

THE STATE OF SOUTH CAROLINA
In the Supreme Court

Appeal from the South Carolina Workers' Compensation Commission

Appellate Case No. 2019-000647
WCC #0912295

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JUN 07 2019

SC Court of Appeals

Nikolay GulClaimant, Appellant

v.

Kohler CompanyRespondent

MOTION TO BE RELIEVED AS COUNSEL

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 this Motion to be Relieved as Counsel in the above-captioned action. This Motion to be Relieved as Counsel is being filed concurrently with a separate Motion to Reinstate 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 be Relieved as Counsel, to grant the undersigned counsel's concurrent Motion to Reinstate, 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 be Relieved as Counsel, accordingly.

Respectfully submitted,



David L. Williford, Esq., SC Bar #73129
Davis, Snyder, Williford & Lehn, P.A.
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Greenville, SC 29615
(864) 335-3500
dwilliford@davissnyder.com
Attorney for Appellant

Greenville, South Carolina
June 5, 2019

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Nikolay Gul, Claimant, Appellant,

v.

Kohler Company, Respondent.

PROOF OF SERVICE

I certify that I served the **Appellant's Motion to be Relieved as Counsel** 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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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

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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

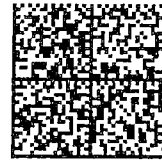
The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211


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,
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The Honorable Jenny Abbott Kitchings
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