

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

The Honorable John C. Hayes, III

Case No. 15-CP-46-1827
Appellate Case No. 2016-001558

RECEIVED

APR 13 2017

SC Court of Appeals
83060

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

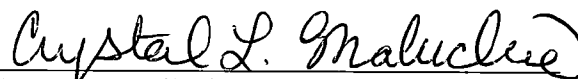
v.

McGowan, Hood & Felder, LLC and Chad McGowan, Respondents-Appellants.

MOTION TO DISMISS CROSS-APPEAL OF RESPONDENTS-APPELLANTS

Respondents-Appellants move the Court, pursuant to Rules 240 and 260(c), SCACR,
to dismiss their cross-appeal. Respondents-Appellants respectfully submit the attached
Memorandum in Support of their Motion.

Respectfully submitted,



Steven G. Janik (#81464)

Crystal L. Maluchnik (#100961)

Monica K. Bracey (#102197)

Janik L.L.P.

1000 William Hilton Parkway, Suite 103

Hilton Head Island, SC 29928

(440) 838-7600 · (440) 838-7601 (fax)

steven.janik@janiklaw.com

crystal.maluchnik@janiklaw.com

monica.bracey@janiklaw.com

April 12, 2017
Hilton Head Island, SC

Whitney B. Harrison
McGowan, Hood & Felder, LLC
1517 Hampton Street
Columbia, SC 29201
(803) 779-0100 * (803) 7878-0750 (fax)
wharrison@mcgowanhood.com

Lovic A. Brooks, III (#913)
Janik L.L.P.
1122 Lady Street, Suite 1025
Columbia, SC 29201
(440) 838-7600 · (440) 838-7601 (fax)
lovic.brooks@janiklaw.com

Mail

Janik L.L.P.
P.O. Box 470550
Cleveland, OH 44147

*ATTORNEYS FOR RESPONDENTS-
APPELLANTS MCGOWAN, HOOD, AND
FELDER, LLC AND CHAD MCGOWAN*

MEMORANDUM IN SUPPORT OF MOTION TO DISMISS CROSS-APPEAL

On July 26, 2016, Appellant-Respondent filed his notice of appeal in this matter. On August 19, 2016, Respondents-Appellants filed their notice of appeal.

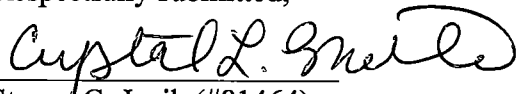
On March 10, 2017, Appellant-Respondent filed his Initial Brief in this matter.

Dismissal of Respondents-Appellants' appeal will streamline the issues and briefs presented to the Court, as well as avoid duplication of any issues already before the Court by Appellant-Respondent's appeal. *E.g., I'On, L.L.C. v. Town of Mt. Pleasant*, 338 S.C. 406, 417-418, 526 S.E.2d 716, 722 (2000); *Sims v. Amisub*, 408 S.C. 202, 217, 758 S.E.2d 187, 195 (Ct. App. 2014), *aff'd*, 414 S.C. 109, 777 S.E.2d 379 (2015). Further, dismissal at this time is appropriate as the cross-appeal has not been briefed by the parties. By seeking to dismiss their cross-appeal, Respondents-Appellants do not waive the right to assert these issues by way of alternate sustaining ground in their response to Appellant-Respondent's appeal.

Accordingly, Respondents-Appellants respectfully move the Court to dismiss their appeal.

April 12, 2017
Hilton Head Island, SC

Respectfully submitted,


Steven G. Janik (#81464)
Crystal L. Maluchnik (#100961)
Monica K. Bracey (#102197)
Janik L.L.P.
1000 William Hilton Parkway, Suite 103
Hilton Head Island, SC 29928
(440) 838-7600 · (440) 838-7601 (fax)
steven.janik@janiklaw.com
crystal.maluchnik@janiklaw.com
monica.bracey@janiklaw.com

Whitney B. Harrison
McGowan, Hood & Felder, LLC
1517 Hampton Street
Columbia, SC 29201
(803) 779-0100 * (803) 7878-0750 (fax)
wharrison@mcgowanhood.com

Lovic A. Brooks, III (#913)
Janik L.L.P.
1122 Lady Street, Suite 1025
Columbia, SC 29201
(440) 838-7600 · (440) 838-7601 (fax)
lovic.brooks@janiklaw.com

Mail

Janik L.L.P.
P.O. Box 470550
Cleveland, OH 44147

*ATTORNEYS FOR RESPONDENTS-
APPELLANTS MCGOWAN, HOOD, AND
FELDER, LLC AND CHAD MCGOWAN*

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

The Honorable John C. Hayes, III

Case No. 15-CP-46-1827
Appellate Case No. 2016-001558

RECEIVED

APR 13 2017

SC Court of Appeals

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

v.

