

August 20, 2021

RECEIVED

AUG 25 2021

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

SC Court of Appeals

Re: Appealing the Relief of Counsel Order, Filed On 7/29/21 (for Appellate Case No. 2019-001403, Karrie Gurwood and Howard Gurwood, Appellants, v. GCA Services Group, Inc. and GCA Services Group of North Carolina, Inc., Respondents)

Dear Clerk of Court Kitchings;

Recently, my wife and I spoke with a very helpful representative in your office, who kindly returned my call. I had then contacted your Court of Appeals, re: our three attorneys being relieved as counsel (*see Enclosure A*). Without a doubt, my wife and I request an appeal of that Order. Below I state many reasons why we are asking for the 7/29/21 Order to be overturned. But before presenting those facts, here is a summary of our case at hand.

My dear wife, Karrie Gurwood, was severely injured at work, on 8/5/12, and those injuries led to the devastating diagnosis of RSD/CRPS. That rare, incurable, nerve dystrophy condition results in the worst burning pain you can imagine, for which she continues to suffer and has seen a slew of specialists. Prior to the work fall, Karrie was a very physically-active, infectious-happy Director of a children's mental health program. After the fall, she had to stop working, became home-bound, is now clinically depressed, and continues to rely on Morphine, etc. 24/7. Also in 2012, we hired Mark McNabola, Esquire at McNabola Law in Chicago, IL. We sought him out because he had experience with RSD/CRPS lawsuits. Mark then brought on SC attorneys, to file a case against the maintenance company, GCA Services Group, who violated safety hazards (that led to Karrie falling on extremely-slippery, freshly-waxed tile). Within the next seven years that passed, other attorneys joined the case. Those included the very attorneys, employed by two separate law firms, who were just granted relief of counsel: Andrew McCumber, Daniel Slotchiver and Donald McGarrah. The first two are with Slotchiver Law, and the last with McNabola Law. Our case, represented by these attorneys, was finally granted a jury trial, which began on 4/22/19. Five days later, on 4/26/19, the jury tragically awarded my wife and I less than our accumulated legal fees. Based on a realm of legalities, of which they never made us aware, the above attorneys filed an appeal, to hopefully be awarded another jury trial. To our knowledge, that appeal has still not been decided upon.

Below are now the reasons we are seeking a reversal to your Court's 7/29/21 Order:

- 1.) It's critical, to our case, that these same attorneys stay involved, as they have gained detailed analysis of the case's inner-workings, which have transpired in the past decade. This includes the post-trial appeal that these attorneys filed, and are most familiar with the integral reasons for doing so. Any other attorneys, especially those without RSD/CRPS lawsuit experience, this close to being granted an appeal/jury trial, without a stitch of our case knowledge, would severely limit the chance of a successful jury award/settlement.
- 2.) To this date, we have tried but have not found even one new attorney to take our case. We strongly believe they have declined involvement because:
 - a.) any new lawyer on the case would have to spend a vast amount of time reviewing almost ten years of lawsuit documents. And he/she would have to do so in a very short time, as the appeal decision should be happening assumedly soon.
 - b.) any new attorney would have to take over all the casework and yet have to split any award/settlement, with the many above attorneys (who say they are still owed over \$100,000.00 in legal fees).
- 3.) Since my wife and I are not lawyers, we are unable to represent ourselves (the term you refer to as "*pro se*"). (We've since learned that term meaning, via https://www.law.cornell.edu/wex/pro_se.) The 7/29/21 Order states this reason for the Motion being granted: our above counsel filed their Motion, and we did not submit a *pro se* response. Karrie and I did not know, before receiving this Order, that we needed to submit that response to your Court. Nor would it be in our best interest to do so, as we cannot handle this case without an expert attorney onboard, who is well-versed in medical slip-and-fall cases. As we have no alternate attorney, to file a notice of appearance, and we can not proceed *pro se* (which are the only choices given on your Court's Order), it proves the importance of this Order's reversal, to then continue working with the above attorneys.
- 4.) That same counsel did not inform my wife and I that we were supposed to submit anything to your Court, prior to your making your 7/29/21 decision. In fact, Dan Slotchiver, one attorney on this Order, in a 6/14/21 email (*see Enclosure B*), while still our lead attorney, and in response to my asking him for related help, wrote that he *would not advise us* (re: this relief-of-counsel matter). It was not until 7/28/21 (*see Enclosure C*) that we were

