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THE STATE OF SOUTH CAROLINA

In the Court of Appeals

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SEP 12 2016

APPEAL FROM CHARLESTON COUNTY

SC Court of Appeals

Court of Common Pleas

J.C. Nicholson, Jr., Circuit Court Judge

Appellate Case No. 2016-001486

Randy Skelton and Penelope Skelton,.....Respondents,

v.

Summerville Plaza, LLC; Bi-Lo, LLC; and Bi-Lo, Inc.,

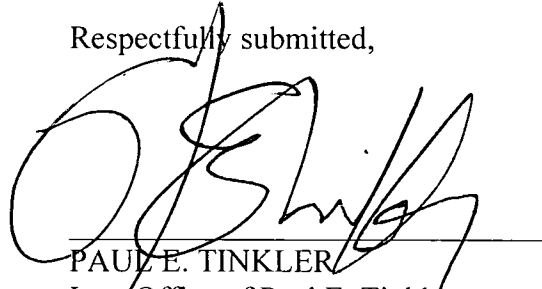
Of whom Bi-Lo, LLC; and Bi-Lo, Inc. are Appellants.....Appellants.

**RESPONDENTS' REPLY TO APPELLANTS' RETURN TO  
RESPONDENTS' MOTION TO DISMISS**

Respondents respectfully submit that the Appellants' contentions are without merit. Appellants assert that a "substantial right" is involved in this appeal. Neither the legislature nor any court has ever declared that a defendant has a "substantial right" or indeed any right to have a non-party listed on a verdict form in a South Carolina Court. § 15-38-15 involves the apportionment of damages among parties. Subsection (D) provides: "A defendant shall retain the right to assert that another potential tortfeasor, not a party, contributed to the alleged injury or damages and/or may be liable for any or all

damages alleged by any other party.” Appellants retain the right to make that assertion at the trial of this case. They do not have the right to have a non-party on the verdict form. Thus, a substantial right is not involved in this case and the matter should be tried before any appeal is taken.

Respectfully submitted,



PAUL E. TINKLER  
Law Office of Paul E. Tinkler  
154 King Street, Third Floor  
P.O. Box 366  
Charleston, SC 29402  
Telephone: (843) 853-5203  
Facsimile: (843) 853-4206  
[paultinkler@tinklerlaw.com](mailto:paultinkler@tinklerlaw.com)

MATTHEW E. YELVERTON  
Yelverton Law Firm, LLC  
155 King Street, 2<sup>nd</sup> Floor  
Charleston, SC 29401  
Telephone: (843) 574-8822  
Facsimile: (843) 574-8824  
[myelverton@yelvertonlawfirm.com](mailto:myelverton@yelvertonlawfirm.com)

CAMERON G. BOGGS  
The Boggs Law Firm  
Post Office Box 65  
Greenville, SC 29602  
Telephone: (864) 233-8066  
Facsimile: (864) 233-5067  
[cgb@boggsfirm.com](mailto:cgb@boggsfirm.com)

ATTORNEYS FOR RESPONDENTS

At Charleston, South Carolina  
This 7<sup>th</sup> day of September 2016

THE STATE OF SOUTH CAROLINA  
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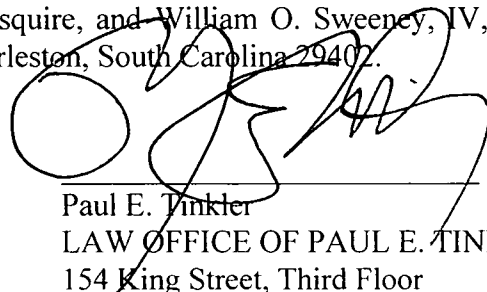
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**PROOF OF SERVICE**

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I certify that I have served Respondents' Reply to Appellants' Return to Respondents' Motion to Dismiss Appeal to the above-named Appellants, by depositing a copy of it in the United States Mail, postage prepaid, on September 7, 2016, addressed to their attorneys of record, Stephen L. Brown, Esquire, Duke R. Highfield, Esquire, Jeffrey J. Wiseman, Esquire, Russell G. Hines, Esquire, and William O. Sweeney, IV, Esquire, at their office located at P.O. Box 993, Charleston, South Carolina 29402.

September 7, 2016



Paul E. Tinkler  
LAW OFFICE OF PAUL E. TINKLER  
154 King Street, Third Floor  
P.O. Box 366  
Charleston, SC 29402  
(843) 853-5203  
(843) 853-4206 FAX  
ATTORNEY FOR RESPONDENTS

# LAW OFFICES OF PAUL E. TINKLER

154 King Street, Third Floor ♦ P.O. Box 366 ♦ Charleston, SC 29402  
Telephone: 843-853-5203 ♦ Facsimile: 843-853-4206 ♦ www.tinklerlaw.com

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Paul E. Tinkler

September 7, 2016

email: paultinkler@tinklerlaw.com

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

**RECEIVED**  
SEP 12 2016  
SC Court of Appeals

Re: Randy Skelton and Penelope Skelton, Respondents v. Summerville Plaza, LLC; Bi-Lo, LLC; and Bi-Lo, Inc., Defendants, Of whom Bi-Lo, LLC; and Bi-Lo, Inc. are the Appellants, Case No. 2015-CP-10-3566

Appellate Case No. 2016-001486

Dear Ms. Kitchings:

Enclosed for filing on behalf of Respondents are the following:

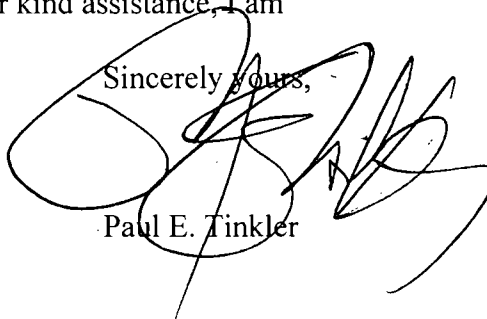
- 1) Respondents' Reply to Appellants' Return to Respondents' Motion to Dismiss Appeal (original and six (6) copies); and
- 2) Proof of Service of the Respondents' Reply to Appellants' Return to Respondents' Motion to Dismiss Appeal.

I would appreciate your forwarding the Reply to the Court for consideration.

Thanking you for your kind assistance, I am

Sincerely yours,

Paul E. Tinkler



PET/jh  
Enclosures  
cc:

Stephen L. Brown, Esquire  
Duke R. Highfield, Esquire  
Jeffrey J. Wiseman, Esquire  
Russell G. Hines, Esquire



William O. Sweeney, IV, Esquire  
P.O. Box 993  
Charleston, South Carolina 29402  
(843) 720-5488

Matthew E. Yelverton, Esquire  
Yelverton Law Firm, LLC  
155 King Street, 2<sup>nd</sup> Floor  
Charleston, South Carolina 29401

Cameron G. Boggs, Esquire  
The Boggs Law Firm  
Post Office Box 65  
Greenville, South Carolina 29602