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Mar 18 2026

SC Court of Appeals

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March 18, 2026

VIA EMAIL FOR ELECTRONIC FILING:

Jenny Abbott Kitchings, Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201
ctappfilings@sccourts.org

Re: *In re: Estate of James L. Strobel*
Appellate Case No. 2026-000229
Circuit Court Case No. 2024-CP-10-04752
Probate Court Case No. 2022-ES-10-00235

Dear Ms. Kitchings:

Our firm represents Daniel Lloyd Strobel, James Andrew Strobel, John Anthony Strobel, and Peter Nicholas Strobel in the above matter. We have received the correspondence dated yesterday from Thomas B. Iandoli, Esquire, who represents Paula M. Strobel and Dorothy Elizabeth Strobel Bell. We agree with Mr. Iandoli that the appellate case caption should be corrected. However, we respectfully disagree with the proposed correction that Mr. Iandoli offered in his letter. Further, as discussed below, we reserve our clients' position that the lower court's Orders that were appealed from are not immediately appealable.

Our clients (Daniel Lloyd Strobel, James Andrew Strobel, John Anthony Strobel, and Peter Nicholas Strobel) are the Plaintiffs in the lower court. The Defendants in the lower court are Paula M. Strobel, as Personal Representative of the Estate of James L. Strobel, and individually; Dorothy Elizabeth Strobel Bell, as an interested person; and Zoie P. Ogletree, as an interested person.

The above information is reflected in the Orders attached to the Notice of Appeal that Mr. Iandoli's clients filed in this Court on January 27, 2026. The Orders appealed from involve the Circuit Court's denial of Paula M. Strobel's Motion to Amend Answer and the denial of her Motion for Jury Trial. The Circuit Court's Orders do *not* rule upon or involve any motion made by Dorothy Elizabeth Strobel Bell. Copies of the motions that were denied by the lower court are enclosed.

Despite the above, the Notice of Appeal names both Paula M. Strobel and Dorothy Elizabeth Strobel Bell as the Appellants even though the lower court's orders do not address or rule upon any motion made by Ms. Bell. Our position is that Ms. Bell is not a proper appellant and that she lacks standing to appeal from Orders denying motions made by another party (Paula M. Strobel). We intend to address this issue more fully in our briefs to the Court. Mr. Iandoli's letter also improperly asks this Court to realign the parties in the lower court to make Zoie P. Ogletree a

respondent. No such relief has been granted in the lower court.

In addition to the above, our position is that the lower court's Orders are not immediately appealable. As the Notice of Appeal as well as the enclosures with this letter show, the lower court denied Paula M. Strobel's Motion to Amend Answer pursuant to SCRPC 15(a) and also denied her separate Motion for Jury Trial pursuant to SCRPC 39(b). The denial of a motion to amend answer under Rule 15(a) is not immediately appealable under state law. See Baldwin Const. Co. v. Graham, 357 S.C. 227, 230, 593 S.E.2d 146, 147 (2004) (order denying a motion to amend an answer is not immediately appealable). Similarly, an order denying a motion for jury trial under Rule 39(b) is not immediately appealable. See Rowe Furniture Corp. v. Carolina Wholesale Furniture Co., 292 S.C. 575, 576, 357 S.E.2d 725, 725 (Ct. App. 1987) (trial court order denying party's motion for jury trial pursuant to SCRPC 39(b) was not immediately appealable); Hannah v. United Refrigeration Servs., Inc., 305 S.C. 394, 394, 409 S.E.2d 360, 361 (1991) ("A ruling on a Rule 39(b) motion is within the discretion of the judge and is interlocutory and not directly appealable."). In short, regardless of whether Ms. Bell is a proper appellant, she and Paula M. Strobel are attempting to appeal from Orders that are not immediately appealable.

