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THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM SOUTH CAROLINA  
Workers' Compensation Commission  
Appellate Panel

RECEIVED  
JUL 26 2018  
SC Court of Appeals

Appellate Case No. 2018-001234

Ex Parte: Preston F. McDaniel, Esquire,  
and John M. Milling, Esquire, ..... Appellants,

v.

SC Workers' Compensation Commission.....Respondent.

IN RE:

Pamela Cartee, Claimant,

v.

SC Judicial Department, Employer,  
and State Accident Fund, Carrier, Defendants.

MOTION TO CORRECT THE OFFICIAL CAPTION  
IN THIS MATTER AS SET FORTH ABOVE TO INCLUDE  
THE NAME OF THE RESPONDENT,  
SC WORKERS' COMPENSATION COMMISSION, DUE TO OVERSIGHT  
AND/OR INADVERTENT ERROR IN THE CAPTIONING  
BY THE COURT UNDER RULE 267, SCACR

TO: SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION, RESPONDENT:

YOU WILL PLEASE TAKE NOTICE that the Appellants in the above-  
referenced matter hereby move the Court pursuant to the direction  
of the Clerk's office and pursuant to Rule 240 for an Order of the  
Court correcting the official title of the above-referenced matter  
which was, upon information and belief, inadvertently or by

oversight, inaccurately recorded as the official title of the case without including the name of the Respondent, the SC Workers' Compensation Commission, which shall appear on all documents filed with the Court. The basis for the Motion is set forth more fully in the Memorandum in Support hereof attached hereto and incorporated herein by reference. The official title of the case should be captioned either:

"Ex Parte<sup>1</sup>: Preston F. McDaniel, Esquire,  
and John M. Milling, Esquire,.....Appellants,

v.

SC Workers' Compensation  
Commission.....Respondent.

IN RE:

Pamela Cartee, Claimant,

v.

SC Judicial Department,  
Employer, and State Accident  
Fund, Carrier, Defendants."

In the alternative, and pursuant to the example in Rule 267, SCACR, in this appeal from the Administrative Decision concerning the attorneys' fees requested by the Appellants, the caption should read:

Preston F. McDaniel, Esquire,  
and John M. Milling, Esquire,.....Appellants,

v.

SC Workers' Compensation  
Commission.....Respondent.

---

<sup>1</sup> Query: is Ex Parte necessary; Commission action v. Appellants interests.

Without reference to the underlying workers' compensation case that gave rise to the claim.

WE SO MOVE.

Respectfully submitted,



Preston F. McDaniel  
MCDANIEL LAW FIRM  
1315 Elmwood Avenue  
Columbia, South Carolina 29201  
(803) 771-7211

and

John M. Milling  
MILLING LAW OFFICE  
Post Office Box 519  
Darlington, SC 29532  
(843) 393-4083

*APPELLANTS*

July 26, 2018

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM SOUTH CAROLINA  
Workers' Compensation Commission  
Appellate Panel

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JUL 26 2018

SC Court of Appeals

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MEMORANDUM IN SUPPORT OF  
MOTION TO CORRECT THE OFFICIAL CAPTION  
IN THIS MATTER AS SET FORTH ABOVE TO INCLUDE  
THE NAME OF THE RESPONDENT,  
SC WORKERS' COMPENSATION COMMISSION, DUE TO OVERSIGHT  
AND/OR INADVERTENT ERROR IN THE CAPTIONING  
BY THE COURT UNDER RULE 267, SCACR

---

The Appellants would respectfully show and submit unto the  
Court as follows in support of the Motion:

1. That the Appellants filed an appeal with the Court on  
July 2, 2018 (note: to preserve and insure their right to review,

see paragraph 4 as to the Declaratory Judgment action filed for a declaration of Appellants' rights and procedure for review). A copy of the clocked-in first page of that Notice of Appeal is attached hereto and incorporated herein as Exhibit "A".

