

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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APPEAL FROM FLORENCE COUNTY  
Common Pleas Court

The Honorable H. Steven DeBerry IV, Circuit Court Judge

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APPEAL FROM SOUTH CAROLINA COURT OF APPEALS  
Court of Appeals Case No. 2022-001006  
Unpublished Opinion No.: 2025-UP-034

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Wendy Lynch,

Respondent,

v.

Elizabeth Langley and Rebecca  
White Lynch, Defendants,

Appellant.

Of whom Elizabeth Langley is  
the Appellant and Rebecca  
White Lynch is a Respondent

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MAY 19 2025  
SC Court of Appeals

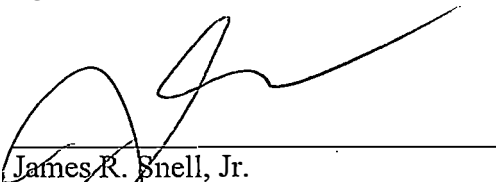
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**NOTICE OF APPEAL**

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Elizabeth Langley, hereby appeals the Order denying the Second Amended Petition for Rehearing Filed April 17, 2025, the Unpublished Opinion Affirming the Dismissal of the Appeal filed January 29, 2025, the Jury Verdict in Favor of Plaintiff Order by the Honorable H. Steven DeBerry IV filed May 6, 2022, and the Order Denying Defendant's Motion for a New Trial filed July 5, 2022.

May 13, 2025  
Lexington, South Carolina

  
James R. Snell, Jr.  
LAW OFFICE OF JAMES R. SNELL, JR., LLC  
123 Harmon Street  
Lexington, South Carolina 29072  
(803) 359-3301  
Attorney for the Appellant

# The South Carolina Court of Appeals

Wendy Lynch, Respondent,

v.

Elizabeth Langley and Rebecca White Lynch,  
Defendants,

of whom Elizabeth Langley is the Appellant and Rebecca  
White Lynch is a Respondent.

Appellate Case No. 2022-001006

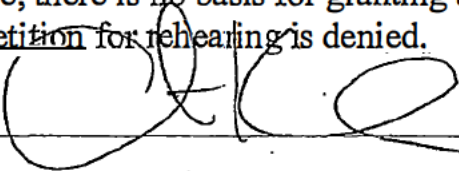
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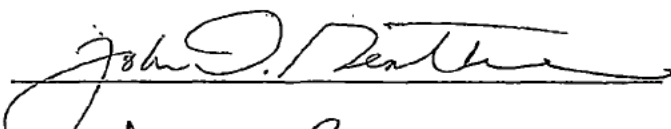
## ORDER


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Appellant has filed a motion to amend Appellant's first amended petition for rehearing. After careful consideration, the motion to amend is granted.

After careful consideration of the second amended petition for rehearing, the court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the second amended petition for rehearing is denied.

  
\_\_\_\_\_  
J.

  
\_\_\_\_\_  
J.

  
\_\_\_\_\_  
J.

Columbia, South Carolina

**FILED**  
**Apr 17 2025**

cc:

James Ross Snell, Jr., Esquire  
Joseph M. McCulloch, Jr., Esquire  
Patrick James McLaughlin, Esquire  
Kathy R. Schillaci, Esquire  
David E. Rigney, Esquire  
Rebecca Lynch White  
The Honorable H. Steven DeBerry, IV



## The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

CATHERINE S. HARRISON  
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1220 SENATE STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
[www.sccourts.org](http://www.sccourts.org)

January 29, 2025

Mr. James Ross Snell, Jr., Esquire  
123 Harmon Street  
Lexington SC 29072

Mr. Joseph M. McCulloch, Jr., Esquire  
PO Box 11623  
Columbia SC 29211

Mr. Patrick James McLaughlin, Esquire  
PO Box 13057  
Florence SC 29504

Ms. Kathy R. Schillaci, Esquire  
PO Box 11623  
Columbia SC 29211

Mr. David E. Rigney, Esquire  
1500 Highway 17 North  
Suite 212, The Courtyard  
Surfside Beach SC 29575

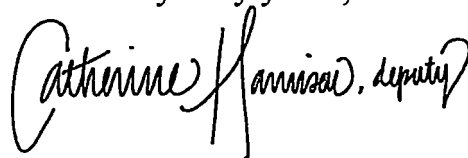
Rebecca Lynch White  
434 Wayside Drive  
Winston Salem NC 27107

Re: Wendy Lynch v. Elizabeth Langley  
Appellate Case No. 2022-001006

Dear Counsel and Ms. White:

Enclosed is the decision of the Court. The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.