In light of the forgoing, we respectfully submit that the appellate case caption should be corrected to read as follows:

"In re: Estate of James L. Strobel, Deceased,

Daniel Lloyd Strobel; James Andrew Strobel; John Anthony Strobel and Peter Nicholas Strobel, Plaintiffs/Respondents,

v.

Paula M. Strobel, as Personal Representative of the Estate of James L. Strobel, and individually; Dorothy Elizabeth Strobel Bell, as an interested person; and Zoie P. Ogletree, as an interested person, Defendants.

Of whom Paula M. Strobel, as Personal Representative of the Estate of James L. Strobel, and individually, is the Appellant."

By sending this letter, our clients reserve and do not waive any and all objections to Ms. Bell's standing as an appellant and to the appealability of the lower court's Orders.

We thank you for your attention to this matter. Of course, please do not hesitate to let us know if you have any questions about the above or if we can provide any additional information.

With best regards, I am

Sincerely,

ROSEN HAGOOD, LLC

A handwritten signature in black ink, appearing to read "Daniel F. Blanchard, III". The signature is fluid and cursive, with a prominent initial "D".

Reviewed and Approved for Electronic Transmission

Daniel F. Blanchard, III

Encls.

Cc: Elizabeth J. Palmer, Esquire (w/ encls.)
Bijan K. Ghom, Esquire (w/ encls.)
J. Ashley Twombly, Esquire (w/ encls.)
Thomas Iandoli, Esquire (w/ encls.)
Dan David, Esquire (w/ encls.)
Michael DuPree, Esquire (w/ encls.)

2024-CP10-4152

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

) IN THE PROBATE COURT
) CASE NO: 2022-ES-10-00235
)

IN RE: ESTATE OF JAMES L. STROBEL,
Deceased,

DANIEL LLOYD STROBEL;
JAMES ANDREW STROBEL; JOHN
ANTHONY STROBEL; and
PETER NICHOLAS STROBEL

Petitioners,

vs.

PAULA M. STROBEL, as Personal Representative
of the Estate of James L. Strobel and individually;
and DOROTHY ELIZABETH STROBEL BELL, as
an interested person,

Respondents.

RESPONDENT PAULA M.
STROBEL'S MOTION TO AMEND
ANSWER
EZ FILING
PROBATE COURT
CHARLESTON COUNTY, SOUTH CAROLINA
2022ES1000235
5/14/2024 3:20PM
FILED
JUN 23 AM 9:20
LILLIE J. ARMSTRONG
CLERK OF COURT

Pursuant to South Carolina Rule of Civil Procedure 15(a), Respondent Paula M. Strobel, as Personal Representative of the Estate of James L. Strobel and individually (“Respondent”), by and through her counsel, hereby moves this Court for an Order granting her leave to file a Second Amended Answer in order to add a counterclaim against Petitioners.

Respondent hereby seeks leave of Court, pursuant to Rule 15, SCRPC, to add the following counterclaim against Petitioners: (1) Civil Conspiracy.

Rule 15(a), SCRPC, provides that “leave shall be freely given when justice so requires and does not prejudice any other party.” Rule 15 “evinces a bias in favor” of granting amendments and “unless there is a substantial reason to deny leave to amend, the discretion of the [trial] court is not broad enough to permit denial.” Forrester v. Smith & Steele Builders, Inc., 295 S.C. 504, 507, 369 S.E.2d 156, 158 (Ct. App. 1988) (quoting Dussouy v. Gulf Coast Investment Corp., 660 F.2d 594, 598 (5th Cir. 1981)). “In the absence of a proper reason, such as bad faith, undue delay,

or prejudice, a denial of leave to amend is an abuse of discretion.” Id. (citation omitted); see also Foman v. Davis, 371 U.S. 178, 182 (1962). Prejudice under Rule 15 is generally defined “as lack of notice that the new issue is going to be tried, and a lack of opportunity to refute it.” Id. Discovery is ongoing and the depositions of the petitioners to this action have yet to be taken. Thus, Petitioners have ample notice of the amendments and will not be prejudiced thereby.

