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Feb 12 2026
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

The Honorable G. D. Morgan, Circuit Court Judge
The Honorable Jessica A. Savlini, Circuit Court Judge

Case No. 2024-CP-23-00375

WARD BENJAMIN MCCLAIN, JR., individually,
and as the Personal Representative of and on behalf
of the ESTATE OF WARD BENJAMIN MCCLAIN, III,
and SONJA GAY MCCLAIN, Plaintiffs

Of Whom WARD BENJAMIN MCCLAIN, JR., as the
Personal Representative of and on behalf of the Estate Of
Ward Benjamin McClain, III is the Appellant

v.

GREENVILLE, S.C., CITY POLICE DEPARTMENT, THE
CITY OF GREENVILLE, S.C., OFFICER JUSTIN JANICKE,
OFFICER JEFFREY SMITH, OFFICER NOEL TUCK,
OFFICER C.J. CLINGAN, AND SERGEANT MICHELLE LENTZ Respondents

NOTICE OF APPEAL

Ward Benjamin McClain, Jr., as the personal representative of and on behalf of the estate of Ward Benjamin McClain, III, appeals the Order Granting Partial Summary Judgment (Statute Of Limitations) of the Honorable G. D. Morgan, Jr., dated March 15, 2024, filed for record March 15, 2024, and received by Appellant on March 15, 2024, the Order of the Honorable Jessica A. Salvini dated November 21, 2025, filed for record November 21, 2025, and received by Appellant November 21, 2025, the Initial Order Regarding Motion To Reconsider of the Honorable Jessica A. Salvini dated December 04, 2025, filed for record December 04, 2025, and received by Appellant December 04, 2025, and the Final Order Regarding Motion To Reconsider

dated January 16, 2026, filed for record January 16, 2026, and received by Appellant January 16, 2026.

Respectfully submitted,

Dated: February 12, 2026
Greenville, South Carolina

s/Ward Benjamin McClain, Jr.
W. Benjamin McClain, Jr., Esquire
W. Benjamin McClain, Jr., L.L.C.
Attorney at Law
S.C. Bar No.: 3740
2728 Poinsett Highway
Greenville, S.C. 29609
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Telephone: (864) 271-9097;
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Facsimile: (864) 271-9099
Email: mcclainwb@gmail.com
Attorney for the Appellant Ward
Benjamin McClain, Jr., as the
personal representative of and on
behalf of the Estate of Ward
Benjamin McClain, III

Other Counsel of Record:
Vincent Clark Price, SCB No. 04567
(1052 North Church Street, 29601)
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864.349.0303 - Facsimile
cprice@cassidycoates.com - E-mail
Attorney for Respondents

William A. Coates, SCB No. 01289
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Greenville, SC 29603
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wac@cassidycoates.com - E-mail
Attorney for Respondents

**LETTER TO THE APPELLATE COURT CLERK
FILING THE NOTICE OF APPEAL**

February 12, 2026

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

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SC Court of Appeals

Re.: Ward Benjamin McClain, Jr., individually, and as the personal representative of the Estate of Ward Benjamin McClain, III, and Sonja Gay McClain v. Greenville, S.C. City Police Department, The City Of Greenville, S.C., Officer Justin Janicke, Officer Jeffrey Smith, Officer Noel Tuck, Officer C.J. Clingan, And Sergeant Michelle Lentz;
Civil Case No.: 2024-CP-23-00375

Dear Ms. Kitchings:

Enclosed herein for filing is a notice of appeal in the above case. Also enclosed are the following:

- (1.) A copy of the Orders which are to be challenged on appeal.
- (2.) Proof of service of the notice of appeal on the respondents.
- (3.) A copy of the Notice Of Electronic Filing of the notice of appeal with the clerk of the lower court to serve as proof of service of the notice of appeal pursuant to the Order of the Supreme Court of South Carolina dated April 24, 2024.
- (4.) A filing fee will be sent via U.S. Mail.

