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IN THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

Jean H. Toal, Circuit Court Judge

Case No.: 2014-CP-10-7655

**RECEIVED**

DEC 19 2016

SC Court of Appeals

Eugene H. Walpole .....Appellant,

-v-

Charleston County School District, Kevin Clayton,  
Axxis Consulting Company, and Jones Street  
Publishers, LLC, Defendants,

Of whom, Jones Street Publishers, LLC is .....Respondent

APPELLANT'S MOTION TO CONSOLIDATE

PLEASE take notice that Eugene H. Walpole ("Appellant"), petitions this Court for an order consolidating the above-referenced case with the appeal of Civil Case No. 2015-CP-10-02389, *AEP, III, et al. v. Charleston County School District, et al.*, pursuant to Rules 214 and 240, SCACR.

These cases arise out of the same underlying events. One is brought on behalf of the students injured reputation, and one is brought by the Academic Magnet High School Football Coach. Consolidation is appropriate because several of the issues are identical – statements protected by Fair Report Privilege, opinions expressed in articles are not actionable, and plaintiffs have not shown proof of injury to reputation. However, two issues are separate and

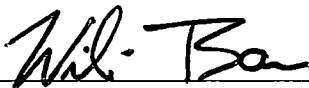
distinct and the Court can reverse one and not the other as they relate to the students' claims and Coach Walpole's claims. Given the multiple identical issues and only two separate issues, Appellant believes consolidation is warranted. (See Order attached to Notice of Appeal).

Therefore, "the same question is involved in two or more appeals in different cases" and the cases are appropriate for consolidation. Rule 214, SCACR. Appellant requests this Court exercise its discretion to consolidate the appeals. In the alternative, Appellant request the same panel of judges hear both appeals to avoid the possibility of inconsistent rulings.

Respectfully submitted,

PETERS, MURDAUGH, PARKER, ELTZROTH  
& DETRICK, P.A.

December 16, 2016  
Hampton, South Carolina

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Of whom, Jones Street Publishers, LLC is .....Respondent

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing Notice of Appeal and Motion to Consolidate have been served upon the following counsel of record by mailing a copy of the same, postage prepaid, in the United States Mail, addressed as shown below this 16 day of December, 2016.

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The Honorable Julie J. Armstrong  
Charleston County Clerk of Court  
100 Broad Street, Ste. 106  
Charleston, SC 29401

Re: *A.E.P., III, et al. v. Jones Street Publishers, LLC, et al.*  
*Civil Action No.: 2015-CP-10-2389 (Consolidated Case)*  
-And-  
*Eugene H. Walpole v. Jones Street Publishers, LLC, et al.*  
*Civil Action No.: 2014-CP-10-7655*

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SC Court of Appeals

Dear Ms. Armstrong:

Enclosed for filing please find the originals and one copy of the Notice of Appeals in the above-referenced cases, Please file the documents and return a file-stamped copy to me in the enclosed self-addressed, stamped envelope.

By copy of this letter, I am serving all counsel of record with a copy of the same.

If you have any questions, please do not hesitate to contact our office.

With kind regards, I am

Sincerely,



William F. Barnes, III

WFB/mcd  
Enclosures as stated

cc: The Honorable Jenny Abbott Kitchings  
William H. Davidson, II, Esquire  
Wallace K. Lightsey, Esquire  
Meliah Bowers Jefferson, Esquire  
Mr. Kevin L. Clayton

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The Honorable Jenny Abbott Kitchings  
S.C. Court of Appeals Clerk of Court  
Post Office Box 11629  
Columbia, SC 29211-1629

Re: *Eugene H. Walpole v. Jones Street Publishers, LLC, et al.*  
*Civil Action No.: 2014-CP-10-7655*

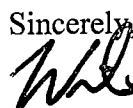
Dear Ms. Kitchings:

Enclosed for filing please find the original and one copy of the Notice of Appeal in the above-referenced case, proof of service of the Notice of Appeal on Respondent, Jones Street Publishers, LLC, copy of the Order challenged on appeal, and check in the amount of \$100.00 for the filing fee. Also enclosed is a Motion to Consolidate this appeal with an appeal simultaneously filed for *Amy Garrard and Lee Garrard, Guardians Ad Litem for R.C.G., A Minor; and Dean Frailey and Kathryn Frailey, Guardians Ad Litem for C.F., A Minor, Richard Nelson and Cheryl Nelson, Guardians Ad Litem for D.G.N., A Minor; Adam Olsen Ackerman; and A.E.P., III v. Jones Street Publishers, LLC, et al.*, Civil Action No. 2015-CP-10-2389, and check in the amount of \$25.00 for the filing fee. Please file the documents and return a file-stamped copy to me in the enclosed self-addressed, stamped envelope.

By copy of this letter, I am serving all counsel of record with a copy of the same.

If you have any questions, please do not hesitate to contact our office.

With kind regards, I am

Sincerely,  


William F. Barnes, III

WFB/mcd  
Enclosures as stated

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SC Court of Appeals

*Peters, Murdaugh, Parker,*

*Eltzroth & Detrick, P.A.*

*December 16, 2016*

*Page 2*

cc: The Honorable Julie J. Armstrong  
William H. Davidson, II, Esquire  
Wallace K. Lightsey, Esquire  
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SC Court of Appeals

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