

STATE OF SOUTH CAROLINA

COUNTY OF YORK

Willie Bell, individually and on behalf of the
Estate of Emma M. Davis as its duly appointed
Personal Representative,

Plaintiff,

vs.

McGowan, Hood, and Felder, LLC and Chad
McGowan,

Defendant.

) IN THE COUR OF COMMON PLEAS
) SIXTEENTH JUDICIAL CIRCUIT
) CASE NO.: 2015-CP-46-01897

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SC Court of Appeals

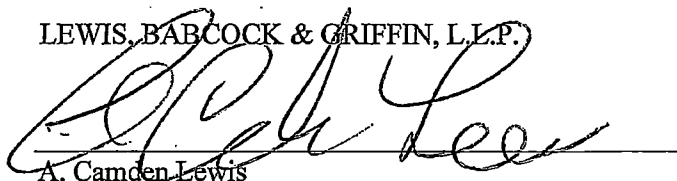
AMENDED SUMMONS

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CAMDEN, SOUTH CAROLINA

TO THE DEFENDANTS ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, a copy of which is hereby served upon you, and to serve a copy of your Answer to said complaint on the subscriber at their offices, 1513 Hampton Street, Post Office Box 11208, Columbia, South Carolina 29211, within thirty (30) days after service hereof, exclusive of the date of such service; and if you fail to answer the Complaint within the time aforesaid, judgment by default.

LEWIS, BABCOCK & GRIFFIN, L.L.P.



A. Camden Lewis
J. Ryan Heiskell
Post Office Box 11208
1513 Hampton Street (29201)
Columbia, South Carolina 29201
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jrh@lbglegal.com

Columbia, South Carolina
August _____, 2015

Attorneys for Plaintiff

4. As fully described herein below, the most substantial part of the acts and/or omissions giving rise to the causes of action occurred in South Carolina.

5. The jurisdiction of this Court over this matter is proper pursuant to S.C. Code Ann. '15-7-30(C)(1) and (2).

GENERAL ALLEGATIONS

6. On February 11, 2010, Emma M. Davis died without leaving a Will. Exhibit B, Affidavit of Willie Bell at Exhibit 1, Certificate of Death. (Defendants McGowan had this document in their possession.)

7. On February 16, 2010, Plaintiff Willie Bell was listed in the obituary as the son of the deceased "Miss Emma 'Monk' Davis". Exhibit B, Affidavit of Willie Bell at Exhibit 2, Obituary of Emma Davis dated February 16, 2010. (Defendants McGowan had this document in their possession.)

8. On her Death Certificate, issued by the State of South Carolina on February 17, 2010, Plaintiff Willie Bell is listed as the Informant; and under relationship to the Decedent, Mr. Bell was listed as Son. (Defendants McGowan had this document in their possession.)

9. In addition to being listed as the son of Emma Davis on the death certificate and in the published obituary, Ms. Davis is also listed as Plaintiff's mother on his Birth Certification. Exhibit B, Affidavit of Willie Bell at Exhibit 3, Birth Certification for Willie Bell.

10. Ms. Tanisha Gilmore, a distant niece of Ms. Davis, and Mr. Andrew Strong, who claimed to be Ms. Davis' common law husband, sought the advice and counsel of Defendants McGowan, after they had received an anonymous call about a potential case, as to a malpractice action on behalf of Ms. Davis' Estate.

11. As part of the scheme to illegally obtain the funds of any potential award from the planned lawsuit for the Estate and Andrew Strong, who was a mere former live-in companion of the Deceased, a false Application for Appointment in the Probate Court for Chester County that did not include Plaintiff Willie Bell's name as an heir despite his being the true, sole intestate heir. Exhibit C, Application for Appointment dated February 19, 2010 at ¶ 4b.

12. The Application for Appointment listed only Rosa Hall and Atlean D. Jordan as the heirs of the Estate. Id.

13. In furtherance of the scheme, waivers and nominations to serve were obtained from the two heirs listed, one of whom was Ms. Gilmore's grandmother, and the same were attached with the Application.¹ Exhibit D, Waivers signed by Rosa Hall and Atlean D. Jordan.

