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Feb 01 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable R. Keith Kelly, Circuit Court Judge
Case No. 2017-CP-10-01324

APPELLATE CASE NO. 2023-000898

Steven McLemore and Bonnie Jean Eagle as Natural Parents for the Estate of D. M.,

Plaintiffs,

vs.

Charleston County Parks and Recreation Commission d/b/a James Island County Park;
Yearround Pool Co., Inc.; SGA Architecture; South Carolina Department of Health and
Environmental Control; and John Doe and/or John Doe Corporation,

Defendants.

OF WHOM:

Bonnie Jean Eagle is Appellant

and

Charleston County Parks and Recreation Commission

d/b/a James Island County Park is Respondent

APPELLANT’S MOTION TO AMEND CAPTION

YOU WILL PLEASE TAKE NOTICE that the undersigned, as attorney for Appellant Bonnie Jean Eagle, moves this Court for an Order amending the caption of this case to redact the name of the minor, D.M. A Notice of Appeal was timely filed on May 31, 2023. Appellant’s counsel understands that the caption of this appeal was based on the Order of the lower court which had not in fact been redacted to protect the name of the minor child. Realizing this error in the lower court, Appellant’s Initial Brief and Reply Brief were filed using a redacted caption: *Steven McLemore and Bonnie Jean*

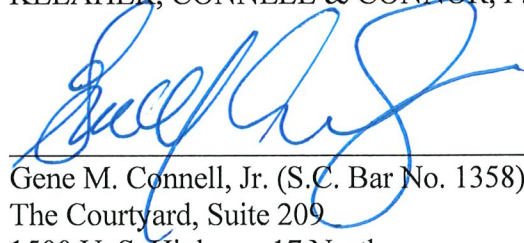
Eagle as Natural Parents for the Estate of D. M. Respondent also filed its Initial Brief using this redacted caption. These briefs were accepted for filing and no notice of deficiency was addressed by the Court of Appeals. It is further noted that the parties had never received the Court's initial letter acknowledging the appeal and setting out the correct caption.

It was not until January 31, 2024 when Appellant received the Court's bound copy letter that the caption of the case was revealed as deficient. Counsel's office immediately contacted the Court and was advised to file this motion to amend the caption.

Accordingly, the undersigned respectfully requests that this Court amend the caption of this appeal to read: *Steven McLemore and Bonnie Jean Eagle as Natural Parents for the Estate of D. M.* as Plaintiffs. Counsel would further request that the timeline for filing the Record on Appeal and Final Briefs (currently due on February 7, 2024) be extended until such time as the Court rules on this motion.

Respectfully submitted,

KELAHER, CONNELL & CONNOR, P.C.



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February 1, 2024

Attorneys for Appellant Bonnie Jean Eagle

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OF WHOM:

Bonnie Jean Eagle is..... Appellant

and

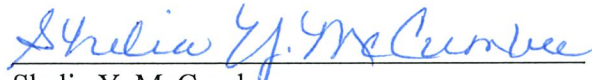
Charleston County Parks and Recreation Commission
d/b/a James Island County Park is

Respondent

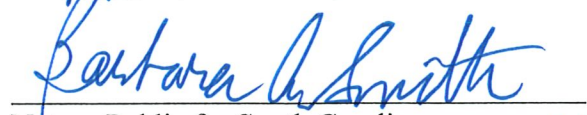
PROOF OF SERVICE

PERSONALLY appeared before me, Shelia Y. McCumbee, who being duly sworn, deposes and says that she is an employee of Kelaher, Connell & Connor, P.C., and that she has served a copy of the **Appellant's Motion to Amend Caption** on the 15th day of February, 2024, by depositing a copy of same in the United States Mail, postage prepaid, to:

Jonathan J. Anderson, Esquire
Jonathan L. Anderson, Esquire
Anderson Law Group, LLC
PO Box 87
Charleston, SC 29402


Shelia Y. McCumbee

SWORN AND SUBSCRIBED before me,
this 1st day of February, 2024.


Notary Public for South Carolina
My Commission Expires: 3-12-24

KELAHER, CONNELL & CONNOR, P.C.
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February 1, 2024

The Honorable Jenny Abbot Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: Appellate Case No. 2023-000898
Steven McLemore, Individually and as Personal Representative of the Estate of D.M. and Bonnie Jean Eagle, Individually and as natural parent of deceased minor, D.M. v. Charleston County Parks & Recreation Commission ("CCPRC") d/b/a James Island County Park; et al.; Case No: 2017-CP-10-01324
Our File No. 2020-0393C

Dear Ms. Kitchings:

Enclosed please find Appellant's Motion to Amend Caption and Proof of Service in the above-captioned matter. Our check for the \$50.00 filing fee is being mailed this date.

This motion is being filed pursuant to extensive conversation with Caitlyn, Appeals Specialist, after receipt of the Court's January 31, 2024 letter.

Should you have any question or need anything further at this time, please do not hesitate to contact me.

Sincerely yours,


Gene M. Connell, Jr.

GMC,Jr.:sm
Enclosures
cc w/enc.:

Jonathan J. Anderson, Esquire
Jonathan L. Anderson, Esquire
Michael H. Wells, Esquire