2. That this matter involves an appeal by the Appellants, Preston F. McDaniel, Esquire, and John M. Milling, Esquire, from a denial of part of the attorneys' fees requested by them as filed with the SC Workers' Compensation Commission, and their appeal of the Single Commissioner's Decision to the Full Commission, and the Full Commission's Decision in that regard. A copy of the Petition requesting Full Commission review filed by the Appellants is attached hereto and incorporated herein by reference as Exhibit "B".

3. That subsequent to the filing of the appeal, on July 11, 2018, the Appellants received a standardized letter addressed to them stating as its reason:

"Re: Preston F. McDaniel v. SCWCC  
Appellate Case No. 2018-001234"  
(Emp. added).

On the second page of that letter containing the official caption, not noticed at the time, there is no Respondent listed nor is the line referencing the SC Workers' Compensation Commission as Respondent contained in that caption. A copy of that letter dated July 11, 2018, is attached hereto and incorporated herein by reference as Exhibit "C". The Court will notice the actual letter referencing the Appellate Case No. is captioned per the Appellants' Notice of Appeal and appropriately list the

Respondent, as the "SCWCC".

4. That subsequent thereto, on July 18<sup>th</sup> while drafting a Motion in reference to requesting a Stay of the appeal pending a determination of the declaratory judgment action in the same matter filed with the Circuit Court, and requesting a Remand to the Commission for various errors including failure to properly serve and failure to note the parties to the action before the Full Commission, the inadvertent error, or what the Appellants believe possibly was a scrivener's error, in the failure to include the Respondent in the caption was noticed.

5. That on that same date, July 18, 2018, Appellants notified the Court and was advised by an Assistant Clerk of Court that they were unsure as to why the change had been made in the caption or whether or not that was intended. In follow-up to that conversation, a letter was sent to the Court via facsimile and US mail addressed to the Deputy Clerk of Court, Ms. Claire Allen, and to the Clerk of Court, Ms. Jenny A. Kitchings noting the error found in the official caption and requesting a simple letter revising the caption to include the party Respondent, the "SCWCC". A copy of that letter is attached hereto and incorporated herein by reference as Exhibit "D".

6. That subsequent thereto, Counsel received another letter from the Court and interestingly addressed identically as the previous standard letter of July 11, 2018 stating as the "Re:" (reason) Preston F. McDaniel as a party and referencing the other party as being the "SCWCC", i.e., the SC Workers' Compensation

Commission. That letter dated July 20, 2018 advised the Appellants that Counsel could seek relief by filing a Motion in regard to the caption requesting correction. A copy of that letter is attached as Exhibit "E".

7. That this matter arises out of a request for approval of attorneys' fees in reference to representation of the Claimant by Mr. Milling and Mr. McDaniel in the matter of: Pamela Cartee v. SC Judicial Department and the State Accident Fund. As is set forth in the original Notice of Appeal, a portion of those attorneys' fees were not approved by the Hearing Commissioner assigned to both review and approve the attorneys' fee request. The Appellants have filed both a declaratory judgment action in the Circuit Court, and subsequent thereto filed this appeal to insure preservation of their right to have a review made of the denial of the portion of attorney's fees requested. In the Petition to the Full Commission as set forth hereinabove, the Request for Review appropriately noted as the Petitioners before the Full Commission Preston F. McDaniel, Esquire and John M. Milling, Esquire, in reference to the refusal to approve a portion of the attorneys' fees requested.

8. That normally in any case the matter of the attorney's fees for representation is a matter strictly between the attorneys and their client, and strictly a matter of contract and subject only to the SC Rules of Professional Responsibility. The client(s) and the attorney(s) are the parties and are the only parties to that contractual agreement. A client is the only party that may

contest compliance with the Rules of Professional Conduct.

9. That in a workers' compensation matter, the attorneys' fees charged are subject to the additional requirement of approval by the Workers' Compensation Commission or a Court of competent jurisdiction of the attorney's fees charged pursuant to statute, currently SC Code §42-15-90(B)(1)(a). [Note: SC Code §42-15-95 put very stringent and extra requirements on the adoption of any regulation of attorney's fees]. Therefore, at most in a workers' compensation matter in reference to a request for approval of attorney's fees, the parties are the claimant, the attorneys requesting approval of the fee, and the Workers' Compensation Commission or a Court of competent jurisdiction both of whom under the statute are given the authority to approve attorney's fees in a workers' compensation matter. Not only are the employer and/or the insurance carrier not parties to the attorney's fee request, which is a matter of contract between the client and the attorney but their involvement or interference would constitute tortuous interference with contract.

