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March 19, 2026

Via Electronic Mail

Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
PO Box 11629
Columbia, SC 29211
ctappfilings@sccourts.org

RE: In re: Estate of James L. Strobel; Appellate Case No. 2026-000229

Dear Ms. Kitchings:

I received Mr. Blanchard's March 18, 2026 response to our letter of March 17, 2026, and want to ensure Appellants' position is clear.

First, we are not asking the Court of Appeals to decide a motion to realign the parties in the circuit court, which we agree is still pending before the circuit court. Our position is that, as to the caption for this appeal, the parties who are appealing orders should be listed as Appellants and the parties who are not appealing those orders should be listed as Respondents. We believe this is dictated by Rule 202(a), SCACR, which provides as follows: "The party appealing shall be known as the appellant and the adverse party as the respondent." If there is some other applicable rule that impacts this issue, I am not aware of it but trust the Court will proceed as it deems best.

Second, we believe the Appellants have the absolute right to appeal the order denying their request for a jury trial, as well as Appellant Paula Strobel's request to amend her pleading to add additional claims. As to the right to appeal the mode of trial, Respondents cite to *Rowe Furniture Corp. v. Carolina Wholesale Furniture Co.*, 292 S.C. 575, 576, 357 S.E.2d 725, 725 (Ct. App. 1987), and *Hannah v. United Refrigeration Servs., Inc.*, 305 S.C. 394, 394, 409 S.E.2d 360, 361 (1991). Both cases deal only with appeals from the denial of a motion requesting that the Court use its discretion under Rule 39(b), SCRCP, to grant a jury trial when a litigant is otherwise not entitled to one. In this case, not only did Appellants make a Rule 39(b) motion for a jury trial, but they also demanded a jury trial as of right, which the circuit court denied. These cases expressly do not apply to the question of jury trial entitlement as of right.

Third, as to appealing an order denying a motion to amend a pleading, Respondents cite *Baldwin Const. Co. v. Graham*, 357 S.C. 227, 230, 593 S.E.2d 146, 147 (2004). In that case, the court concluded a denial of a motion to amend a pleading was premature because "the trial judge

did not rule on the substantive contents of the [proposed amended pleading]." Here, however, Judge Rode considered the merits of the claims sought to be included in the amended pleading and ruled on them.

Finally, Mr. Blanchard fails to address another significant issue. In one of the orders Appellants have appealed, the circuit court ostensibly resolved certain claims and defenses that Respondents argue have now been resolved with finality. While these issues were not raised, briefed, argued, or otherwise at issue before the circuit court, the court included language in its order that Respondents argue now resolves those issues with finality. If Respondents are correct, the order is appealable because they effectively grant summary judgment to Respondents on issues that were not even before the court. Therefore, the orders are appealable for the independent reason that they strike claims and defenses and grant judgment on certain issues in Respondents' favor (governed by S.C. Code Ann. § 13-3-330).

At this stage, the Court should correct the caption to properly reflect the parties. The Court should not sua sponte dismiss the appeal at Mr. Blanchard's suggestion.

With kindest regards, I remain,

Cordially,

s/Thomas Iandoli

Thomas Blase Iandoli

cc:

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