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May 20 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM KERSHAW COUNTY
ALISON RENEE LEE, TRIAL COURT JUDGE

Appellate Case No. 2023-001193

Charles Ives,.....Appellant,

v.

Charles E. Campbell, Vivian C. Gardner, T. Clayter Campbell,
Thomas Clayter Campbell, and Eddie Harold Goff, Trustees of the
Colbert H. Campbell United Trust, Sonja C. Parker, Barry Campbell,
and Randy Bowers Defendants,

of whom

Charles E. Campbell, Vivian C. Gardner, T. Clayter Campbell, Thomas
Clayter Campbell and Eddie Harold Goff, Trustees of the Colbert
H. Campbell United Trust, Sonya C. Parker and Barry Campbell
areRespondents¹

**MOTION FOR LIMITED REMAND
FOR RECONVENING OF MEDIATION**

Appellant Charles Ives (hereafter “Ives) moves this Honorable Court for a limited
remand, to permit mediation to be reconvened with mediator Earl Ellis. In support of the
motion, Ives will show:

¹ This is an amended caption. The lawsuit, originally filed in 2019, listed Randy Bowers as a defendant. Mr. Bowers was dismissed as a defendant while the case was still pending at the trial court, on March 2, 2022. For some reason, the trial court caption continued to reference Bowers as a defendant up to and at the time of issuance of the order on appeal. (Order dated June 27, 2023). When undersigned counsel petitioned to appear as counsel, she was not aware of the dismissal of Bowers two years ago. For that reason, this caption is amended to properly reflect the current status of the parties. Rule 267, SCACR. If a formal motion is required, one will be filed.

1. This action was filed at the trial court in 2019. After Defendant Bowers was dismissed from the case, the remaining parties mediated the case with mediator Earl Ellis on June 1, 2022. **Exhibit A.**
2. The matter was eventually tried non-jury in February, 2023, and a final order was issued on June 27, 2023. Ives filed a Notice of Appeal.²
3. Ives' prior appellate counsel was relieved by order of this Court dated April 18, 2024. The undersigned appeared as counsel for Ives on May 3, 2024.
4. Respondents in this action filed a new lawsuit against Ives that is directly related to, and derivative of, the issues litigated in the instant action. *Campbell et al. v. Ives*, Case No. 2024-CP-28-00218. That matter is currently pending, with Ives Motion to Dismiss (as amended) pending.
5. In reviewing the matter, counsel determined that prior mediation with Earl Ellis had occurred and, without disclosing confidential information, she is informed and believes that the mediation was, at least in part, unsuccessful, because of hostility among the parties.
6. In an effort to bring resolution both to this appeal and the new pending case (which is, no doubt, intended to escalate the hostility among the parties), counsel for Ives reached out to Earl Ellis to see if he would be willing to reconvene the mediation. He said yes.
7. Undersigned counsel is attempting to schedule mediation of the newly filed trial court case, but the intent of counsel and Ives is to conduct a mediation which has the best

² As the Court's file will reflect, prior appellate counsel had difficulty obtaining the trial court exhibits, and this appeal was held in abeyance while the trial court exhibits were reconstructed. (Order dated January 2, 2024).

opportunity to bring both of these matters to conclusion. For that reason, Ives requests a limited remand on the existing appeal so that both matters can be mediated at the same time.

8. Undersigned counsel has consulted with opposing counsel to see if he would consent to a limited remand, but at present, he has not consented, citing concerns over “delay” that would be caused to this appeal. Ives would point out that initial briefs have not even been filed in the current appeal, so delay is a relative term as to the current appeal.³
9. In an effort to resolve both of these matters, counsel represents to the Court that she and her client are approaching mediation in good faith, and want to see all disputes resolved. It is unclear whether Respondents are similarly minded.
10. Undersigned counsel is attempting to schedule mediation with Earl Ellis for some time in June or July, 2024, and she and her client are hopeful that this Court will issue a limited remand so that mediation can be as broad as possible, and will present the best opportunity for a resolution by agreement among the parties.

Wherefore, Ives moves the Court for an order of limited remand to permit the case that is currently on appeal to be mediated at the same time the newly filed case is mediated with Earl Ellis.

[signature block next page]

³ Counsel is informed and believes that this appeal is not one that would authorize expedited consideration absent an order of the Court.

Respectfully submitted,

s/ Desa Ballard

Desa Ballard (S.C. Bar No. 498)

Harvey M. Watson III (S.C. Bar No. 74053)

Haley Hubbard (S.C. Bar No. 103195)

BALLARD & WATSON

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ATTORNEYS FOR APPELLANT

May 20 2024

Exhibit A

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
)
 COUNTY OF KERSHAW) C/A No.: 2019-CP-28-01137
)
 Charles Ives,)
)
 Plaintiff,)
)
 vs.) **PROOF OF ADR OR EXEMPTION**
)
 Charles E. Campbell, Vivian C. Gardner, T.)
 Clayter Campbell, Thomas Clayter Campbell)
 And Eddie Harold Goff, Trustees of the)
 Colbert H. Campbell Unified Trust, Sonja C.)
 Parker, Barry Campbell and Randy Bowers,)
)
 Defendants.)
)

(An original and copy of this form is to be completed and filed with the Office of the clerk of Court and copy forwarded to the attorneys for the parties within 10 days of the conclusion of ADR, or within 300 days of the filing date of the action, whichever is earlier.)