10. That as is set forth hereinabove, the Appellants believe and would respectfully submit that the caption of the Notice of Appeal is the caption that is appropriate and properly delineates the parties in this matter, which are the two attorneys that requested approval of their attorneys' fees under contract with their client and who requested Review by the Commission and who are the Appellants to the Decision of the Full Commission not approving a portion of those attorneys' fees. The "party"

Respondent who issued the Decision not to approve the attorneys' fees as requested, is the "SCWCC", the SC Workers' Compensation Commission. The Appellants would note that the Claimant whom they represented before the Commission has specifically notified the Commission that she wants and desires and joins in the request for approval of attorneys' fees on behalf of her Counsel of Record as submitted.

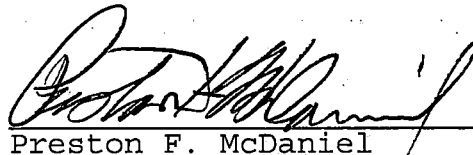
11. That in the alternative, while the Appellants believe that it is appropriate to note the underlying matter which gave rise to the request for attorneys' fees that at a minimum, the caption should reflect the actual parties which are the two attorneys, Preston F. McDaniel, Esquire and John M. Milling, Esquire, as Appellants to the Decision of the Commission denying them their right to attorneys' fees, and the Commission as the Respondent as set forth in the example of Rule 267(a), SCACR, in "appeals from administrative tribunals" since this is an action taken by the Workers' Compensation Commission against the Appellants, and they are the parties in interest in that Decision. The caption should read: the Appellants versus the SC Workers' Compensation, Respondent.

12. That as the Court will note from the letter from the Clerk's office, there is no Respondent listed and the line containing the SC Workers' Compensation Commission as Respondent is, and the Appellants believe was simply inadvertently omitted from the standardized letter on page 2 of the July 11, 2018 letter.

WHEREFORE, the Appellants respectfully request that the Court grant the motion and recaption the document pursuant to the real parties in interest and the real parties involved, that being the two attorneys whose fee was in part not approved by the Commission, and who appealed and requested review of that Decision of the Hearing Commissioner to the Full Commission, and who after an adverse Decision from the SC Workers' Compensation Commission, which has the responsibility for approval or disapproval of attorney's fees, appealed that Decision to this Court. The Commission is the Respondent and the caption must so note.

WE SO MOVE.

Respectfully submitted,



Preston F. McDaniel  
MCDANIEL LAW FIRM  
1315 Elmwood Avenue  
Columbia, South Carolina 29201  
(803) 771-7211

and

John M. Milling  
MILLING LAW OFFICE  
Post Office Box 519  
Darlington, SC 29532  
(843) 393-4083

*APPELLANTS*

July 26, 2018

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM SOUTH CAROLINA  
SC Workers' Compensation Commission  
Appellate Panel

SCWCC File No.: 1307922

**RECEIVED**

JUL 02 2018

SC Court of Appeals

Preston F. McDaniel, Esquire and  
John M. Milling, Esquire, ..... Appellants,

v.

South Carolina Workers  
Compensation Commission, ..... Respondent.

IN RE:

South Carolina Workers' Compensation  
Commission

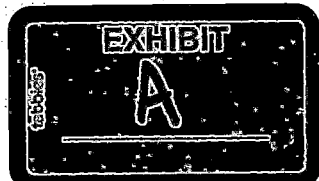
Pamela Cartee, Employee ..... Claimant,

v.

South Carolina Judicial Dept., Employer  
And State Accident Fund, Carrier ..... Defendants.