14. As a result of the illegal scheme, Ms. Gilmore was appointed personal representative without public notice or any notice to Plaintiff Willie Bell and/or the Estate. Exhibit E, Certificate of Appointment for the Estate of Emma Davis dated February 19, 2010.

15. Upon information and belief, the appointment of Ms. Gilmore was accomplished under the counsel of Defendants McGowan and was procured for the specific purpose of pursuing a medical malpractice lawsuit against Ms. Davis' treating physician and hospital with all funds going to the scheme participants.

16. Defendants McGowan knew, or should have known, that the application for appointment filed by Ms. Gilmore with the Probate Court was false as to the nonexistence of additional heirs; Defendants McGowan knew, or should have known, that Willie Bell was the sole intestate heir and the only true client of McGowan's.

¹ Upon information and belief, both received funds from this settlement. Exhibit A, Affidavit of Willie Bell at ¶¶ 19 and 20.

17. On the Application, Ms. Gilmore answered the question about the total value of the personal estate by stating "TO BE DETERMINED." Exhibit C at ¶ 11.

18. Andrew Strong, a man listed in the published obituary as Ms. Davis' "companion" but who was claiming an interest in the Estate as a supposed common law spouse, joined the scheme by allowing Defendants McGowan to represent him in his purported independent loss of consortium cause of action, which was done in conflict with the interests of Defendant McGowan's Estate client.

19. Defendants McGowan negligently and improperly took on the representation of Mr. Strong while knowing that his interests were adverse to those of his other clients.

20. The Complaint in the medical malpractice and loss of consortium actions was filed on September 15, 2010 and amended in 2012.

21. At no time prior to the filing of the underlying action nor at any time subsequent to the filing of that action did Andrew Strong or the Defendants McGowan on his behalf file a petition with the Probate or Family Court to be determined the common-law husband of Emma Davis as is required by the South Carolina Code Section 62-2-802.

22. As a result, and under the counsel of Defendants McGowan, Mr. Strong did not comply with South Carolina Code Section 62-2-802, did not obtain any finding as to his status as the alleged common-law husband of Emma Davis, and did not qualify as a surviving spouse under the laws of South Carolina at the time Defendants McGowan illegally represented to the Probate Court that he did.

23. In fact, Mr. Strong had not even been listed as an heir on the Application for Appointment filed by Tanisha Gilmore either. Exhibit C, Application for Appointment dated February 19, 2010 at ¶ 4b.

24. Defendants McGowan knew or should have known that their client, Mr. Strong, was not a proper heir to the Estate of Ms. Davis but took no measures to inform the Probate Court or Defendants' other client, the Estate, of the same but rather continued to litigate the lawsuit on Mr. Strong's behalf and against the interests of their other client for the purposes of collecting a fee.

25. Prior to resolving the underlying litigation, Defendants McGowan negligently and illegally allowed the Probate Court to discharge Ms. Gilmore as Personal Representative and to close the Estate of Emma Davis on February 21, 2011 without taking the proper, required steps to make a determination as to the legitimate heirs of the Estate or to provide proper notice and/or publication to others with a potential interest in the Estate, thereby allowing the scheme to defraud the Probate Court to continue without the knowledge of Plaintiff Willie Bell and/or the Estate. Exhibit F, Certificate of Discharge dated February 21, 2011.

26. Defendants McGowan negligently and illegally allowed the Estate to be closed without making certain that the correct heirs had been determined and that the interests of all of the statutory beneficiaries were going to be protected going forward with the pending lawsuit yet continued to further the scheme by litigating the lawsuit in the name of the closed Estate and on behalf of Mr. Strong, a man known not to be a proper heir.

27. Defendants engaged in an unfair and/or deceptive act during the course of their representation of Mr. Strong and the Estate of Emma Davis by securing private loans from Mr. McGowan's father-in-law to Andrew Strong in a total principal amount of \$15,500, which carried an interest rate of 100%.

These loans were made by McGowan's father-in-law, Mr. Michael Maloney, on assurances by Defendants that the case would get resolved in Mr. Strong's favor.

28. Defendants helped secure these loans knowing that Mr. Strong had never been properly adjudicated by the Probate Court as a common-law husband as required by the Probate Code. Defendants knew or should have known that Mr. Strong was not the true sole heir to the Estate when they made the same representation to the Court to get the settlement approved.