Page 2 of 8/20/21 Letter From Howard Gurwood To Jenny Abbott Kitchings, Clerk of Court [Re: Appealing the Relief of Counsel Order, Filed On 7/29/21 (for Appellate Case No. 2019-001403, Karrie Gurwood and Howard Gurwood, Appellants, v. GCA Services Group, Inc. and GCA Services Group of North Carolina, Inc., Respondents)]

told, by Mr. Slotchiver's staff, that a Circuit Court proceeding was happening on 8/30/21. We still, to this day, do not know how to prepare for that, as the above attorneys refused to assist us. Those attorneys said that a hearing date for your Court of Appeals would also be happening. So, prior to receiving your Order, granting our attorneys relief, we were still waiting for a date to appear before one of your Court's Judges. Instead, we were shocked to read that a decision had already been made, prior to our being able to appeal the Motion in-person. Karrie and I wondered, based on their actions, if our above attorneys, with vast knowledge of the Courts' laws/rules, maybe wanted to slip in their Motion request, to your office, without any response from us interfering, believing it would more likely grant them your Court's relief as counsel.

- 5.) We received your Court's notification, that said Slotchiver Law staff did not correctly serve the Motion to all involved parties. After I received your letter stating that, I asked our attorney Slotchiver to please explain how that happened. He then stated he thought we moved (*see Enclosure D*). This sounded quite puzzling to me and my wife, as we've lived in this same home for almost 6 years and have received a lot of other mail from Slotchiver Law/McNabola Law. My wife is also home every day, is able to answer the door (when mail/packages are delivered), and I retrieve the same (each evening) from our mailbox. Even after I clarified, with Slotchiver Law staff, that we are at the same address, we did not receive formal (certified or hand-delivered) correspondence from these attorneys. Relatedly, it says on the *Proof of Service* document (*see Enclosure E*): "I [Andrew McCumber, one of the attorneys above] certify that a copy of the aforesaid motion was also served on the Appellants Karrie and Howard Gurwood by sending a copy of the same via regular mail and *certified* mail to their home address..." The *certified* portion of that signed statement is sadly untrue. It was not until after the Motion was received by your office (on 6/2/21) that we got an informal copy of it from Slotchiver Law. Even after my wife and I regularly requested case details from them, these same attorneys also withheld critical info. from us, by not allowing my wife and me to be part of the trial planning nor debriefing.
- 6.) On the *Motion To Be Relieved As Counsel* (*see Enclosure F*), it says, "... the Appellants [*my wife and I*] respectfully request this Honorable Court grant their Motion and issue an Order relieving the undersigned as counsel for the Appellants." Attorney Slotchiver wrote/signed that, while still representing us, as if it was our wish. To clarify, Karrie and I never communicated a wish to cease working with Slotchiver Law/McNabola Law. But it appears that the above attorneys filed a motion with at least your Court, on our behalf, fabricating our wishes. It's one thing that they asked for relief for themselves; it's a whole different matter that they also asked on our behalf. If they were going to request, on behalf of me and my wife, they should have gotten our permission first. Our attorneys should also have ensured our OK on what they were requesting of your Courts.
- 7.) Last, but not least, we've recently learned that our above counsel was obligated to tell us why they were seeking relief from further representing us. However, to date, we still have not been privy to that info., from Slotchiver Law nor McNabola Law. It sounds like your Court may also not know the reason, as on their *Motion To Be Relieved As Counsel* (*see Enclosure F*), it says, "While the grounds for withdrawal are confidential..." That same Motion goes on to state that the relief of counsel was based on a number of laws/rules of Court. None of those rules, nor most of the legal information contained in our case's online documents (that we just recently learned we could access on sccourts.org) do we understand (as non-attorneys).

