLINA
Court of Appeals

APPEAL FROM THE SOUTH CAROLINA WORKER'S COMPENSATION COMMISSION
WCC NO. 1306305

COURT OF APPEALS APPELLATE CASE NO. 2014-001788
SUPREME COURT APPELLATE CASE NO. 2017-002251

Clarence B. Winfrey, Jr., Employee, Respondent,

v.

Archway Services, Inc., Employer,
And American Fire & Casualty Insurance Company,
Carrier, Appellants/Petitioners.

PROOF OF SERVICE

I certify that I have served the REPLY TO THE RETURN IN
OPPOSITION TO THE MOTION FOR THE TAXING OF COSTS AND ATTORNEY'S
FEES AGAINST THE APPELLANT/PETITIONERS on April 25, 2018,
addressed as follows to its Attorneys of Record:

Brett H. Bayne
McAngus Goudelock Courie LLC
1320 Main Street, 10th Floor
Columbia, SC 29211

RECEIVED

APR 27 2018

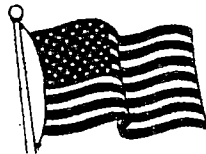
SC Court of Appeals

Dated: April 25, 2018



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

McDaniel Law Firm
1315 Elmwood Avenue
Columbia, SC 29201



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

RECEIVED

APR 27 2018

SC Court of Appeals

