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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

Consolidated Civil Action No.: 2015-CP-10-2389

RECEIVED

DEC 19 2016

SC Court of Appeals

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,Appellants,

-v-

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

Of whom, Jones Street Publishers, LLC isRespondent.

APPELLANT'S MOTION TO CONSOLIDATE

PLEASE take notice that A.E.P., III, et al. ("Appellants"), petition this Court for an order consolidating the above-referenced case with the appeal of Civil Case No. 2014-CP-10-7655, *Eugene H. Walpole 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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-v-

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

Of whom, Jones Street Publishers, LLC isRespondent

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing Notice of Appeal and Motion to Consolidate has 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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December 16, 2016

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SC Court of Appeals

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

Re: *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 (Consolidated Case)

-And-

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

*Peters, Murdaugh, Parker,
Eltzroth & Detrick, P.A.
December 16, 2016
Page 2*

WFB/mcd
Enclosures as stated

cc: The Honorable Julie J. Armstrong
William H. Davidson, II, Esquire
Wallace K. Lightsey, Esquire
Meliah Bowers Jefferson, Esquire
Mr. Kevin L. Clayton

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SC Court of Appeals

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TO:

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