29. These acts created a conflict of interest between Defendants and their clients, as Defendants placed themselves in a position to have to protect the interests of Mr. Strong, the Estate, and Mr. Maloney.

30. In 2013, two years after the closing of the Estate and after McGowan's representation of the Estate had lapsed, the underlying medical malpractice case settled for a total amount of Two-Million-Two-Hundred-Thousand Dollars (\$2,200,000.00);

31. As a reward for their malicious and illegal yet successful scheming, Defendants McGowan distributed to the improper heir Mr. Strong, against the interests of the Estate, the sum of Eight-Hundred-Thirty-Three-Thousand-Three-Hundred-Twenty-Seven Dollars and Ninety-Seven Cents (\$833,327.97); Defendants McGowan distributed to Tasha Gilmore Two-Hundred-Thousand Dollars (\$200,000.00), even though she had only been awarded a Twenty-Five-Thousand Dollar (\$25,000.00) fee by the Probate Court; and the remainder of the settlement funds were retained by Defendants McGowan, Nine-Hundred-Twenty-Thousand Dollars (\$920,000.00) in fees and One-Hundred-Six-Thousand-One-Hundred-Seventy-Two Dollars and Three Cents (\$106,172.03) in reimbursed costs.

32. Defendants McGowan knew or should have known that they had illegally distributed more than a Million Dollars designated to go to the Estate of Emma M. Davis to an improper heir, Mr. Strong, against the interests of their other client, the Estate, and never attempted

to contact or otherwise notify Plaintiff Willie Bell of the distribution and/or the conflict of interest that spawned the settlement.

33. Despite these facts, and against the interests of the true statutory beneficiaries, Defendants McGowan maliciously and illegally filed a Joint Petition for Approval of Settlement stating falsely both that their client, Andrew Strong, was the common law husband of the Deceased and that “Tanisha Gilmore is the duly appointed Personal Representative of the Estate of Emma Davis” (an Estate that had been closed two years prior). Exhibit G, Petition for Approval of Settlement filed August 1, 2013.

34. Additionally, Defendants McGowan falsely and illegally represented to the Probate Court that Andrew Strong was “the sole heir and beneficiary of the Estate of Emma Davis,” without ever mentioning the existence of the son and true heir, Willie Bell. Exhibit G, Petition for Approval of Settlement filed August 1, 2013 at ¶ 5.

35. Defendants McGowan also failed to comply with Section 15-51-42(B) by neglecting to sign a certificate attesting to the fact that they were of the opinion that the settlement was fair and reasonable and in the best interests of the statutory beneficiaries and the Estate; Mr. McGowan could not sign such a document.

36. However, the Court entered an Order approving a settlement and awarding all net settlement proceeds to Mr. Strong² as a result of the scheming that included Defendants McGowan’s illegal, unethical, and negligent actions. Exhibit H, Order Approving Settlement filed August 1, 2013.

² Mr. Bell has filed a Rule 60 Motion in that action to correct this Order.

37. Plaintiff Willie Bell was never informed about the underlying action and first learned of the litigation when Tanisha Gilmore furthered the scheme by calling him and telling him not to believe what he saw in the paper. Exhibit A, Affidavit of Willie Bell at ¶¶ 11 and 12.

38. Despite not being listed in the Order Approving Settlement filed by Defendants McGowan on August 1, 2013 or in the original appointment of personal representative petition, Ms. Gilmore assured Plaintiff that he was going to receive his proper share, a mere \$100,000.00. Exhibit A, Affidavit of Willie Bell at ¶¶ 13 and 14. Exhibit H, Order Approving Settlement filed August 1, 2013.

39. Recently, Defendant McGowans' client, Mr. Strong, delivered a check to Plaintiff for One Hundred Thousand Dollars (\$100,000.00) made payable to Mr. Strong and Plaintiff jointly.

40. Plaintiff Bell has also learned that despite being awarded only Twenty-Five-Thousand Dollars (\$25,000.00) as a personal representative fee in the Settlement Approval Order, Ms. Gilmore received a check for Two-Hundred-Thousand Dollars (\$200,000.00).

41. Throughout the entire underlying malpractice litigation, Defendants McGowan made no attempt to contact or otherwise notify Plaintiff Willie Bell about the Estate being opened up, the settlement proceeds, and/or about the conflict of interest that Defendants created by taking on the representation of both the Estate and a man claiming to be a common law husband of Ms. Davis, and should not be permitted to keep their fee from the case.