NOTICE OF APPEAL

Appellants Preston F. McDaniel, Esquire and John M. Milling, Esquire appeal the Decision of the Hearing Commissioner filed March 6, 2018 and the Full Commission Order of the South Carolina Workers' Compensation Commission filed May 30, 2018. Appellant received notice of entry of the Full Commission (the final Agency



BEFORE THE  
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION  
WCC FILE NO. 1307922

PRESTON F. MCDANIEL AND )  
JOHN M. MILLING, )  
Attorneys at Law )

v. )

South Carolina Workers )  
Compensation Commission )  
Commissioner McCaskill Order )  
Concerning Attorneys Fees )

IN RE: )

PAMELA CARTEE, Employee, )  
Claimant, )

v. )

SC JUDICIAL DEPARTMENT, )

Employer, and )

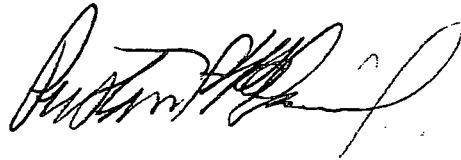
STATE ACCIDENT FUND, )

Insurance Carrier, )

Defendants. )

REQUEST FOR COMMISSION  
REVIEW OF THE  
MARCH 6, 2018 ORDER  
REFUSING TO APPROVE  
ATTORNEYS FEES

Attached hereto and incorporated herein by reference is the  
Commission Form Requesting Commission Review



South Carolina Workers' Compensation Commission  
1333 Main Street, Suite 500  
P.O. BOX 1715  
Columbia, SC 29202-1715  
803-737-5675 [www.wcc.sc.gov](http://www.wcc.sc.gov)



WCC File #: 1307922  
Carrier File #: \_\_\_\_\_  
Carrier Code #: \_\_\_\_\_  
Employer FEIN #: \_\_\_\_\_

**IN RE:**

Claimant's Name: Pamela O. Cartee SSN: \_\_\_\_\_ Employer's Name: SC Judicial Department  
Address: \_\_\_\_\_ Address: 1015 Sumter Street  
City: \_\_\_\_\_ State: SC Zip: 29550 City: Columbia State: SC Zip: 29201  
Home Phone: ( ) - - Work Phone: ( ) - - Insurance Carrier: State Accident Fund  
Preparer's Name: Preston F. McDaniel Law Firm: McDaniel Law Firm Preparer's Phone #: (803) 771-7211

**REQUEST FOR COMMISSION REVIEW**

Request for Commission Review by  Claimant  Employer (check one) Date of Injury or Illness: 03/01/2013  
\*\*\*

The undersigned makes application for review of the findings of the Commissioner in the above-captioned case. The request for review is based on the following grounds: (State the grounds of your appeal in the form of questions presented. Each question presented must contain a concise statement of one proposition of law or fact. Refer to evidence by title and exhibit number. Use additional pages if necessary).

**Although not provided for by Statute or Regulation the Claimant's attorneys are requesting Commission Review of the Order of Commissioner McCaskill issued on March 6, 2018 refusing to approve a portion of**

**The fee requested December 5, 2017**

**Grounds for Review are Attached**

(Check one) Oral argument  is  is not requested. Appellant's request for oral argument is waived if not indicated on this form.

Mediation

Mediation is requested by consent of the Parties pursuant to Reg. 67-1803.

Questions regarding mediation may be submitted to [mediation@wcc.sc.gov](mailto:mediation@wcc.sc.gov).

I certify I have served this document pursuant to Reg. 67-211 by delivering a copy to SEE ATTACHED CERTIFICATE OF SERVICE on the \_\_\_ day of 2018, by first class postage  certified mail  personal service.

Preparer's Signature: [Signature] Attorney for Claimant: [Signature] Email: preston@pfmcdlaw.com Date: March 20, 2018

Questions about the use of this form should be directed to the Judicial Department at 803.737.5675 or [appeals@wcc.sc.gov](mailto:appeals@wcc.sc.gov).

If the claimant appeals and is not represented by counsel, the Judicial Department will properly serve this form pursuant to Reg. 67-607 C. Pursuant to Reg. 67-205 and Reg. 701, the appeal must be postmarked no later than 14 days from the date of service of the Decision and Order of the Hearing Commissioner along with the filing fee. Attach a Form 32, if you are unable to pay the filing fee. Refer to Reg. 67-211 and Reg. 67-701 through 711.



