

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

APPEAL FROM GREENVILLE COUNTY
COURT OF COMMON PLEAS

Hon. G.D. Morgan, Jr.

Case No. 2026-000110

IN THE MATTER OF Mary Sloan "Polly" Shoemaker.....Decedent,

James Marshall Shoemaker, III.....Appellant,

v.

Lesley R. Moore, Esq. as Personal Representative and Trustee, and Edward
Sloan Shoemaker and Jonathan Evans Shoemaker as Beneficiaries and as
Individuals.....Respondents.

SUPPLEMENTAL RECORD ON APPEAL

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THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM GREENVILLE COUNTY
PROBATE COURT
Hon. Joshua L. Queen

Case No. 2020-ES-23-00073

STATEMENT OF ISSUES ON APPEAL

1. Did the Probate Court abuse its discretion and/or err as a matter of law in striking the pleadings of Appellant as a sanction for Appellant's alleged discovery deficiencies when Appellant had a good faith belief that discovery matters in the case had been stayed pending the result of the appeal of the companion case involving his father's estate?
2. Did the Probate Court abuse its discretion and/or err as a matter of law in striking the pleadings of Appellant as a sanction for Appellant's alleged discovery deficiencies when Appellant did in fact produce full and complete document production to Respondent for inspection and copying as those records were kept and preserved in the ordinary course of business by the Supreme Court of South Carolina from Appellant having previously provided all responsive documents to his initial attorney?
3. Did the Probate Court abuse its discretion and/or err as a matter of law in striking the pleadings of Appellant as a sanction for Appellant's alleged discovery deficiencies when the undisputed facts on record indicate that Appellant exercised good faith in

his own efforts at responses to interrogatories and document production while represented by Mr. Blincow prior to Mr. Blincow's suspension from practice?

4. Did the Probate Court abuse its discretion and/or err as a matter of law in striking the pleadings of Appellant as a sanction for Appellant's alleged discovery deficiencies where the record is absent of evidence of Mr. Shoemaker acting in with purposeful intent, wilful action/inaction, or reckless disregard by Mr. Shoemaker with regard to his providing documents and responses to Respondent's discovery requests?
5. Did the Probate Court abuse its discretion and/or err as a matter of law in striking the pleadings of Appellant as a sanction for Appellant's alleged discovery deficiencies where any such deficiencies were caused and/or reasonably resulted from inadvertence or excusable neglect?
6. Did the Probate Court abuse its discretion and/or err as a matter of law in striking the pleadings of Appellant as a sanction for Appellant's alleged discovery deficiencies where the record reveals that Mr. Shoemaker's first attorney, Mr. Blincow, represented to opposing counsel that all discovery was ready and on his desk to provide to opposing counsel, thus indicating that Appellant had responded.
7. Did the Probate Court abuse its discretion and/or err as a matter of law in striking the pleadings of Appellant as a sanction for Appellant's alleged discovery deficiencies where Respondents refused to review documents provided by Appellant.
8. Did the Probate Court abuse its discretion and/or err as a matter of law in striking the pleadings of Appellant as a sanction for Appellant's alleged discovery deficiencies when Appellant had turned over all documents and responses to his attorney Mr.

Blinchow in a timely manner well before any motion to compel or order had issued from any lower court?

Respectfully submitted,

s/William R. McKibbon III

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THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM GREENVILLE COUNTY
PROBATE COURT
Hon. Joshua L. Queen

Case No.: 2020-ES-23-00073

IN THE MATTER OF Mary Sloan "Polly" Shoemaker.....Decedent,
James Marshall Shoemaker, III.....Appellant,
v.
Lesley R. Moore, Esq. as Personal Representative and Trustee, and Edward
Sloan Shoemaker and Jonathan Evans Shoemaker as Beneficiaries and as
Individuals.....Respondents.

PROOF OF SERVICE

I hereby certify that on July 26, 2024, I served Appellant's Statement of Issues on Appeal and Respondents, by and through their Counsel of Record, and others if indicated, by filing a copy of same sending a copy via AIS email addressed to counsel of record indicated below and be sending copies of the same to those indicated below by U.S. Mail:

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I so certify:

s/William R. McKibbon III

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From: M. Cason King <cason@legalcarolina.com>
Sent: Thursday, May 23, 2024 10:48 AM
To: Jenna McLeod <jennamcleod@bmemhlaw.com>
Cc: Will McKibbon <will@legalcarolina.com>
Subject: Re: Shoemaker appeal notice received today.

[EXTERNAL]
Ms. McLeod,

Thank you for forwarding an electronic copy of the Supplemental Record of Appeal. In order to comply with the requests of the Appellate Court, we need to pick up the box of discovery sent to your office. I have called several times this morning to speak with someone regarding this request, however no one has been available. Please let me know the quickest time we can procure this box of discovery.

Thank you in advance for your assistance and cooperation!

Sincerely,

M. Cason King

Business Manager

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