Very truly yours,

A handwritten signature in black ink that reads "Catherine Harrison, deputy". The signature is written in a cursive style with a large initial "C" and "H".

CLERK

cc: The Honorable H. Steven DeBerry, IV

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE  
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING  
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA  
In The Court of Appeals**

Wendy Lynch, Respondent,

v.

Elizabeth Langley and Rebecca White Lynch,  
Defendants,

of whom Elizabeth Langley is the Appellant and Rebecca  
White Lynch is a Respondent.

Appellate Case No. 2022-001006

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Appeal From Florence County  
H. Steven DeBerry, IV, Circuit Court Judge

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Unpublished Opinion No. 2025-UP-034  
Submitted January 1, 2025 – Filed January 29, 2025

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**AFFIRMED**

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James Ross Snell, Jr., of Law Office Of James R. Snell,  
Jr., LLC, of Lexington; and David E. Rigney, of Surfside  
Beach, both for Appellant.

Joseph M. McCulloch, Jr. and Kathy R. Schillaci, both of  
McCulloch and Schillaci, of Columbia; and Patrick James  
McLaughlin, of Wukela Law Office, of Florence, all for  
Wendy Lynch.

Rebecca Lynch White, of Winston-Salem, North  
Carolina, pro se.

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**PER CURIAM:** Elizabeth Langley appeals a jury verdict order in favor of Wendy Lynch and an order denying her post-trial motion for a new trial. She argues the circuit court erred when it (1) denied her directed verdict motion on the civil conspiracy cause of action, (2) denied her directed verdict motion on the intentional infliction of emotional distress (IIED) cause of action, (3) allowed a verdict form to be sent to the jury that did not separate actual and punitive damages for each cause of action, (4) admitted a voicemail message from a previous attorney, and (5) allowed the use of the word "kill" at trial. We affirm pursuant to Rule 220(b), SCACR.

1. We hold Langley's directed verdict motion on the civil conspiracy cause of action is not preserved for appellate review because she failed to renew her motion at the close of all evidence. *See Wright v. Craft*, 372 S.C. 1, 19, 640 S.E.2d 486, 496 (Ct. App. 2006) ("When a defendant moves for a directed verdict under Rule 50, [of the South Carolina Rules of Civil Procedure,] at the close of the plaintiff's case, he must renew that motion at the close of all evidence.").

2. We hold Langley's directed verdict motion on the IIED cause of action is not preserved for appellate review because she failed to renew her motion at the close of all evidence. *See id.* ("When a defendant moves for a directed verdict under Rule 50, SCRCPL,] at the close of the plaintiff's case, he must renew that motion at the close of all evidence.").

3. We hold Langley's verdict form argument is not preserved for appellate review because she did not raise her argument to the trial court and indicated she had no issues with the verdict form. *See Wilder Corp. v. Wilke*, 330 S.C. 71, 76, 497 S.E.2d 731, 733 (1998) ("[A]n issue cannot be raised for the first time on appeal, but must have been raised to and ruled upon by the trial judge to be preserved for appellate review.").

4. We hold the trial court did not abuse its discretion when it admitted a voicemail Eric Poston, Langley's former attorney, left for Lynch because the statements he made in the voicemail were admissible under Rule 801(d)(2)(D) of the South Carolina Rules of Evidence. *See Creed v. City of Columbia*, 310 S.C. 342, 344, 426 S.E.2d 785, 786 (1993) ("The admission of evidence is a matter addressed to the sound discretion of the trial judge."); *id.* ("Absent clear abuse of discretion

amounting to an error of law, the trial court's ruling will not be disturbed on appeal."). Langley testified Poston was representing her in a civil case at the time he left the voicemail; therefore, Poston was acting as Langley's servant and an employment relationship between the two existed at that time. Further, Poston made the statements within the scope of his employment relationship because Langley testified she hired Poston to represent her in a civil matter, Langley previously brought an action contesting their father's will in which she alleged Lynch had exerted undue influence over their father, and Lynch testified Poston indicated she was living on her father's farm when Langley "had every right" to go on the property. *See* Rule 802, SCRE ("Hearsay is not admissible except as provided by these rules or by other rules prescribed by the Supreme Court of this State or by statute."); Rule 801(d)(2)(D), SCRE ("A statement is not hearsay if . . . [t]he statement is offered against a party and is . . . a statement by the party's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship . . .").