FIRST CAUSE OF ACTION
(LEGAL MALPRACTICE)

42. Plaintiff refers to and incorporates herein the General Allegations stated in Paragraphs 1 through 41 alleged herein above and makes them a part hereof as though set forth at length.

43. Defendants McGowan established an attorney-client relationship with the Estate of Emma Davis in agreeing to represent it with respect to medical malpractice claims against Ms. Davis' treating physician and hospital.

44. Defendants, and each of them, had a duty to use such skill, prudence, and diligence as members of the legal profession commonly possess and exercise, in providing legal services to Plaintiff Willie Bell and the Estate of Emma M. Davis ("the Estate" hereinafter).

45. During the course of Defendants' representation of the Estate, the Defendants' conduct fell below the applicable standard of care in the following respects:

- a. Defendants knew or should have known that Tanisha Gilmore had made false representations to the Probate Court in procuring her appointment as Personal Representative of the Estate;
- b. Defendants knew or should have known that their client, Tanisha Gilmore, was not a proper Personal Representative of the Estate;
- c. Defendants knew or should have known that their client, Tanisha Gilmore, would not protect the best interests of the statutory beneficiaries of the Estate;
- d. Defendants failed to notify Plaintiff Willie Bell and/or the Estate of Mr. Bell's interests in the Estate and/or about the conflict of interest that existed between Defendants' two clients;
- e. Defendants failed to notify Plaintiff Willie Bell that Tanisha Gilmore failed to identify him as an heir to the Estate in her application to the Court;
- f. Defendants filed a joint Petition for Approval of Settlement falsely representing to the Probate Court that their client, Andrew Strong, was the common law husband of the Deceased, despite the fact that they knew or should have known that Mr. Strong had not taken the proper steps to become such;
- g. Defendants McGowan falsely represented to the Probate Court that Andrew Strong was the sole heir and beneficiary of the Estate of Emma Davis, which had been closed two years prior, despite the fact that they knew or should have known that he was not;

- h. Defendants failed to notify Plaintiffs Bell and the Estate that Mr. Strong's purported interests in the Estate were adverse to Bell's and those of the Estate in general;
- i. Defendants filed a joint Petition for Approval of Settlement falsely representing to the Probate Court that Tanisha Gilmore was the duly appointed Personal Representative of the Estate of Emma Davis at the time of the settlement of the underlying medical malpractice litigation, despite the fact that they knew or should have known that Ms. Gilmore had been relieved of those duties and the Estate closed in 2011;
- j. Defendants represented to the defendant in the underlying medical malpractice case that Mr. Strong was a proper recipient of the settlement funds;
- k. Defendants represented to the defendant in the underlying medical malpractice case that Ms. Gilmore was a proper payee of the settlement funds;
- l. Defendants dispersed all of the settlement funds to improper recipients;
- m. Defendants took on the representation of clients whose interests were diametrically opposed; and
- n. Defendants placed their interests in the proceeds of the procured settlement above the interests of their client, the Estate of Emma M. Davis.

46. Defendants McGowan's actions and silence as to the above-listed material facts constitutes a breach of the created duty to his clients.

47. As a direct result of Defendants McGowan's above-listed instances of breach of duty, Plaintiff Willie Bell and the Estate have suffered actual and consequential damages in an amount to be determined by a jury.

48. Furthermore, the actions of Defendants McGowan have been willful, wanton, reckless, and performed with a conscious indifference to the rights of the Plaintiff Willie Bell and the Estate, thereby entitling them to punitive damages.

SECOND CAUSE OF ACTION

(FRAUDULENT MISREPRESENTATION)

49. Plaintiff refers to and incorporates herein Paragraphs 1 through 48 alleged herein above and makes them a part hereof as though set forth at length.

50. Defendants McGowan established an attorney-client relationship with the Estate in agreeing to represent it with respect to medical malpractice claims against Ms. Davis' treating physician and hospital.

51. Defendants McGowan owed a duty to the Estate to disclose material facts that affected the rights and interests of the Plaintiff Willie Bell and the Estate.