In conclusion, we have thoroughly presented why these attorneys should now be made to stay on our case. As lay people, lacking sufficient legal knowledge, my wife and I expected our attorneys would be by our side, guiding us every step of the way. And would complete the case, to the best of their abilities. That was the mutual agreement we've had with them, from the beginning. We're completely shocked, by their sudden decision to leave the case, as we thought we had a very amicable, working relationship with them. These same attorneys were often jovial with us and shared several aspects of their personal lives. We treated them in the same friendly manner. As my wife and I try to follow the Golden Rule, as God-loving people, we even ended our emails to them, typing, "Have a great day, have a blessed day" (*see Enclosure B*).

Thank you, ever so much, for your time and efforts, in reviewing this letter of appeal. And we are most appreciative that this correspondence (*including our 6 enclosures*) can get expeditiously seen by a Judge of your Court. We then wholeheartedly pray, under these circumstances, that your honorable Court will reverse the Order, filed on that 29th day of July 2021.

Sincerely,

Howard Michael Gurwood

Karrie Lynn Gurwood

Howard Michael Gurwood (and Karrie Lynn Gurwood), 3187 Hagerty Drive, Charleston, SC 29414
912-577-8114 (H's cell), 912-577-8119 (K's cell), karacterpugs@hotmail.com (K's email), vpAAF@bellsouth.net (H's email)

Enclosures

The South Carolina Court of Appeals

Karrie Gurwood and Howard Gurwood, Appellants,

v.

GCA Services Group, Inc. and GCA Services Group of
North Carolina, Inc., Respondents.

Appellate Case No. 2019-001403

ORDER

Gurwood's
Enclosure
A

Attorneys Andrew Joseph McCumber, Daniel Scott Slotchiver, and Donald R. McGarrah have filed a motion to be relieved as counsel for Appellants. Appellants did not file a pro se response to the motion. After careful consideration, the motion to be relieved is granted. This appeal will be held in abeyance for thirty days to allow Appellants to retain new counsel. New counsel shall file a notice of appearance within thirty days or this court will presume Appellants are proceeding pro se.


FOR THE COURT

Columbia, South Carolina

cc:

Karrie Gurwood
Howard Gurwood
Andrew Joseph McCumber, Esquire
Daniel Scott Slotchiver, Esquire
Robert T. Lyles, Jr., Esquire
Donald R. McGarrah, Esquire

FILED
Jul 29 2021

From: Daniel S Slotchiver <dan@slotchiverlaw.com>

Date: June 14, 2021 at 8:10:42 PM EDT

To: vpaaf@bellsouth.net

Cc: Andrew McCumber <andrew@slotchiverlaw.com>, Susan Maulden <paralegal@slotchiverlaw.com>, Don McGarrah <don@mcnabolalaw.com>

Subject: Re: Gurwood, et al. v. GCA Services Group, Inc., et al.

Dan Slotchiver's response back to Howard Gurwood



I am not in a position to advise you as to how to oppose the motion. As stated, will provide notice upon receipt.

Daniel S Slotchiver
Slotchiver & Slotchiver LLP
751 Johnnie Dodds Blvd Suite 100
Mt Pleasant SC 29464
(o)843-577-6531
(f)843-577-0261
dan@slotchiverlaw.com

Please note that we have moved and adjust future mailings accordingly

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On Jun 14, 2021, at 8:06 PM, vpaaf@bellsouth.net wrote:

Howard Gurwood's email to Dan Slotchiver



Left you a voice mail. Just make sure we have plenty of notice to the two court dates. Also we need to know if we can and what for to submit for our side of the story. Thank you for the help in this matter. Please send us any lien copies that you have. Than you.