Respectfully submitted,

Dated: February 12, 2026
Greenville, South Carolina

s/Ward Benjamin McClain, Jr.
W. Benjamin McClain, Jr., Esquire
W. Benjamin McClain, Jr., L.L.C.
Attorney at Law
S.C. Bar No.: 3740
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Attorney for Respondents

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Email: mcclainwb@gmail.com
Attorney for the Appellant Ward
Benjamin McClain, Jr., as the
personal representative of and on
behalf of the Estate of Ward
Benjamin McClain, III



Ward McClain <mcclainwb@gmail.com>

Accepted Notice: Your filing, Re: 2024CP2300375 - (360) Wrongful Death - Appeal/Notice of Appeal to Court of Appeals, was accepted

1 message

efiledonotreply@sccourts.org <efiledonotreply@sccourts.org>
To: mcclainwb@gmail.com

Thu, Feb 12, 2026 at 12:36 PM

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To: Ward Benjamin McClain, Jr.
From: efiledonotreply@sccourts.org
Date: 2026-02-12 12:29:58.113
Subject: Your electronic filing, Re: 2024CP2300375 - (360) Wrongful Death - Appeal/Notice of Appeal to Court of Appeals, was accepted by CIRCUIT COURT.

mcclainwb@gmail.com **Feb 12 2026****SC Court of Appeals**

Case Number: 2024CP2300375
Case Type: (360) Wrongful Death
Document Type: Appeal/Notice of Appeal to Court of Appeals
Document Type: Exhibit/Filing of Exhibits
Document Type: Exhibit/Filing of Exhibits
Document Type: Exhibit/Filing of Exhibits
Document Type: Exhibit/Filing of Exhibits
Document Type: Exhibit/Filing of Exhibits
Document Type: Letter/Letter
Reason(s) : (none provided)

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Ward McClain &lt;mcclainwb@gmail.com&gt;

**Notice Of Appeal; 2024-CP-23-00375**

1 message

**RECEIVED**

**Ward McClain** <mcclainwb@gmail.com>  
To: Bill Coates <wac@cassidycoates.com>  
Cc: Clark Price <cprice@cassidycoates.com>

**Feb 12 2026** Thu, Feb 12, 2026 at 12:29 PM**SC Court of Appeals**

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**CONFIDENTIALITY NOTICE: This facsimile or email transmission is from the law firm of Attorney W. Benjamin McClain, Jr., L.L.C. , and any documents, files, or previous facsimiles, or email messages attached to it, may contain confidential information, which is legally privileged. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in or attached to this transmission is STRICTLY PROHIBITED. If you have received this transmission in error, please immediately notify us by reply email or by telephone at (864)-271-9097 and destroy the original transmission and its attachments without reading or saving it in any form.**

**6 attachments**

**Notice Of Appeal.pdf**  
67K



**Order Granting Partial Summary Judgment (Statute Of Limitations) dated March 15, 2024 and filed for record March 15, 2024.pdf**  
410K



**Order dated November 21, 2025 and filed for record November 21, 2025.pdf**  
343K



**Initial Order Regarding Motion To Reconsider dated December 04, 2025 and filed for record December 04, 2025.pdf**  
491K



**Final Order Redarging Motion To Reconsider dated January 16, 2026 and filed for record January 16, 2026.pdf**  
541K



**Proof Of Service.pdf**  
66K



Ward McClain &lt;mcclainwb@gmail.com&gt;

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Thu, Feb 12, 2026 at 12:29 PM

**SC Court of Appeals**

**Ward McClain** <mcclainwb@gmail.com>  
To: Clark Price <cprice@cassidycoates.com>  
Cc: Bill Coates <wac@cassidycoates.com>

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**6 attachments****Notice Of Appeal.pdf**  
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66K

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v.

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OFFICER JEFFREY SMITH, OFFICER NOEL TUCK,  
OFFICER C.J. CLINGAN, AND SERGEANT MICHELLE LENTZ ..... Respondents

PROOF OF SERVICE

I certify that I have served the Notice Of Appeal on the Attorney for the Respondents,  
Vincent Clark Price, via his AIS email, pursuant to the Order of The Supreme Court Of South  
Carolina dated April 24, 2024.

Respectfully submitted,

Dated: February 12, 2026  
Greenville, South Carolina

s/Ward Benjamin McClain, Jr.  
W. Benjamin McClain, Jr., Esquire  
W. Benjamin McClain, Jr., L.L.C.

Other Counsel of Record:  
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Attorney for the Appellant Ward  
Benjamin McClain, Jr., as the  
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Benjamin McClain, III