McGowan, Hood, and Felder, LLC and Chad McGowan,..... Respondents-Appellants.

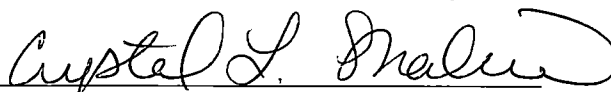
PROOF OF SERVICE

The undersigned hereby certifies that on April 12, 2017, she served counsel for
Appellant-Respondent with the *Motion to Dismiss Cross-Appeal of Respondents-
Appellants* in this matter by mailing a copy of the same by United States Mail with first
class postage prepaid to the following addresses:

A. Camden Lewis
Ariail E. King
LEWIS BABCOCK LLP
Post Office Box 11208
Columbia, SC 29211

Respectfully submitted,

April 12, 2017
Hilton Head Island, SC


Crystal L. Maluchnik (#100961)
Janik L.L.P.
1000 William Hilton Parkway, Suite 103
Hilton Head Island, SC 29928
(440) 838-7600 · (440) 838-7601 (fax)
crystal.maluchnik@janiklaw.com

ONE OF THE ATTORNEYS FOR
RESPONDENTS-APPELLANTS
MCGOWAN, HOOD, AND FELDER, LLC
AND CHAD MCGOWAN



JANIK L.L.P.

1000 WILLIAM HILTON PARKWAY, SUITE 103
HILTON HEAD ISLAND, SC 29928

CRYSTAL L. MALUCHNIK
DIRECT: (440) 740-3047
CELL: (440) 465-2631
CRYSTAL.MALUCHNIK@JANIKLAW.COM

MAIL
P.O. BOX 470550
CLEVELAND, OH 44147

MAIN TEL: (440) 838-7600
MAIN FAX: (440) 838-7601

April 12, 2017

RECEIVED

APR 13 2017

SC Court of Appeals

Sent via Federal Express

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

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

Dear Ms. Kitchings,

Enclosed is the original and six (6) copies of a *Motion to Dismiss Cross-Appeal of Respondents-Appellants* regarding the captioned matter. Please file and docket the same and return a clocked copy to me in the enclosed envelope. A check in the amount of \$25.00 is enclosed for the filing fees.

Very truly yours,

Crystal L. Maluchnik

Enclosures

cc: A. Camden Lewis
Ariail E. King

envelope s

ORIGIN ID: SKYA (440) 838-7600
AUDREY WARD
JANIK LLP
9200 SOUTH HILLS BOULEVARD, 300

CLEVELAND, OH 44147
UNITED STATES US

SHIP DATE: 12APR17
ACTWGT: 1.00 LB
CAD: 8117250/INET3850

BILL SENDER

TO HONORABLE JENNY ABBOTT KITCHINGS
SOUTH CAROLINA COURT OF APPEALS
1220 SENATE STREET

COLUMBIA SC 29201

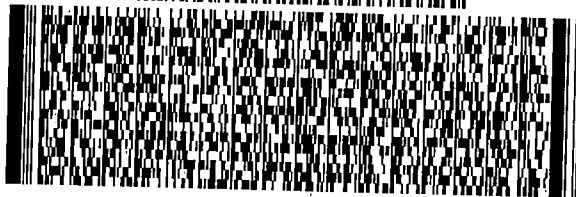
(440) 740-3068
INV:
PO:

REF: 1032-10

DEPT:

546.12/CFD/663C1

RT 103
FZ 104
1
10:30
E
4276
04.13



FedEx Express



91711182140100

RECEIVED

APR 18 2017

SC Court of Appeals

THU - 13 APR 10:30A
PRIORITY OVERNIGHT

TRK#
0201

7788 9152 4276

XH USCA

29201
SC-US CAE

