

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF CHARLESTON

Case No. 2015-CP-10-0942

JAMES RONALD GILLETTE, AS  
PERSONAL REPRESENTATIVE OF THE  
ESTATE OF KYLIE ERIN GILLETTE,  
deceased,

Plaintiff,

**ORDER STRIKING THE ANSWER OF  
DEFENDANTS COLE ALEXANDER  
GAITHER AND ANITA GAITHER**

v.

FOOD LION, LLC; COLE ALEXANDER  
GAITHER; ANITA GAITHER; and JAMES  
BRYSON MUNN,

Defendants.

I issued an Order Granting Plaintiff's Motion to Compel dated November 30, 2015 and filed December 1, 2015. The Order required that "the Defendants Cole Alexander Gaither and Anita Gaither be, and hereby are, required to answer adequately and completely Plaintiff's Interrogatories and Supplemental Interrogatories and respond adequately and completely to the Plaintiff's Request for Production within thirty (30) days of service of this order upon them."

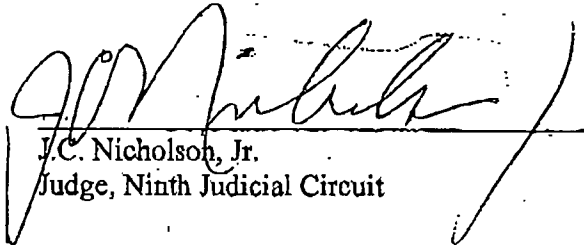
The order was served upon Cole Alexander Gaither and Anita Gaither via electronic mail and U.S. Mail on December 8, 2015. I am advised that the Gaither Defendants have not responded to the Plaintiff's written discovery as required by my order.

My order further provided that "if the Defendants Cole Alexander Gaither and Anita Gaither do not adequately and completely respond to Plaintiff's written discovery with thirty (30) days, their Answer will be stricken." The Gaither Defendants have failed to comply with my previous order and their Answer is hereby stricken. Accordingly, and based upon the foregoing, it is therefore

*gcm*

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ORDERED, ADJUDGED AND DECREED that the Answer of the Defendants Cole Alexander Gaither and Anita Gaither be, and the same hereby is, stricken and those Defendants are now in default.



J.C. Nicholson, Jr.  
Judge, Ninth Judicial Circuit

January 21, 2016  
Charleston, South Carolina  
DM: 4348615 v.1

**CERTIFICATE OF SERVICE**

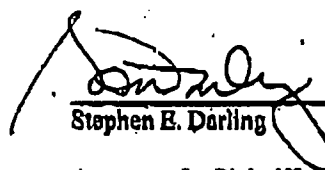
I, Stephen E. Darling of Haynsworth Sinkler Boyd, P.A., attorneys for the Plaintiff, hereby certify that I have this date had a true and correct copy of the Order Granting Plaintiff's Motion to Compel served on counsel and parties of record via electronic mail and 1<sup>st</sup> Class Mail, postage pre-paid, addressed as follows:

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*Pro-se Defendants*

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JULIE J. ARISTRONG  
CLERK OF COURT  
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Stephen E. Darling  
Attorneys for Plaintiff

December 8, 2015  
Charleston, South Carolina