Have a great day
Have a Blessed day

**Gurwood's
Enclosure
B**

From: Susan Mauldin <paralegal@slotchiverlaw.com>
Date: July 28, 2021 at 10:19:27 AM EDT
To: Karrie Gurwood <karacterpugs@me.com>, vpaaf@bellsouth.net
Cc: Andrew McCumber <andrew@slotchiverlaw.com>, "Daniel S. Slotchiver" <dan@slotchiverlaw.com>, Don McGarrah <don@mcnabolalaw.com>
Subject: Motion Hearing Notice

Email from Susan Mauldin, Dan Slotchiver's paralegal, to the Gurwoods

Mr. and Mrs. Gurwood:

Attached please find correspondence and the Notice from the Circuit Court setting the Motion hearing for August 30, 2021 at 2:30 p.m. in Courtroom 3E at the Charleston County Courthouse, 100 Broad Street, Charleston, SC 29401.

All my best,

Susan

Susan C. Mauldin
Paralegal to Daniel S. Slotchiver
Paralegal to Andrew J. McCumber
Slotchiver & Slotchiver, LLP
751 Johnnie Dodds Blvd
Mount Pleasant, SC 29464
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paralegal@slotchiverlaw.com

**Gurwood's
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C**

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IRS CIRCULAR 230 NOTICE: To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. federal tax advice contained in this communication (or in any attachment) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed in this communication (or in any attachment).

Mail - K G - Outlook

Re: Gurwood, et al. v. GCA Services Group, Inc., et al.

Dan Slotchiver's email to
The Gurwoods

Daniel S Slotchiver <dan@slotchiverlaw.com>

Mon 6/14/2021 9:01 AM

To: K G <karacterpugs@hotmail.com>

Cc: Mark McNabola <mark@mcnabolalaw.com>; Andrew J. McCumber <andrew@slotchiverlaw.com>; Don McGarran <don@mcnabolalaw.com>; Howard Gurwood <vpaaf@bellsouth.net>; Susan Maulden <paralegal@slotchiverlaw.com>

2 attachments (6 MB)

2021-05-11 - Ltr to Mr. and Mrs. Gurwood with MTR.pdf; 2021-05-11 - Ltr to Mr. and Mrs. Gurwood with MTR.pdf

* Recent mailings sent to your home have been returned to us labeled return to sender, unclaimed, unable to forward. Please provide us with a new mail address immediately.

Thanks

Daniel S Slotchiver
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Please note that we have moved and adjust future mailings accordingly

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Gurwood's
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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

Jul 07 2021

SC Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Hon. Alex Kinlaw, Jr., Circuit Court Judge

Case No. 2015-CP-10-2191
App. Case No.: 2019-001403

Karrie Gurwood & Howard Gurwood Appellants

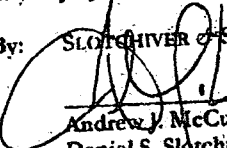
v.

GCA Services Group, Inc. & GCA Services
Group of North Carolina, Inc. Respondents

PROOF OF SERVICE

I certify that I have served the Motion to Be Relieved as Counsel on the Respondents GCA Services Group, Inc. & GCA Services Group of North Carolina, Inc. electronically, and by depositing a copy of the same in the U.S. Mail, postage prepaid, addressed to their attorney of record, Robert T. Lyles, Jr., Esquire, of the law firm, Lyles & Associates, LLC, located at 1037 Chuck Dawley Blvd., Suite G-100, Mount Pleasant, SC 29464. Further, I certify that a copy of the aforesaid motion was also served on the Appellants Karrie & Howard Gurwood by sending a copy of the same via regular mail and Certified Mail to their home address at 3187 Hagerty Dr, Charleston, SC 29414 and by sending a copy via email. *

Respectfully submitted this 7th day of July, 2021.