52. Defendants McGowan maliciously breached its duty to disclose the following material facts to the Plaintiff Willie Bell and the Estate:

- a. Tanisha Gilmore had made false representations to the Probate Court in procuring her appointment as Personal Representative of the Estate;
- b. their client, Tanisha Gilmore, was not a proper Personal Representative of the Estate;
- c. their client, Tanisha Gilmore, would not protect the best interests of the statutory beneficiaries of the Estate;
- d. Plaintiff Willie Bell was the sole legitimate heir of the Estate;
- e. Tanisha Gilmore failed to identify Plaintiff Willie Bell as an heir to the Estate in her application to the Court;
- f. Defendants illegally filed a joint Petition for Approval of Settlement falsely representing to the Probate Court that their client, Andrew Strong, was the common law husband of the Deceased, despite the fact that they knew or should have known that Mr. Strong had not taken the proper steps to become such;
- g. Defendants McGowan falsely and illegally represented to the Probate Court that Andrew Strong was the sole heir and beneficiary of the Estate of Emma Davis, despite the fact that they knew or should have known that he was not;

- h. Mr. Strong's purported interests in the Estate were adverse to his and those of the Estate in general;
- i. Defendants illegally filed a joint Petition for Approval of Settlement falsely representing to the Probate Court that Tanisha Gilmore was the duly appointed Personal Representative of the Estate of Emma Davis at the time of the settlement of the underlying medical malpractice litigation, despite the fact that they knew or should have known that Ms. Gilmore had been relieved of those duties and the Estate closed in 2011;
- j. Defendants improperly represented to the defendant in the underlying medical malpractice case that Mr. Strong was a proper recipient of the settlement funds;
- k. Defendants falsely represented to the defendant in the underlying medical malpractice case that Ms. Gilmore was a proper payee of the settlement funds;
- l. Defendants dispersed all of the settlement funds to improper recipients;
- m. Defendants took on the representation of clients whose interests were diametrically opposed; and
- n. Defendants placed their interests in the proceeds of the procured settlement above the interests of their client, the Estate of Emma M. Davis.

53. Defendants McGowan's silence as to the above-listed material facts constitutes a malicious "false representation" for the purpose of furthering their own pecuniary interests.

54. Defendants McGowan knew that its nondisclosure of material facts would create a false impression with respect to the true interests in the Estate.

55. Plaintiff Willie Bell and the Estate justifiably relied upon the silence/false misrepresentations to their detriment.

56. Defendants McGowan knew that Plaintiff Willie Bell and the Estate were not aware of the material facts Defendants were suppressing.

57. As a direct result of Defendants McGowan's above-listed instances of fraud, Plaintiff Willie Bell and the Estate have suffered actual and consequential damages in an amount to be determined by a jury.

58. Furthermore, the actions of Defendants McGowan have been willful, wanton, reckless, and performed with a conscious indifference to the rights of the Plaintiff Willie Bell and the Estate, thereby entitling them to punitive damages.

THIRD CAUSE OF ACTION
(NEGLIGENT MISREPRESENTATION)

59. Plaintiff refers to and incorporates Paragraphs 1 through 58 alleged herein above and makes them a part hereof as though set forth at length.

60. Defendants McGowan established an attorney-client relationship with the Estate in agreeing to represent it with respect to medical malpractice claims against Ms. Davis' treating physician and hospital.

61. Defendants McGowan owed a duty of care to Plaintiff to see that the material, truthful information was properly communicated to Plaintiff Willie Bell and the Estate.

62. Defendants McGowan negligently breached its duty to disclose the following material facts to the Estate:

- a. Tanisha Gilmore had made false representations to the Probate Court in procuring her appointment as Personal Representative of the Estate;
- b. their client, Tanisha Gilmore, was not a proper Personal Representative of the Estate;
- c. their client, Tanisha Gilmore, would not protect the best interests of the statutory beneficiaries of the Estate;
- d. Plaintiff Willie Bell was the sole legitimate heir of the Estate;

