

10198

RECEIVED

MAY 31 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

Carmen T. Mullen, Circuit Court Judge

Case No. 2023-CP-40-03029

Ronald A. Zack, as Personal Representative of the Estate of Allan L. Zack.....Plaintiff,

v.

Greenville County and South Carolina Department of Corrections.....Defendants,  
of whom South Carolina Department of Corrections is.....Appellant.

**MOTION TO CONSOLIDATE APPEALS**

Pursuant to Rule 204(b) and Rule 214, SCACR, Appellant South Carolina Department of Corrections (“SCDC”) hereby moves this Court for an Order consolidating this appeal and transferring it to the Supreme Court due to this case having the same questions of law as *Byers v. SCDC* (Appellate Case No. 2024-000837). Both cases present several important issues of first impression in South Carolina relating to whether SCDC, and other state agencies, are civilly liable to individuals detained at local jail facilities throughout the state because SCDC is tasked with conducting annual inspections of those jails. Both cases also present the novel issue whether a governmental entity like SCDC is entitled to determine what

immunities it may assert under the South Carolina Tort Claims Act or whether a plaintiff or the trial court has the right to summarily make that decision.

The grounds for this Motion are that these appeals arise from substantially the same orders and raise similar issues of law as set forth above. For the foregoing reasons, Appellant SCDC respectfully requests that this appeal be consolidated with *Byers v. SCDC* (Appellate Case No. 2024-000837). SCDC further requests that the current appellate deadlines be held in abeyance until this Court issues an Order on this motion.

**RILEY POPE & LANEY, LLC**

  
s/David A. DeMasters

David A. DeMasters

SC Bar No. 79860

RILEY POPE & LANEY, LLC

2838 Devine Street

Columbia, SC 29205

(803) 799-9993

[ddemasters@rplfirm.com](mailto:ddemasters@rplfirm.com)

Columbia, SC

May 31, 2024

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

**RECEIVED**  
MAY 31 2024  
SC Court of Appeals

---

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

Carmen T. Mullen, Circuit Court Judge

---

Case No. 2023-CP-40-03029

---

Ronald A. Zack, as Personal Representative of the Estate of Allan L. Zack.....Plaintiff,

v.

Greenville County and South Carolina Department of Corrections.....Defendants,  
of whom South Carolina Department of Corrections is.....Appellant.

---

**PROOF OF SERVICE**

---

I certify that I have served the Motion to Consolidate Appeals on Ronald A. Zack, as Personal Representative of the Estate of Allan L. Zack and Greenville County by depositing a copy of it in the United States mail, postage prepaid, on May 31, 2024 addressed to their respective attorneys of record as follows:

Kyle J. White  
J. Drew Bradshaw  
White, Davis, and White Law Firm, P.A.  
Post Office Box 1346  
Anderson, SC 29622  
(864) 231-8090

Dan Pruitt  
Dan Pruitt Injury Law Firm  
300 Pettigru St., #100  
Greenville, SC 29601  
(864) 280-7660

*Attorneys for Respondent Ronald A. Zack,  
as Personal Representative of the Estate of  
Allan L. Zack*

Charles F. Turner, Jr.  
Willson Jones Carter & Baxley, P.A.  
325 Rocky Slope Road  
Suite 201  
Greenville, SC 29607

*Attorney for Defendant Greenville County*

**RILEY POPE & LANEY, LLC**

  
s/David A. DeMasters

David A. DeMasters

SC Bar No. 79860

RILEY POPE & LANEY, LLC

2838 Devine Street

Columbia, SC 29205

(803) 799-9993

[ddemasters@rplfirm.com](mailto:ddemasters@rplfirm.com)

Columbia, SC

May 31, 2024

RILEY  
POPE &  
LANEY  
LAW

South Carolina | North Carolina

**South Carolina Office:**

Riley Pope & Laney, LLC  
2838 Devine Street  
Columbia, SC 29205  
Phone: 803.799.9993  
Fax: 803.239.1414  
www.rplfirm.com

May 31, 2024

RECEIVED  
MAY 31 2024  
SC Court of Appeals

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

Re: Ronald A. Zack, as Personal Representative of the Estate of Allan L. Zack v. Greenville County and  
South Carolina Department of Corrections  
C/A No.: 2023-CP-40-03029  
Our File No.: 5021.01323

Dear Ms. Kitchings:

Enclosed for filing is a motion to consolidate appeals in the above case. Also enclosed are the following:

- (1) Proof of Service of the motion to consolidate appeals on the respondent.
- (2) A filing fee of \$50.00.

If you need anything further, please let me know.

Sincerely,

  
s/David A. DeMasters

Enclosures

cc: Kyle J. White, Esq. (w/enclosures)  
J. Drew Bradshaw, Esq. (w/enclosures)  
Dan Pruitt, Esq. (w/enclosures)  
Charles F. Turner, Jr., Esq. (w/enclosures)