By:  SLOTCHIVER & SLOTCHIVER, LLP

Andrew J. McCumber, Esquire
Daniel S. Slotchiver, Esquire
751 Johnnie Dodds Blvd., Suite 100
Mount Pleasant, South Carolina 29464
Telephone: (843) 577-6531
Facsimile: (83) 577-0261

COUNSEL FOR THE APPELLANTS

Mount Pleasant, South Carolina

Gurwood's
Enclosure
E

Gurwood's
Enclosure
F
(page 1)

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

Jun 02 2021

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

SC Court of Appeals

Hon. Alex Kinlaw, Jr., Circuit Court Judge

Case No. 2015-CP-10-2191

App. Case No.: 2019-001403

Karrie Gurwood & Howard Gurwood *Appellants*

v.

GCA Services Group, Inc. & GCA Services
Group of North Carolina, Inc. *Respondents.*

MOTION TO BE RELIEVED AS COUNSEL

COMES NOW, the Appellants by and through their undersigned counsel, respectfully moving before this Honorable Court, pursuant to the S. C. App. Ct. Rules seeking an Order relieving the undersigned as Counsel for the Appellants. While the grounds for withdrawal are confidential, this Motion is based on the laws and rules of Court, including Rules 1.16(a)(1); 1.16(b)(1); 1.16(b)(4) and 1.16(b)(7) of the Rules of Professional Conduct. Counsel for the Appellants have submitted a Motion in the Circuit Court requesting the same relief, a copy of the same is attached hereto as "Exhibit A".

WHEREFORE, the Appellants respectfully request this Honorable Court grant their Motion and issue an Order relieving the undersigned as Counsel for the Appellants.

(signature contained on the following page)

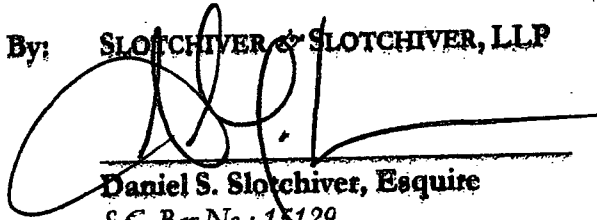
Respectfully submitted this 2nd day of June, 2021.

RECEIVED

Jun 02 2021

SC Court of Appeals

By: **SLOTCHIVER & SLOTCHIVER, LLP**



Daniel S. Slotchiver, Esquire

S.C. Bar No.: 15129

Andrew J. McCumber, Esquire

S.C. Bar No.: 101559

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Gurwood's
Enclosure
F
(page 2)

Donald R. McGarrath, Esquire*

McNabola Law Group

55 West Wacker Drive, 9th Floor

Chicago, IL 60601

Telephone: (312) 629-2900

Facsimile: (312) 629-2916

*Admitted *pro hac vice*

COUNSEL FOR THE APPELLANTS

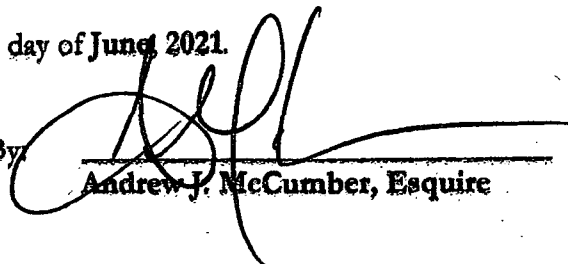
Mount Pleasant, South Carolina

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on the Respondents GCA Services Group, Inc. and GCA Services Group of North Carolina, Inc., by depositing a copy of same in the United States Mail, addressed to the counsel of record, Robert T. Lyles, Jr., Esquire, of the firm Lyles & Associates at their offices located at 1037 Chuck Dawley Blvd., Suite G-100, Mount Pleasant, SC 29464.

Respectfully submitted this 2nd day of June, 2021.

By:



Andrew J. McCumber, Esquire