5. We hold Langley's issue concerning the use of the word "kill" is not preserved for appellate review because prior to trial, Langley confirmed she did not object to the use of the word "killing" at trial, did not object when it was used at trial, and in her motion for a new trial, she did not raise the issue that she objected to the use of any term other than "tried to send Daddy to heaven early." *See Burke v. AnMed Health*, 393 S.C. 48, 55, 710 S.E.2d 84, 88 (Ct. App. 2011) ("When a party states to the trial court that it has no objection to the introduction of evidence, even though the party previously made a motion to exclude the evidence, the issue raised in the previous motion is not preserved for appellate review."); *State v. Wiles*, 383 S.C. 151, 156, 679 S.E.2d 172, 175 (2009) ("Generally, a motion *in limine* is not a final determination; a contemporaneous objection must be made when the evidence is introduced."); *Elam v. S.C. Dep't of Transp.*, 361 S.C. 9, 24, 602 S.E.2d 772, 780 (2004) ("A party *must* file [a Rule 59(e) of the South Carolina Rules of Civil Procedure] motion when an issue or argument has been raised, but not ruled on, in order to preserve it for appellate review.").

**AFFIRMED.**<sup>1</sup>

**KONDUROS, GEATHERS, and MCDONALD, JJ., concur.**

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<sup>1</sup> We decide this case without oral argument pursuant to Rule 215, SCACR.



**Court Reporter:**

**E-Filing Note:** The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

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Florence Common Pleas

**Case Caption:** Wendy Lynch VS Elizabeth Langley , defendant, et al  
**Case Number:** 2019CP2101042  
**Type:** Order/Electronic Form 4

H. Steven DeBerry, IV

Circuit Court Judge 2771

Electronically signed on 2022-05-06 11:20:01 page 3 of 3

FORM 4

STATE OF SOUTH CAROLINA  
COUNTY OF Florence  
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2019CP2101042

Wendy Lynch  
PLAINTIFF(S)

Elizabeth Langley et al  
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  Rule 43(k), SCRPC (Settled);  
 Other
- ACTION STRICKEN (CHECK REASON):  Rule 40(j), SCRPC;  Bankruptcy;  
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  
 Other
- STAYED DUE TO BANKRUPTCY
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):  
 Affirmed;  Reversed;  Remanded;  
 Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED:  See attached order (formal order to follow)  Statement of Judgment by the Court:

Defendant Langley's post trial motion for a new trial is denied. The court finds that the record contains ample evidence to support the jury's verdict.

Furthermore, the Plaintiff's motion for relief and sanctions including attorneys fees and costs is also denied.

ORDER INFORMATION

This order  ends  does not end the case.  See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 07/05/2022

Rebecca White Lynch for Rebecca White Lynch  
Rebecca White Lynch for Rebecca White Lynch

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

**Court Reporter:**

**E-Filing Note:** The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

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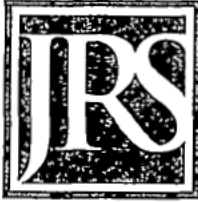


Florence Common Pleas

**Case Caption:** Wendy Lynch VS Elizabeth Langley , defendant, et al  
**Case Number:** 2019CP2101042  
**Type:** Order/Electronic Form 4

H. Steven DeBerry, IV

Circuit Court Judge 2771



LAW OFFICE OF \_\_\_\_\_  
**JAMES R. SNELL, JR.**  
LLC

May 13, 2025

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SC Court of Appeals

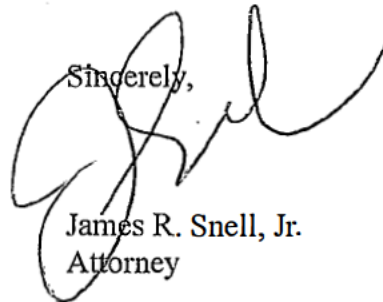
South Carolina Supreme Court  
1231 Gervais Street  
Columbia, SC 29201

RE: Wendy Lynch, Respondent, vs. Elizabeth Langley and Rebecca White Lynch,  
Defendants, of whom Elizabeth Langley is the Appellant and Rebecca White  
Lynch is a Respondent.  
Court of Appeals Case No.: 2022-001006

To Whom it May Concern:

Please be advised that our office represents Elizabeth Langley regarding the above-referenced matter. Please find enclosed for filing the Notice of Appeal and the Orders we are appealing. Also enclosed is a copy of the Proof of Service. Please let our office know if you have any questions regarding this matter.

Sincerely,



James R. Snell, Jr.  
Attorney

Enclosure

cc: Joseph McCulloch Jr., Esq.  
Patrick James McLaughlin, Esq.  
Kathy R. Schillaci, Esq.  
David E. Rigney, Esq.  
Rebecca Lynch White  
South Carolina Court of Appeals  
The Honorable H. Steven DeBerry IV  
Florence County Common Pleas

Law Office of  
James R. Snelson, L.L.C.  
123 Hancock Street  
Lexington, SC 29072



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SC Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

