

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

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Appeal from the South Carolina Workers' Compensation Commission

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Appellate Case No. 2019-000647  
WCC #0912295

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Nikolay Gul ..... Claimant, Appellant

v.

Kohler Company ..... Respondent

**RECEIVED**  
JUN 07 2019  
SC Court of Appeals

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MOTION TO REINSTATE

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Pursuant to Rule 240 of the South Carolina Appellate Court Rules, Appellant Gul, by and through his undersigned counsel, respectfully moves this Court for an Order granting his Motion to Reinstate the above-captioned action and providing time for Appellant Gul to file a Writ of Certiorari, *pro se*. This Motion to Reinstate is being filed concurrently with a separate Motion to be Relieved as Counsel to effectuate Appellant Gul's opportunity to file, *pro se*, accordingly.

By way of background, the undersigned counsel previously requested an extension to file a Writ of Certiorari on behalf of Appellant Gul, who was the undersigned counsel's client, and which extension request was granted by this Court on May 2, 2019. The deadline to file the Writ of Certiorari was May 23, 2019. Appellant Gul timely attempted to file the Writ of Certiorari, *pro se*, by the May 23, 2019 deadline. However, the attempted filing was rejected by this Court as

reflected by the Court's May 29, 2019 Order, and which consequently caused this case to initially be dismissed.

For reasons Appellant Gul and the undersigned counsel (as his attorney) discussed, mutually agreed upon and consented to within the context of the attorney-client relationship, the undersigned counsel withdrew as Appellant Gul's counsel in this matter and encouraged him to timely file his Writ of Certiorari, if he still desired to do so. He still desired to file it (and attempted to, but was rejected as described above). In this regard, the undersigned counsel was and is fully supportive of Appellant Gul filing a Writ of Certiorari, *pro se*.

Therefore, it is fair and just for this Court to consider and grant this Motion to Reinstate this case, to grant the undersigned counsel's concurrent Motion to be Relieved as Counsel for Appellant Gul, and to allow Appellant Gul to file a Writ of Certiorari, *pro se*.

WHEREFORE, Appellant Gul respectfully requests that this Court grant his Motion to Reinstate, accordingly.

Respectfully submitted,



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David L. Williford, Esq., SC Bar #73129  
Davis, Snyder, Williford & Lehn, P.A.  
5 Hawthorne Park Court  
Greenville, SC 29615  
(864) 335-3500  
[dwilliford@davissnyder.com](mailto:dwilliford@davissnyder.com)  
Attorney for Appellant

Greenville, South Carolina  
June 5, 2019

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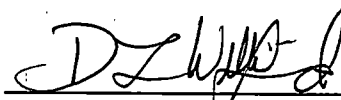
v.

Kohler Company, ..... Respondent.

\_\_\_\_\_  
PROOF OF SERVICE  
\_\_\_\_\_

I certify that I served the **Appellant's Motion to Reinstate** on Kohler Company and the Workers' Compensation Commission by depositing a copy of same in the United States Mail, postage prepaid, on June 5, 2019, addressed to Kohler Company's attorneys of record, Grady L. Beard, Nicholas L. Haigler, and Jasmine D. Smith, P.O. Box 11449, Columbia, SC 29211, and to Ms. Amy A. Bracy, Judicial Director, South Carolina Workers' Compensation Commission, P.O. Box 1715, Columbia, SC 29202-1715. I also certify that I served the same on the South Carolina Court of Appeals by depositing a copy of same in the United States Mail, postage prepaid, on June 5, 2019, addressed to the Honorable Jenny Abbott Kitchings, Clerk of Court, South Carolina Court of Appeals, P.O. Box 11629, Columbia, SC 29211.

