

McDANIEL LAW FIRM  
ATTORNEYS AND COUNSELORS AT LAW  
1315 ELMWOOD AVENUE  
COLUMBIA, SOUTH CAROLINA 29201

Proudly representing injured workers  
for over 30 years.

**RECEIVED**

DEC 18 2018

SC Court of Appeals

Telephone (803) 771-7211

Facsimile (803) 252-0709

Preston F. McDaniel

Matthew Robertson

December 18, 2018

VIA FACSIMILE - 734-1839  
AND US MAIL  
Jenny Abbott Kitchings  
Clerk of Court  
SC Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

**IMMEDIATE ATTENTION**  
**REQUESTED!**

**RE: Clarence Winfrey v. American Fire & Casualty  
Appellate Case Nos.: 2016-000788**

Dear Ms. Kitchings:

I am writing this letter with a copy to Counsel of Record seeking your assistance on how I should proceed in reference to a request that the Court stay any further consideration of the above-referenced appeal pending mediation by the parties.

We were advised on December 6<sup>th</sup> that the Court would consider the above-referenced appeal during the December term based on the Briefs and without oral argument.

On December 12<sup>th</sup> I received a notification from Mr. Brett Bayne, Counsel for the Respondent Liberty Mutual, that his client wanted to try to mediate the 2<sup>ND</sup> OR 3<sup>RD</sup> week of January a, "global resolution" of all remaining actions pending and arising out of the underlying comp claim; this appeal being one of those. I immediately tried to contact Counsel about a Stay and sent a proposed letter to Respondent's Counsel and to the Attorney General's office mutually requesting a Stay. After several calls and emails Thursday and Friday, we received an "auto reply" that he was in trial through December 21<sup>st</sup>.

Since we have agreed to try to mediate this case in January, I believe it is in everyone's best interest to request that the Court stay further action on the appeal until such time as we have an opportunity to see whether we can mediate a final result.

I believe that the proper way, to make this request based on the agreement to mediate, would be to file a Motion in that regard. However, I would appreciate hearing from you and I will

Jenny Abbott Kitchings  
December 18, 2018  
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then immediately file the Motion. Hopefully all parties will be able to speak and consent by that time. Again, by copy of this letter I am notifying all Counsel of Record of this request for advice and direction from the Clerk's office concerning requesting a Stay until after mediation.

Sincerely yours,



Preston F. McDaniel

PFM/kth

cc: Brett H. Bayne, Esquire (via email and US Mail)  
T. Parkin C. Hunter, Esquire (via email and US Mail)

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FAX TRANSMISSION COVER SHEET

**RECEIVED**

DEC 18 2018

SC Court of Appeals

Date: December 18, 2018  
From: Preston F McDaniel  
To: Jenny Abbott Kitchings  
Fax Number Called: 734-1839  
Regarding: Winfrey v. American Fire / Case # 2015-000788

Comments: Please see attached letter  
concerning the above referenced  
case.

Thank you in advance

We are transmitting 3 pages, including face sheet.

If you have any problems with this transmission, please call me at 803-771-7211.

Transmitted from Fax Number 803-252-0709

Transmitted by: PM

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