

STATE OF SOUTH CAROLINA)
)
COUNTY OF EDGEFIELD)
)
Barry Lanham and Obvia Gamble-)
Lanham,)
Plaintiffs,)
)
v.)
)
Wumag Texroll GmbH & Co. KG,)
Defendant.)

IN THE COURT OF COMMON PLEAS
CIVIL ACTION NO.: 2021-CP-19-00005

**PLAINTIFFS' NOTICE OF MOTION AND
MOTION TO AMEND COMPLAINT**

RECEIVED
Feb 23 2026
SC Court of Appeals

)
Wumag Texroll GmbH & Co. KG f/k/a)
Kelzenberg + Co.: GmbH & Co. KG,)
)
Third-Party Plaintiff,)
)
)
v.)
)
Wumag Texroll GmbH & Co. KG,)
)
Third-Party Defendant.)

**TO: DEFENDANT, THIRD-PARTY DEFENDANT AND THEIR
ATTORNEYS, ROBERT C. OSBORNE III, ESQ. AND CATHERINE WRENN,
ESQ.:**

YOU WILL PLEASE TAKE NOTICE that Plaintiffs Barry Lanham and Obvia Gamble-Lanham, by and through their undersigned counsel, will move at a time and place to be arranged by the Court for an Order granting them leave to amend their Complaint pursuant to Rule 15 of the South Carolina Rules of Civil Procedure. Rule 15(a) provides that when a party asks to amend his pleading, "leave shall be freely given when justice so requires and does not prejudice any other party." Rule 15(a), SCRPC. "This rule strongly favors amendments and the court is encouraged to freely

grant leave to amend.” *Parker v. Spartanburg Sanitary Sewer Dist.*, 362 S.C. 276, 286, 607 S.E.2d 711, 717 (Ct. App. 2005). Here, justice requires that the Court grant leave to amend as the amendment will not prejudice any other party. *See* Rule 15(a), SCRPC.

Third-Party Plaintiff Wumag Texroll GmbH & Co. KG f/k/a Kelzenberg + Co.: GmbH & Co. KG (“Kelzenberg”), designated in Plaintiffs’ Complaint as Wumag Texroll GmbH & Co. KG (“Wumag”), has brought a claim for indemnity against Third-Party Defendant Wumag, a predecessor German corporation which was acquired by Kelzenberg in an asset purchase agreement. As will be detailed further in a supporting memorandum of law, Plaintiffs wish to amend their Complaint in order to assert negligence, strict liability, warranty, and loss of consortium claims against Third-Party Defendant Wumag, and to amend the named Defendant to also include Kelzenberg along with the already named Wumag. (Ex. A). This request is based upon information learned since the filing of Plaintiffs’ Complaint.

This Motion will be supported by a memorandum of law, discovery exchanged between the parties, arguments presented by counsel, and any other documents which may be presented to the Court. Undersigned counsel certifies that consultation would serve no useful purpose.

[SIGNATURE PAGE TO FOLLOW]

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-AND-

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July 17, 2023
Hampton, South Carolina