# The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1220 SENATE STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
[www.sccourts.org](http://www.sccourts.org)

July 11, 2018

Preston F. McDaniel, Esquire  
1315 Elmwood Ave.  
Columbia SC 29201

John M. Milling, Esquire  
PO Drawer 519  
Darlington SC 29540

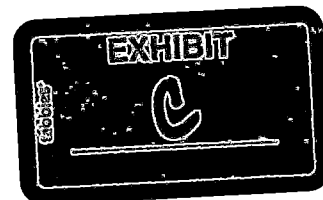
Re: Preston F. McDaniel v. SCWCC  
Appellate Case No. 2018-001234

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?order](http://www.sccourts.org/courtOrders/displayOrder.cfm?order)



No=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 has been changed to read as follows:

Ex Parte: Preston F. McDaniel, Esquire, and John M. Milling, Esquire, Appellants.

IN RE:

Pamela Cartee, Claimant,

v.

SC Judicial Department, Employer, and State Accident Fund, Carrier, Defendants.

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

Very truly yours,

*V. Claire Allen, Deputy*

CLERK

cc: James Keith Roberts, Esquire  
Alan McCrory Wilson, Esquire  
Amy Bracy

**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

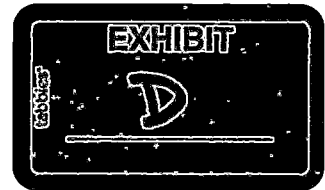
Facsimile (803) 252-0709

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

**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.

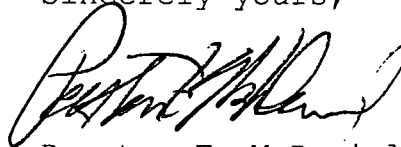
I have a Motion drafted to stay the Appeal and remand this matter to the Commission because it was not properly served and was not properly captioned and also because I have a Declaratory Judgment Action, which has been stayed in the Circuit Court for a period of sixty (60) days. Since I need the caption 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  
Page 2

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,

A handwritten signature in black ink, appearing to read "Preston F. McDaniel", written in a cursive style.

Preston F. McDaniel

PFM/rmt



# The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
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TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
[www.sccourts.org](http://www.sccourts.org)

July 20, 2018

Preston F. McDaniel, Esquire  
1315 Elmwood Ave.  
Columbia SC 29201

Re: Preston F. McDaniel v. SCWCC  
Appellate Case No. 2018-001234

Dear Counsel:

We are in receipt of your correspondence, filed on July 19, 2018, regarding the caption for this appeal. Please be advised that if you wish to ask for relief from the Court, you must file a motion pursuant to Rule 240 of the South Carolina Appellate Court Rules.

Very truly yours,

*V. Claire Allen, Deputy*

CLERK

cc: John M. Milling, Esquire  
James Keith Roberts, Esquire  
Alan McCrory Wilson, Esquire  
Thomas Parkin C. Hunter, Esquire



THE STATE OF SOUTH CAROLINA  
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PROOF OF SERVICE

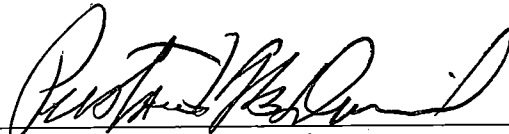
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I certify that I have served the MOTION TO CORRECT THE OFFICIAL CAPTION IN THIS MATTER AS SET FORTH ABOVE TO INCLUDE THE NAME OF THE RESPONDENT, SC WORKERS' COMPENSATION COMMISSION, DUE TO OVERSIGHT AND/OR INADVERTENT ERROR IN THE CAPTIONING BY THE COURT UNDER RULE 267, SCACR and MEMORANDUM IN SUPPORT OF by depositing a copy of same in the United States Mail, postage prepaid, on July 26, 2018 addressed to:

SC Workers' Compensation Commission  
Post Office Box 1715  
Columbia, South Carolina 29202

