

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS
13TH JUDICIAL CIRCUIT

COUNTY OF GREENVILLE)

CIVIL ACTION NO. 2026-CP-23-01277

In the Matter of Duane Evans, an
allegedly incapacitated individual)

APPEAL FROM THE PROBATE COURT
Case number 2025-GC-23-00023

Tom Vestal Evans,
Plaintiff,)

**EMERGENCY MOTION FOR
TEMPORARY INJUNCTION**

v.)

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Elizabeth Evans
Defendant.)

Mar 26 2026

S.C. SUPREME COURT

NOW COMES the Plaintiff, Tom Vestal Evans, by his undersigned attorney, and moves the Court for an Emergency Temporary Injunction. In support of the Motion, Plaintiff would show to the Court as follows:

1. Plaintiff is the son of Duane Evans. Plaintiff brought this action in Probate Court requesting the appointment of himself as Guardian for his father, Duane Evans, an allegedly incapacitated individual.
2. Defendant Elizabeth Evans is the current wife of Duane Evans, but is not the mother of the Plaintiff. Defendant answered and asked instead for the appointment of herself as Guardian for Duane Evans.
3. The Probate Court held a hearing and took evidence, the testimony of two physicians who testified in favor the plaintiff. The court indicated that it would deny the Plaintiff's petition and grant the petition of the Defendant, and requested counsel for the Defendant to draft an order.
4. The Plaintiff is informed and believes that the Defendant Elizabeth Evans has decided to

withhold all further normative medical care and treatment for Duane Evans, and give him only palliative care for his alleged comfort, facilitating the harvesting of his organs, and bringing about his death.

5. Plaintiff submits to the Court in support of this Emergency Motion the affidavit of Dr. Joseph A. Evans, Jr., physician, and brother of the allegedly incapacitated person, in which he testifies that he met with Duane Evans, and that Duane Evans definitively asserted his desire to receive medical treatment and care with the goal of being healed and continuing to live.
6. On Sunday, March 1, 2026, Duane Evans was breathing on only pressure settings on the ventilation for about seven hours.
7. “Down to only pressure on the ventilator” means that the patient has been successfully weaned from full ventilator support and is breathing spontaneously, assisted only by a set amount of positive pressure (pressure support) in the baseline pressure (PEEP). This indicates the patient may be in the process of being completely removed from the ventilator (extubation).
8. The Defendant Elizabeth Evans barred the plaintiff Tom Evans from seeing his father at the hospital on Saturday February 28, 2026.
9. Defendant Elizabeth Evans also barred Dr. Joseph Evans from seeing his brother in the hospital on Saturday, February 28, 2026, and Sunday March 1, 2026.
10. In contrast, the Defendant allowed the daughters of Duane Evans, who are in favor of terminating restorative medical services, to see Duane Evans, and she even allowed his first wife, who is also in favor of terminating restorative medical services, to see him.
11. Several other family members went to see Duane Evans, and they were not permitted to go

to the ICU waiting room. They were forced to wait in the hospital lobby, but then hospital security escorted them out of the hospital.

WHEREFORE, Plaintiff prays the Circuit Court to reverse the judgment of the Probate Court and grant the emergency temporary injunction forbidding the termination of restorative medical care for Duane Evans, rather than palliative care, forbidding the harvesting of organs from Duane Evans, and requiring continuing medical treatment for and for the benefit of Duane Evans.

Respectfully submitted,
THE CARPENTER LAW FIRM, P.C.

/S/ James G. Carpenter

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March 2, 2026