Greenville, South Carolina  
June 5, 2019



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David L. Williford (SC Bar #73129)  
Davis, Snyder, Williford & Lehn, P.A.  
5 Hawthorne Park Court  
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(864) 335-3500  
Attorney for Appellant

**DAVIS, SNYDER, WILLIFORD & LEHN, P.A.**

ATTORNEYS AT LAW  
5 HAWTHORNE PARK COURT  
GREENVILLE, SC 29615

ASHBY W. DAVIS\*  
STEVEN A. SNYDER  
DAVID L. WILLIFORD  
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KEITH D. KNOWLTON

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June 5, 2019

*Via U.S. Mail*

The Honorable Daniel E. Shearouse  
Clerk of Court  
Supreme Court of South Carolina  
P.O. Box 11330  
Columbia, SC 29211

**RECEIVED**  
JUN 07 2019  
SC Court of Appeals

Re: Nikolay Gul, Claimant, Appellant v. Kohler Company, Respondent  
Appellate Case No. 2019-000647  
WCC File No.: 0912295

Dear Honorable Mr. Shearouse:

I am writing to respectfully request that the Court reinstate the above-referenced Appellate Case and allow Appellant Gul the opportunity to file a Writ of Certiorari *pro se*. In this regard, I am concurrently requesting that the Court relieve me as counsel for Appellant Gul. To effectuate Appellant Gul's opportunity to so file, I am hereby enclosing (1) a Motion to Reinstate under SCACR 240(a), and (2) a Motion to be Relieved as Counsel under SCACR 240(a) as well.

By way of background, I previously requested an extension to file a Writ of Certiorari on behalf of Appellant Gul, who was my client, and which was granted by this Court on May 2, 2019. The deadline to file the Writ of Certiorari was May 23, 2019. Appellant Gul *timely* attempted to file the Writ of Certiorari, *pro se*, by the May 23, 2019 deadline. However, the attempted filing was rejected by this Court as reflected by the Court's May 29, 2019 Order, and which consequently caused this case to be dismissed.

For reasons Appellant Gul and I (as his attorney) discussed within the context of the attorney-client relationship, I withdrew as his counsel in this matter and encouraged him to timely file his Writ of Certiorari, if he still desired to do so. He still desired to file it (and attempted to, but was rejected as described above). In this regard, I was and am fully supportive of his filing a Writ of Certiorari, *pro se*.

Therefore, it seems only fair and just for this Court to consider and grant the enclosed Motions to reinstate this case, to grant my request to be relieved as Counsel for Appellant Gul, and to allow Appellant Gul to file a Writ of Certiorari, *pro se*.

I am hereby providing notice of these Motions to opposing counsel, Grady L. Beard, Esq., the Clerk of the South Carolina Court of Appeals, and the Judicial Director of the South Carolina Workers' Compensation Commission, each by copy of this letter and its enclosures.

I also am enclosing the original and six (6) copies of the enclosed Motions, as required under SCACR 240(d) along with a self-addressed, stamped envelope for return of the file-stamped copy. Finally, I am enclosing two checks for the required \$50.00 filing fee (for each Motion) for a total of \$100.00 for the filing of these Motions.

Thank you so much for your consideration and assistance.

Sincerely,

DAVIS, SNYDER, WILLIFORD & LEHN, P.A.



David L. Williford

DLW/  
Enclosures as stated

cc: Grady L. Beard, Esq.  
Nicolas L. Haigler, Esq.  
Jasmine D. Smith, Esq.  
Sowell Gray Stepp & Laffitte, LLC  
P.O. Box 11449  
Columbia, SC 29211  
Attorneys for Respondent

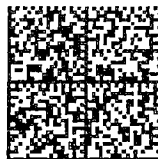
The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

Ms. Amy A. Bracy  
Judicial Director  
South Carolina Workers' Compensation Commission  
P.O. Box 1715  
Columbia, SC 29202-1715

Nikolay Gul (*via email only*)

DAVIS, SNYDER,  
WILLIFORD & LEHN, P.A.  
ATTORNEYS AT LAW  
5 HAWTHORNE PARK COURT  
GREENVILLE, SC 29615

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SC 296  
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