Alan T. Wilson  
SC Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211-1549

Dated: July 26, 2018



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

and

John M. Milling  
SC Bar #: 3994  
MILLING LAW FIRM  
Post Office Box 519  
Darlington, South Carolina 29532  
(843) 393-4083

**APPELLANTS**

THE STATE OF SOUTH CAROLINA  
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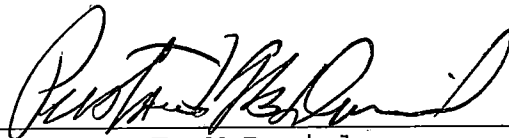
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SC Workers' Compensation Commission  
Post Office Box 1715  
Columbia, South Carolina 29202

Alan T. Wilson  
SC Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211-1549

Dated: July 26, 2018



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

and

John M. Milling  
SC Bar #: 3994  
MILLING LAW FIRM  
Post Office Box 519  
Darlington, South Carolina 29532  
(843) 393-4083

*APPELLANTS*

**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

Matthew Robertson

Telephone (803) 771-7211

Facsimile (803) 252-0709

July 26, 2018

**RECEIVED**

JUL 26 2018

SC Court of Appeals

Honorable Jenny Abbott Kitchings  
Clerk of Court  
SC Court of Appeals  
1220 Senate Street  
Columbia, South Carolina 29201

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

Dear Ms. Kitchings:

Per our discussion, the direction of the Court in the July 20, 2018 letter, and pursuant to the Appellate Court Rules, and specifically Rule 240 and Rule 267, please find attached our Motion to correct the caption to list the party Respondent which is, as noted in the Court's letters of July 11<sup>th</sup> and July 18<sup>th</sup>, the "SCWCC", the SC Workers' Compensation Commission, along with the appropriate number of copies. I would appreciate it if you would return a clocked-in copy of the Motion at the time of filing to the courier. The required \$25.00 filing fee and the Proof of Service on both the SC Workers' Compensation Commission and the SC Attorney General's office is enclosed as well.

Please note: for the Record that on the July 18<sup>th</sup> letter the Court added as an attorney, Thomas Parkin C. Hunter, Esquire, in addition to General Counsel for the Commission, and Alan M. Wilson as Attorney General being listed. As of the date of this filing, we have not received any notice from any attorney that they are representing the Commission in this appeal. Query under Rule 203(e)(2)(E), should we list attorneys as being Attorneys of Record wherein there has been no Notice of Appearance? I am forwarding and serving a copy on the Attorney General because of lack of Notice of Representation from anyone in reference to this matter on behalf of the Respondent. We are therefore also forwarding and serving a copy on the Commission as Respondent as well. Because I believe it is appropriate that you serve the Commission and/or its Executive Director since there has been no Notice of Appearance as an Attorney of Record in this matter by the General Counsel for the Commission, I will continue to

Honorable Jenny Abbott Kitchings

July 26, 2018

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proceed with service simply on the Commission until otherwise notified.

I look forward to getting this caption corrected and am sorry to put the Court to so much trouble. I have never meant to challenge in any way, shape or form the procedures of the Court, and the purpose of my previous letter was simply to try to get this matter corrected as quickly and as easily as possible. There have been many occasions as we discussed in the past where my office or some other party involved or where the Court has made an inadvertent scrivener's error or error by referencing to the wrong Appellate Case No. or parties, etc., and that was the purpose of my informal request prior to this formal Motion, which I am filing, again, at the direction of the Court.

As always, I appreciate all the courtesies and kindnesses shown to me by you, your office and the Court, and again I apologize if I in any way, shape or form have not shown due and proper respect for the processes of the Court, or for trying to handle something for a better term, "informally" versus following formal procedure. I truly have always held the utmost respect for the Court and have tried to show that in addition to my ethical and professional responsibility in that regard.

Sincerely yours,



Preston F. McDaniel

PFM/kth  
Enclosures

cc: John M. Milling, Esquire  
SC Workers' Compensation Commission  
Alan M. Wilson, SC Attorney General  
J. Keith Roberts, Esquire (courtesy copy)  
T. Parkin C. Hunter, Esquire (courtesy copy)