- e. Tanisha Gilmore failed to identify Plaintiff Willie Bell as an heir to the Estate in her application to the Court;
- f. Defendants illegally filed a joint Petition for Approval of Settlement falsely representing to the Probate Court that their client, Andrew Strong, was the common law husband of the Deceased, despite the fact that they knew or should have known that Mr. Strong had not taken the proper steps to become such;
- g. Defendants McGowan falsely and illegally represented to the Probate Court that Andrew Strong was the sole heir and beneficiary of the Estate of Emma Davis, despite the fact that they knew or should have known that he was not;
- h. Mr. Strong's purported interests in the Estate were adverse to his and those of the Estate in general;
- i. Defendants illegally filed a joint Petition for Approval of Settlement falsely representing to the Probate Court that Tanisha Gilmore was the duly appointed Personal Representative of the Estate of Emma Davis at the time of the settlement of the underlying medical malpractice litigation, despite the fact that they knew or should have known that Ms. Gilmore had been relieved of those duties and the Estate closed in 2011;
- j. Defendants improperly represented to the defendant in the underlying medical malpractice case that Mr. Strong was a proper recipient of the settlement funds;
- k. Defendants falsely represented to the defendant in the underlying medical malpractice case that Ms. Gilmore was a proper payee of the settlement funds;
- l. Defendants dispersed all of the settlement funds to improper recipients;
- m. Defendants took on the representation of clients whose interests were diametrically opposed; and
- n. Defendants placed their interests in the proceeds of the procured settlement above the interests of their client, the Estate of Emma M. Davis.

63. Defendants McGowan's negligent silence as to the above-listed material facts constitutes a "false representation."

64. Defendants McGowan should have known that its nondisclosure of material facts would create a false impression with respect to the true interests in the Estate.

65. Defendants McGowan had a pecuniary interest in remaining silent about the aforementioned material facts.

66. Plaintiff Willie Bell and the Estate justifiably relied upon the silence/false misrepresentations to their detriment.

67. Defendants McGowan should have known that Plaintiff Willie Bell and the Estate were not aware of the material facts Defendants were suppressing.

68. As a direct result of Defendants McGowan's above-listed instances of malpractice, Plaintiff Willie Bell and the Estate have suffered actual and consequential damages in an amount to be determined by a jury.

69. Furthermore, the actions of Defendants McGowan have been willful, wanton, reckless, and performed with a conscious indifference to the rights of the Plaintiff Willie Bell and the Estate, thereby entitling them to punitive damages.

FOURTH CAUSE OF ACTION
(VIOLATION OF UNFAIR TRADE PRACTICES ACT)

70. Plaintiff refers to and incorporates Paragraphs 1 through 69 alleged herein above and makes them a part hereof as though set forth at length.

71. Defendants engaged in an unfair and/or deceptive act during the course of their representation of Mr. Strong and the Estate of Emma Davis by securing private loans from Mr. McGowan's father-in-law to Andrew Strong in a total principal amount of \$15,500, which carried an interest rate of 100%.

72. These loans were made by McGowan's father-in-law, Mr. Michael Maloney, on assurances by Defendants that the case would get resolved in Mr. Strong's favor.

73. Defendants helped secure these loans knowing that Mr. Strong had never been properly adjudicated by the Probate Court as a common-law husband as required by the Probate Code. Defendants knew or should have known that Mr. Strong was not the true sole heir to the Estate when they made the same representation to the Court to get the settlement approved.

74. These acts created a conflict of interest between Defendants and their clients, as Defendants placed themselves in a position to have to protect the interests of Mr. Strong, the Estate, and Mr. Maloney.

75. These unfair and/or deceptive practices affected the interests of not only Defendants named clients, those of Willie Bell, but also impact the interests of the general public as there is a likelihood of repetition, as demonstrated by Mr. McGowan's securing similar loans for other his firm's clients.

76. As a direct result of Defendants McGowan's above-listed instances of unfair and/or deceptive practices, Plaintiff Willie Bell and the Estate have suffered actual and consequential monetary damages in an amount to be determined by a jury.

77. Furthermore, the actions of Defendants McGowan have been willful, wanton, reckless, and performed with a conscious indifference to the rights of the Plaintiff Willie Bell and the Estate, thereby entitling them to treble damages under the Act.

FOURTH CAUSE OF ACTION
(BREACH OF CONTRACT WITH FRAUDULENT INTENT)

78. Plaintiff refers to and incorporates Paragraphs 1 through 77 alleged herein above and makes them a part hereof as though set forth at length.

