

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

RECEIVED
Feb 23 2026
SC Court of Appeals

ORDER

)
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.)

This matter came before the Court pursuant to Rule 15, SCRCP, on Plaintiffs' Motion to Amend Complaint. Appearing and arguing at the December 11, 2023 hearing on behalf of Plaintiffs was John E. Parker, Jr. Appearing and arguing on behalf of Wumag Texroll GmbH & Co. KG, the Third-Party Defendant, was Catherine Wrenn. Plaintiffs filed their motion on July 17, 2023, seeking to add Third-Party Defendant Wumag as a Defendant to their original Complaint, which alleged causes of action for negligence, breach of warranty, and strict liability against Wumag's successor, named as Wumag Texroll GmbH & Co. KG f/k/a Kelzenberg + Co.: GmbH

& Co. KG in the Third-Party Complaint and Wumag Texroll GmbH & Co. KG in Plaintiffs' original Complaint.

To clarify, Plaintiffs contend that their Complaint alleges causes of action against two separate German entities, a predecessor company and a successor company. Plaintiffs allege that after Plaintiffs' injuries the successor purchased the assets of the predecessor, changed its name to the predecessor's name, and continued doing the business of the predecessor, and they now seek to add the predecessor as a Defendant through amendment of their original Complaint, which only named the successor as a Defendant. Under Rule 15, SCRC, leave to amend is to be freely given unless it would cause prejudice to the defendant or would be obviously futile. The arguments of Plaintiffs' counsel indicate that the interests of justice would be served by allowing Plaintiffs to amend the Complaint, that no prejudice will be caused to the newly added Defendant by the amendment, and that the amendment is not futile. The Court acknowledges that the Third-Party Defendant objected to the proposed amendment, and that it reserves its right to plead defenses to and/or file motions regarding the proposed amendment.

Therefore, it is ordered that the Plaintiffs may amend their Complaint to add Third-Party Defendant Wumag as a Defendant. The Amended Complaint should indicate the party to be brought in as "Wumag Texroll GmbH & Co. KG" while the currently named Defendant will be corrected to "Wumag Texroll GmbH & Co. KG f/k/a Kelzenberg + Co.: GmbH & Co. KG".

IT IS SO ORDERED.

The Honorable Debra R. McCaslin

December 18, 2023
Lexington, South Carolina



Edgefield Common Pleas

Case Caption: Barry Lanham , plaintiff, et al VS Wumag Texroll Gmbh & Co. Kg ,
defendant, et al
Case Number: 2021CP1900005
Type: Order/Other

So Ordered

Debra R. McCaslin