

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

July 18, 2018

VIA FAX ONLY: 803-734-1839

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

Claire Allen
Deputy Clerk
SC Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

ATTN: Mary Caitlyn

RECEIVED
JUL 19 2018
SC Court of Appeals

**RE: Preston F. McDaniel, Esquire and John M. Milling,
Esquire v SCWCC
Appellate Case No. 2018-001234**

Dear Ms. Kitchings & Ms. Allen:

Pursuant to my conversation with Mary Caitlyn, I believe she is going to send you a memo, and I also was going to send you this letter concerning the caption in the above referenced matter. This action arises out of a denial of part of the fee request filed on behalf of the Honorable John Milling and myself as co-counsel in Ms. Pam Cartee's Workers' Compensation case. First, per the Notice of Appeal, this action is against the SC Workers' Compensation Commission based on its decision to deny part of the fee as requested, and therefore the Commission is the Respondent. I have properly served the Commission and a copy on the Attorney General's office.

I contacted Mary Caitlyn because I did not understand the second page of the standard letter as to the caption to be applied, and felt like there had to be a line left out in reference to the respondent.

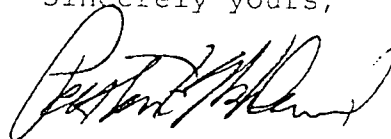
I have a Motion drafted to stay the Appeal and remand this matter to the Commission because it was not properly served and was not properly captioned and also because I have a Declaratory Judgment Action, which has been stayed in the Circuit Court for a period of sixty (60) days. Since I need the caption for the Motion, I would appreciate it if you would let me know about the caption as soon as possible. I will file the Motion late tomorrow afternoon.

Jenny Abbott Kitchings
Claire Allen
July 18, 2018
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Next, although I have properly served the Commission with a copy to the Attorney General's office, we have heard nothing as to who will be representing the agency. Based on my past experience where an agency has General Counsel, sometimes General Counsel represents the agency, sometimes they employ private counsel from the list approved by the Attorney General's office and on some occasions the Attorney General's office represents the agency. I just wanted to make you aware of that situation at this time as well.

I look forward to the direction of the Court and I hope this finds you doing well. As always, I appreciate all of the courtesies and kindnesses shown to me by the Commission.

Sincerely yours,



Preston F. McDaniel

PFM/rmt

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FAX TRANSMISSION COVER SHEET

RECEIVED

Date: 7/18/18

JUL 19 2018

From: McDANIEL LAW FIRM

SC Court of Appeals

To: ATTN: MARY CAITLYN

Fax Number Called: 803 734-1839

Regarding: Preston McDANIEL & JOHN MILLING V SCWCC

Comments: _____

We are transmitting 3 pages, including face sheet.

If you have any problems with this transmiss
at 803-771-7211.

Transmitted from Fax Number 803-252-0709

Transmitted by: Rose Thielke

*Preston
McDaniel
Fax*

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