79. Defendants entered into a contract with the Estate of Emma Davis to represent its interests in the underlying medical malpractice lawsuit.

80. Defendants breached the contract of representation by acting in conflict to the interests of the Estate and its beneficiary.

81. Defendants' breaches of the contract were accompanied by fraudulent acts.

82. During the course of their representation of Mr. Strong and the Estate of Emma Davis, Defendants arranged and help secure private loans from Mr. McGowan's father-in-law to Mr. Strong in a total principal amount of \$15,500, which carried an interest rate of 100%.

83. These loans were made by McGowan's father-in-law, Mr. Michael Maloney, on assurances by Defendants that the case would get resolved in Mr. Strong's favor.

84. Defendants helped secure these loans knowing that Mr. Strong had never been properly adjudicated by the Probate Court as a common-law husband as required by the Probate Code. Defendants knew or should have known that Mr. Strong was not the true sole heir to the Estate when they arranged the loans to Mr. Strong and when they fraudulently made the same representation to the Court to get the settlement approved. Once the loans were secured, McGowan had no other choice but to continue with the position that Mr. Strong was the common-law husband.

85. These acts created a conflict of interest between Defendants and their clients, as Defendants placed themselves in a position to have to have to protect the interests of Mr. Strong, the Estate, and Mr. Maloney.

86. These fraudulent practices were done with fraudulent intent and against the interests of the Estate in favor of Mr. Strong and Mr. McGowan's father-in-law.

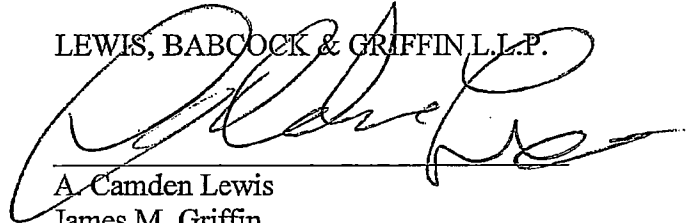
87. Defendants fraudulently withheld the 100% interest payment to be made to McGowan's father-in-law in the Petition for Settlement Approval submitted to the Court and left the same off of the final Settlement Statement to the clients.

88. As a direct result of Defendants McGowan's above-listed instances of fraudulent acts and practices, Plaintiff Willie Bell and the Estate have suffered actual and consequential monetary damages in an amount to be determined by a jury.

77. Furthermore, the actions of Defendants McGowan have been willful, wanton, reckless, and performed with a conscious indifference to the rights of the Plaintiff Willie Bell and the Estate, thereby entitling them to punitive damages.

Respectfully submitted,

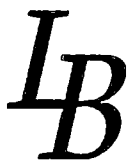
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Attorneys for Plaintiffs

Columbia, South Carolina
August __, 2015.



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L.L.P.

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August 2, 2016

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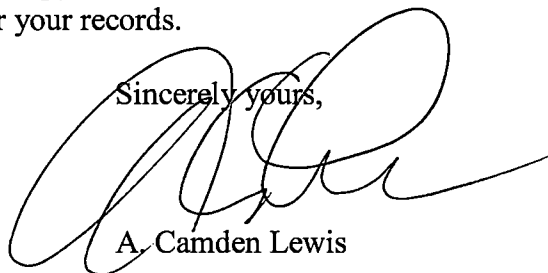
The Honorable Jenny Abbott Kitchings
Clerk, S. C. Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: Willie Bell, individually and on behalf of the Estate of Emma M. Davis as its
duly appointed Personal Representative v. McGowan, Hood and Felder, LLC
and Chad McGowan
Appellate Case No.: 2016-001558

Dear Ms. Kitchings:

As requested, enclosed please find a copy of the Amended Summons and Amended
Complaint in the above lower court case for your records.

Sincerely yours,

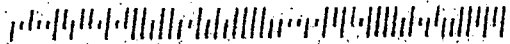


A. Camden Lewis

ACL/kc

Enclosures

cc: Steven G. Janik, Esq.
Lovic A. Brooks, III, Esq.
(w/o enclosure)



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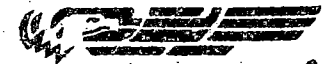
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The Honorable Jenny Abbott Kitchings AUG 04 2016
Clerk, S. C. Court of Appeals
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SC Court of Appeals