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THE STATE OF SOUTH CAROLINA

In the Court of Appeals

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APPEAL FROM CHARLESTON COUNTY

OCT 21 2016

Court of Common Pleas

SC Court of Appeals

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.

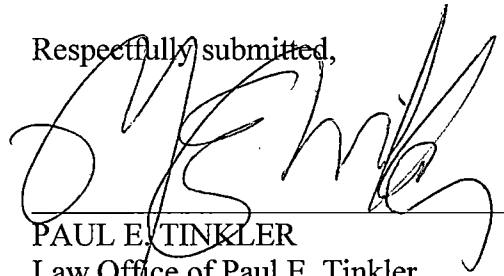
MEMORANDUM IN OPPOSITION TO PETITION FOR REINSTATEMENT

Appellant continues to insist that the right to have "John Doe," a non-party, on the verdict form is a "substantial right." Appellant continues to ignore the wording of Section 15-38-15(C), which provides for apportionment of fault to each defendant. John Doe is not a defendant. John Doe cannot be a defendant because John Doe is unidentified and thus cannot be served. Appellant has a substantial right: Section 15-38-15(D) allows Appellant to argue that John Doe is liable in whole or in part. When this case is tried, Appellant is free to maintain that John Doe is responsible for one hundred percent of Plaintiffs' damage. The order appealed from does not deprive Appellant of

that right. Because the order does not involve a substantial right, it may not be appealed before a final judgment.

Moreover, there is no need for clarification of the order dismissing the appeal. The appeal is interlocutory and does not involve a substantial right. That should be clear enough.

Respectfully submitted,



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ATTORNEYS FOR RESPONDENTS

At Charleston, South Carolina  
This 18<sup>th</sup> day of October 2016

THE STATE OF SOUTH CAROLINA  
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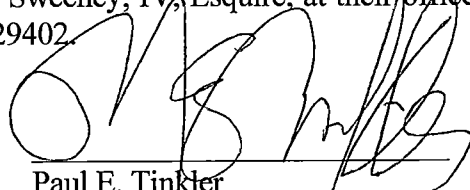
Summerville Plaza, LLC; Bi-Lo, LLC; and Bi-Lo, Inc.,

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

**PROOF OF SERVICE**

I certify that I have served Respondents' Memorandum in Opposition to Petition for Reinstatement on the above-named Appellants, by depositing a copy of it in the United States Mail, postage prepaid, on October 18, 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.

October 18, 2016



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Paul E. Tinkler

October 18, 2016

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

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OCT 21 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' Memorandum in Opposition to Petition for Reinstatement (original and six (6) copies); and
- 2) Original Proof of Service of the Respondents' Memorandum in Opposition to Petition for Reinstatement.

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

Thanking you for your kind assistance, I am

Sincerely yours,

Paul E. Tinkler

PET/jh  
Enclosures  
cc:

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CHARLESTON, SC 294  
WED 19 OCT 2016 PM

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