

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
COURT OF COMMON PLEAS
L. CASEY MANNING, CIRCUIT COURT JUDGE

Case No.: 2015-000789

Betsy L. Spriggs, Respondent,
v.
James Walker, Appellant.

MOTION TO SUBSTITUTE PARTY

Pursuant to directives received from the South Carolina Court of Appeals by letter dated April 20, 2015 and in accordance with Rule 265 SCACR, Appellant hereby moves for an order of substitution of parties reflecting the proper Appellant. Respondent initially sued Appellant James Walker in the lower court. On or about October 27, 2011 during the pendency of the litigation, Appellant James Walker died. As a result H. Wesley Kirkland, Jr. was duly appointed as the Personal Representative of the Estate of James Walker and was the named defendant in the lower court when this matter was tried before Judge L. Casey Manning and a jury in 2013. An Order changing the caption of the case was filed in the lower court on or about March 4, 2013. A copy of said order is attached hereto. Upon information and belief the Order from which this appeal is being taken was incorrectly captioned in that it inadvertently omitted the name of the personal representative of the estate as the defendant. In accordance with Rule 265 SCACR Appellant hereby moves for an order substituting H. Wesley Kirkland, Jr., as Personal Representative of the Estate of James Walker in place of James Walker as Appellant in this case.

April 28, 2015

Respectfully submitted,

James B. Lybrand Jr.
James B. Lybrand, Jr.
SC Bar No.: 003453

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Attorneys for Respondent

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)
)
Betsy L. Spriggs,)
)
Plaintiff,)
)
vs.)
)
James Walker,)
)
Defendant.)
_____)

IN THE COURT OF COMMON PLEAS

C/A NO.: 2010-CP-40-07858

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)
)
Betsy L. Spriggs,)
)
Plaintiff,)
)
vs.)
)
H. Wesley Kirkland, Jr., as)
Personal Representative of the)
Estate of James Walker,)
)
Defendant.)
_____)

RICHLAND COUNTY
FILED
2013 MAR -4 PM 4:44
JEANETTE W. HERRIDGE
C.C.P. & G.S.

ORDER CHANGING CAPTION

THIS MATTER COMES BEFORE THE COURT upon Motion L. Lisa McPherson, Attorney for the Plaintiff, to Amend the caption in this matter upon notice to Attorney for the Defense, as to the amendment.

A Summons and Complaint were filed with this Court on November 8, 2010. On October 27, 2011, subsequent to the filing of the pleadings, Defendant died from unrelated causes, and H. Wesley Kirkland, Jr., was appointed as Personal Representative of Mr. Walker's Estate on August 9, 2012. It is necessary to amend the pleadings caption to correctly identify H. Wesley Kirkland,

Jr., as the Personal Representative for the Defendant's Estate.

THEREFORE, IT IS ORDERED ADJUDGED AND DECREED, that the Defendant in this action will be amended to H. Wesley Kirkland, Jr., as Personal Representative of the Estate of James Walker.

IT IS SO ORDERED.



The Honorable G. Thomas Cooper, Jr.
Fifth Judicial Circuit

March 4, 2013

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
COURT OF COMMON PLEAS
L. CASEY MANNING, CIRCUIT COURT JUDGE


Case No.: 2015-000789

Betsy L. Spriggs, Respondent,
v.
James Walker, Appellant.

PROOF OF AND CERTIFICATE OF SERVICE

I hereby certify that a copy of Appellant's Motion to Substitute Party dated April 28 2015 was served upon the following regular first class mail on the 28th day of April, 2015 to the address below:

L. Lisa McPherson
Melissa G. Mosier
McWhirter, Bellinger & Associates
119 East Main Street
Lexington, SC 29072



Bernadette Gebhardt
Legal Assistant to James B. Lybrand, Jr.

Columbia, South Carolina

April 28, 2015

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APR 28 2015

SC Court of Appeals

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April 28, 2015

HAND DELIVERED

Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1205 Pendleton Street
Columbia, SC 29201

Re: Spriggs v. Kirkland, et al
CCP Richland County - 2015-000789

Dear Ms. Kitchings:

Enclosed for filing please find an original and six copies of a Motion to Substitute Party in connection with the captioned case. Kindly file the original and return time-stamped copies to this office.

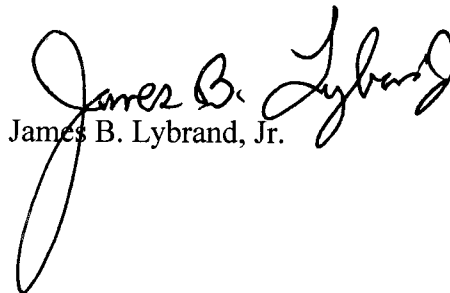
Also enclosed is our firm's check in the amount of \$25.00 representing the filing fee for the same.

Please let me know if anything further is required.

Thank you for your assistance in this matter.

With kind regards, I am

Very truly yours,


James B. Lybrand, Jr.

JBLjr/bg
Enclosures
cc: L. Lisa McPherson
Melissa G. Mosier

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