WHEREFORE, Respondent respectfully moves this Court for an Order granting Respondent leave to file the Second Amended Answer and Counterclaim and for such other and further relief as this Court may deem just and proper.

Pursuant to Rule 11, SCRPC, counsel for Respondent certifies that they attempted to confer with opposing counsel prior to filing this motion but received no response.

s/Bijan K. Ghom
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Bijan K. Ghom
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ATTORNEYS FOR RESPONDENT
PAULA M. STROBEL

Charleston, South Carolina
May 14, 2024

2024-CP-10-4752

STATE OF SOUTH CAROLINA)
 COUNTY OF CHARLESTON)
)
 IN RE: ESTATE OF)
 JAMES L. STROBEL, Deceased,)
)
 DANIEL LLOYD STROBEL;)
 JAMES ANDREW STROBEL; JOHN)
 ANTHONY STROBEL; and)
 PETER NICHOLAS STROBEL)
 Petitioners,)
)
 vs.)
)
 PAULA M. STROBEL, as Personal Representative)
 of the Estate of James L. Strobel and individually;)
 and DOROTHY ELIZABETH STROBEL BELL, as)
 an interested person,)
)
 Respondents.)

IN THE PROBATE COURT
CASE NO: 2022-ES-10-00235

EZ FILING
PROBATE COURT
CHARLESTON COUNTY, SOUTH CAROLINA
2022ES1000235
5/14/2024 3:20PM

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she served the Respondent Paula M. Strobel's Motion to Amend Answer on the following via email on May 14, 2024:

Daniel F. Blanchard, Esquire
Taylor Ambrosius, Esquire
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ATTORNEYS FOR PETITIONERS

FILED
 2025 JUN 23 AM 9:20
 JULIE J. ARMSTRONG
 CLERK OF COURT
 BX

By: /s/ Taylor Davis
Paralegal
Saxton & Stump, LLC

2024-CP-10-4752

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

) IN THE PROBATE COURT
) CASE NO: 2022-ES-10-00235
)

IN RE: ESTATE OF JAMES L. STROBEL,
Deceased,

DANIEL LLOYD STROBEL;
JAMES ANDREW STROBEL; JOHN
ANTHONY STROBEL; and
PETER NICHOLAS STROBEL

Petitioners,

vs.

PAULA M. STROBEL, as Personal Representative
of the Estate of James L. Strobel and individually;
and DOROTHY ELIZABETH STROBEL BELL, as
an interested person; and ZOIE P. OGLETREE, as
an interested person,

Respondents.

**RESPONDENT
PAULA M. STROBEL'S
MOTION FOR JURY TRIAL**

**EZ FILING
PROBATE COURT
CHARLESTON COUNTY, SOUTH CAROLINA
2022ES1000235
6/24/2024 3:14PM**

BY
JULIE J. ARMSTRONG
CLERK OF COURT

2025 JUN 23 AM 9:19

FILED

Respondent Paula M. Strobel, as Personal Representative of the Estate of James L. Strobel and individually, (hereinafter "Respondent Strobel") files this Motion for Jury Trial in accordance with Rule 39(b). Respondent Strobel and Respondent Dorothy Elizabeth Strobel Bell have each demanded a jury trial on all issues so triable as a matter of right pursuant to South Carolina Rules of Civil Procedure Rule 38. Petitioners have since moved to strike Respondents' jury trial demands. Specifically, Petitioners claim that Respondent Strobel waived her right to jury because she did not demand a jury trial until she filed her Amended Answer to Petitioners' Amended Complaint. To the extent the Court finds that Respondent Strobel waived her right to a jury trial and that Respondent Strobel's additional counterclaims do not create new issues of fact¹,