PURSUANT to the South Carolina Alternative Dispute Resolution Rules (SCADR):

A. _____ I certify that this case is exempt from ADR for the following reason and the parties wish to exercise that exemption.

Plaintiff/Attorney for Plaintiff

Defendant/Attorney for Defendant

Print Name

Name

Phone /Fax

Phone/Fax

Date _____

B. _____ 1. Alternative Dispute Resolution (ADR) was conducted in the form of:

mediation

(Note: If binding arbitration has been chosen by the parties but not yet Completed, an appropriate order of dismissal must be attached hereto.)

2. The neutral(s) was/were: (Name of arbitrator/mediator):

F. Earl Ellis, Jr. Esquire

3. The ADR was conducted on June 1, 2022.

4. As a result of ADR, this case should be considered (please check One):

Fully settled

by Consent Judgment, to be filed by _____

Or Voluntary Dismissal to be filed by _____

Partially settled.

At an impasse.

In need of further ADR I am am not willing to Continue as neutral. I recommend that ADR resume as Of _____.

5. Plaintiff was present was not present
Defendant was present was not present

6. Other participants were:

Lawyer for Defendant Paul Porter, Esquire

Lawyer for Plaintiff Brian Boger, Esquire

_____ Representative for Insurance Carrier

_____ Guardian *ad litem* _____

_____ Experts

_____ Others _____

7. Choice of neutral was by:

Stipulation

_____ Court Order

8. The total number of hours spent in ADR was: 4.0 hours

9.

F. Earl Ellis, Jr.

Neutral's signature

Date: June 1, 2022

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Charles Ives,Appellant,

v.

Charles E. Campbell, Vivian C. Gardner, T. Clayter Campbell,
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of whom

Charles E. Campbell, Vivian C. Gardner, T. Clayter Campbell, Thomas
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areRespondents¹

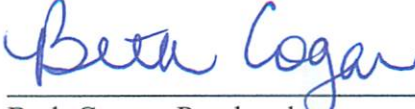
PROOF OF SERVICE

I, Beth Cogan, an employee with Ballard & Watson, do hereby certify that on May 20, 2024, I served a copy of the **Motion for Limited Remand for Reconvening of Mediation**, in the above-captioned case on the following individuals by electronic mail using their email address listed in the Attorney Information System, addressed as follows:

¹ This is an amended caption. The lawsuit, originally filed in 2019, listed Randy Bowers as a defendant. Mr. Bowers was dismissed as a defendant while the case was still pending at the trial court, on March 2, 2022. For some reason, the trial court caption continued to reference Bowers as a defendant up to and at the time of issuance of the order on appeal. (Order dated June 27, 2023). When undersigned counsel petitioned to appear as counsel, she was not aware of the dismissal of Bowers two years ago. For that reason, this caption is amended to properly reflect the current status of the parties. Rule 267, SCACR. If a formal motion is required, one will be filed.

**J. Paul Porter, Esquire
Cromer Babb & Porter, LLC
Paul@cromerbabb.com**

**Elizabeth Marie Bowen, Esquire
Cromer Babb & Porter, LLC
beth@cromerbabb.com**


Beth Cogan, Paralegal

May 20, 2024

Beth Cogan

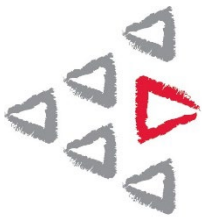
From: Beth Cogan
Sent: Monday, May 20, 2024 11:07 AM
To: Paul Porter; beth@cromerbabb.com
Cc: Haley Hubbard; Desa Ballard
Subject: (Charles Ives v. Charles E. Campbell 2023-001193) Ltr to COA encl Motion for Limited Remand
Attachments: 2024 05 20 Ltr to COA encl Motion for Limited Remand.pdf; 2024 05 20 Motion for Limited Remand.pdf; 2024 05 20 POS Motion for Limited Remand.pdf

Good morning,

Please see the attached Motion for Limited Remand that is being filed today with the Court of Appeals for the above-referenced matter.

Kindest Regards,
-Beth

Beth Cogan, Paralegal
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May 20, 2024

Via Email (ctappfilings@sccourts.org)
The Honorable Jenny Abbot Kitchings
Court of Appeals Clerk of Court
Post Office Box 11629
Columbia, South Carolina 29211

RECEIVED
May 20 2024
SC Court of Appeals

Re: *Charles Ives v. Charles E. Campbell, et al.*
Appellate Case No.: 2023-001193

Dear Ms. Kitchings:

Please find enclosed for filing a **Motion for Limited Remand for Reconvening of Mediation** in the above-referenced matter. Pursuant to paragraph (c) of the Supreme Court's administrative order dated May 6, 2022 ("Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules") a check for the filing fee is being forwarded separately via US mail. If a more formal motion filing is required, please let us know and one will be submitted immediately.

By copy of this letter and as evidenced by the Proof of Service, these filing has been served upon counsel for the Respondent/Appellant. If you have any questions, please do not hesitate to contact my office.

With warm personal regards, I am,

Sincerely yours,

Desa Ballard
desab@desaballard.com

Enclosures

cc: Via Electronic Mail
J. Paul Porter, Esquire
Elizabeth Marie Bowen, Esquire
Charles Ives