¹ Issues of fact in an action for the recovery of money only or of specific real or personal property must be tried by a jury, unless a jury trial is waived. Rule 38(a), SCRPC. Generally, the relevant question in determining the right to trial by jury is whether an action is legal or equitable; there is no right to trial by jury for equitable actions. *Verenes v. Alvanos*, 387 S.C. 11, 690 S.E.2d 771 (2010). Characterization of an action as equitable or legal depends on the "main purpose" in bringing the action." *Verenes v. Alvanos*, 387 S.C. 11, 690 S.E.2d 771 (2010). Petitioners action amounts

Respondent Strobel files this Motion for Jury Trial in accordance with Rule 39(b). Under Rule 39(b), “[n]otwithstanding the failure of a party to demand a jury trial in an action in which a demand might have been made of right, the court in its discretion upon motion may order a trial by jury of any or all issues.” A party's failure to make a timely demand for a jury trial does not mean the opposing party acquires a right to have, as a matter of law, a non-jury trial. *Hannah v. United Refrigeration Services, Inc.*, 305 S.C. 394, 409 S.E.2d 360 (1991); *Patterson v. McNeill-Patterson & Associates, Inc.*, 312 S.C. 471, 441 S.E.2d 328 (Ct. App. 1994) (granting a demand for jury trial under Rule 39(b) even though the defendant did not request a jury trial until approximately a year after plaintiff filed his amended complaint).

Petitioners have not shown, and cannot show, any prejudice, expense, or delay to oppose Respondents’ demand for jury trial. Moreover, Respondents’ jury trial demands were made in responsive pleadings (albeit amended ones) and very little discovery has been conducted. In any event, “[t]he rules concerning discovery under the South Carolina Rules of Civil Procedure do not differ for jury or non-jury trials.” *Thompson v. Ashpes*, No. 2010-CP-32- 05206, 2012 WL 12127218, at *2 (S.C.Com.Pl. Apr. 26, 2012)

[SIGNATURE ON FOLLOWING PAGE]

to a breach of contract claim where the only remedy is money damages. *See Trotter v. Trotter*, 490 So. 2d 827, 831–32 (Miss. 1986) (“However, a breach of a contract not to revoke a will is just that: a breach of a contract. It is not grounds for contesting the will pertaining to the contract.”) (citing *In Re Estate of Schmalz*, 58 Wis.2d 220, 206 N.W.2d 141 (1973); *In Re Derousseau’s Will*, 175 Wis. 140, 184 N.W. 705, 708 (1921)). Petitioners are seeking money damages as a result of the alleged breach of contract, and therefore, a jury trial as a matter of right is appropriate.

s/Bijan K. Ghom

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ATTORNEYS FOR RESPONDENT

PAULA M. STROBEL

Charleston, South Carolina
June 24, 2024

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

IN THE PROBATE COURT)
CASE NO: 2022-ES-10-00235)

IN RE: ESTATE OF)
JAMES L. STROBEL, Deceased,)

EZ FILING)
PROBATE COURT)
CHARLESTON COUNTY, SOUTH CAROLINA)
2022ES1000235)
6/24/2024 3:14PM)

DANIEL LLOYD STROBEL;)
JAMES ANDREW STROBEL; JOHN)
ANTHONY STROBEL; and)
PETER NICHOLAS STROBEL)
Petitioners,)

2024-CP-10-4752

vs.)

PAULA M. STROBEL, as Personal Representative)
of the Estate of James L. Strobel and individually;)
and DOROTHY ELIZABETH STROBEL BELL, as)
an interested person; and ZOIE P. OGLETREE, as)
an interested person,)
Respondents.)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she served the Respondent Paula M. Strobel’s Motion for Jury Trial and Respondents’ Motion to Amend Scheduling Order on the following via email and e-filing on June 24, 2024:

Daniel F. Blanchard, Esquire
Taylor Ambrosius, Esquire
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ATTORNEYS FOR PETITIONERS

FILED
2025 JUN 23 AM 9:19
JULIE J. ARMSTRONG
CLERK OF COURT
BY

By: /s/ Taylor Davis
Paralegal
Saxton & Stump, LLC