



SWEENEY WINGATE & BARROW P.A.

April 10, 2017

Reply to: Main Office

RECEIVED

Brandon R. Gottschall
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brg@swblaw.com

APR 10 2017

SC Court of Appeals

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

RE: Joseph C. Rivett v. Celadon Trucking
Civil Action No.: 2014-CP-40-6228 - Appellate No.:2016-000462
Claim No.: BL-108004
Our File: 2772-9340

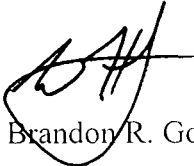
Dear Ms. Kitchings:

Pursuant to the Court of Appeals March 24, 2017 Order in the above matter, please find attached as proof of filing a clocked copy of Appellants' Rule 60(b) Motion filed with the Richland County Clerk of Court.

Please do not hesitate to let us know if you have any questions or concerns.

Yours truly,

SWEENEY, WINGATE & BARROW, P.A.


Brandon R. Gottschall

BRG/brg

cc: D. Patrick Keating, Jr., Esquire, Keating Law Firm, LLC
Tucker S. Player, Esquire, Player Law Firm, LLC

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

) IN THE COURT OF COMMON PLEAS
)
) THE FIFTH JUDICIAL CIRCUIT

Joseph C. Rivett

) Civil Action No.: 2014-CP-40-6228
)
)

Plaintiff,

v.

) BRUCE LUDLUM AND CELADON
) TRUCKING SERVICES, INC.'S RULE 60(b)
) MOTION

William Joe Jackson, Bruce Ludlum
and Celadon Trucking Services, Inc.

Defendant.

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SERIALIZED
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SEP 11 2014
C.C.P. (S.S.)
11:56

PLEASE TAKE NOTICE that Bruce Ludlum and Celadon Trucking Services, Inc. (“Defendants”) hereby move for a new trial in this matter pursuant to Rule 60(b) of the South Carolina Rules of Civil Procedure. Pursuant to Rule 60(b), Defendants seek a new trial in this matter based on material misrepresentations made to the trial court regarding the attendance and testimony of a trial witness, State Trooper Brian Trotter, despite the absence of a timely subpoena.

On September 8, 2012, Plaintiff Joseph C. Rivett, Defendant driver Bruce Ludlum, and former defendant William Joseph Jackson, were traveling on Interstate 20 in Columbia, South Carolina when they came upon a traffic slowdown. The slowdown was caused by an earlier automobile accident that had blocked the right lane of travel. As Mr. Rivett, Mr. Jackson and Mr. Ludlum passed the accident scene, a collision, or collisions occurred involving each of them. As a result of the accident or accidents, Mr. Rivett brought suit against Mr. Jackson, Mr. Ludlum and Mr. Ludlum’s employer Celadon Trucking Services. Mr. Rivett’s Complaint asserted causes of-action against the defendants sounding in negligence. Mr. Rivett seeks damages for injuries

he claims to have suffered as a result of the accident(s). Mr. Jackson settled with the Plaintiff and is no longer a defendant in the case. Defendants Ludlum and Celadon Trucking Services deny Plaintiff's allegations.

This matter was tried before a jury and a verdict for the Plaintiff was entered on February 5, 2016. Thereafter, Defendants filed a notice of appeal on March 3, 2016. Following a delay during which the trial transcript was being prepared, Defendants filed a motion with the court of appeals on January 3, 2017, for leave to file a Rule 60 motion with the trial court. The court of appeals granted the motion on March 24, 2017, allowing Defendants fifteen days to file the Rule 60 motion with the circuit court. See Court of Appeals Order, attached as **Exhibit A**.

This Motion will be supported by filed Affidavit(s) and Memorandum of Law prior to a hearing on the Motion.

Respectfully submitted,

SWEENEY, WINGATE & BARROW, P.A.



Mark S. Barrow
Brandon R. Gottschall
Sweeney, Wingate & Barrow, P.A.
Post Office Box 12129
Columbia, SC 29211
(803) 256-2233

ATTORNEYS FOR DEFENDANT

Columbia, South Carolina
April 10, 2017

CERTIFICATE OF SERVICE

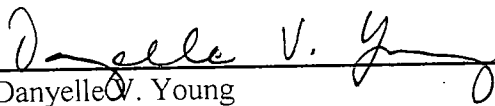
I, the undersigned legal assistant of the law offices of Sweeny, Wingate & Barrow, P.A., attorneys for Defendant, do hereby certify that I have served a copy of the foregoing **Bruce Ludlum and Celedon Trucking Services, Inc.'s Rule 60(b) Motion** in connection with the above-referenced case by mailing a copy of the same by United States Mail, postage prepaid, to the following address:

D. Patrick Keating, Jr., Esquire
Keating Law Firm, LLC
3714 Airline Drive
Metairie, LA 70001
patrick@toughsmartlaw.com

AND

Tucker S. Player, Esquire
Player Law Firm, LLC
Post Office Box 21005
Columbia, SC 29221
tucker@playerlawfirm.com

Attorneys for Plaintiff



Danyelle V. Young

Columbia, South Carolina

April 10, 2017

FILED
APR -7 AM 11:56
JANETTE W. MCBRIDE
C.C.P. & C.S.

EXHIBIT A

The South Carolina Court of Appeals

Joseph C. Rivett, Respondent,

v.

Bruce Ludlum and Celadon Trucking Service, Inc.,
Appellants.

Appellate Case No. 2016-000462

ORDER

Appellants' motion for leave to file a motion pursuant to Rule 60(b), SCRCPP, with the circuit court is granted. This appeal shall be held in abeyance for ninety days to allow the circuit court to consider this matter. Appellants' counsel shall provide this court with proof that the motion has been filed with the circuit court within fifteen days of this order, and Appellants' counsel shall immediately notify this court when the motion has been resolved.


FOR THE COURT

Columbia, South Carolina

FILED

cc:

Mark Steven Barrow, Esquire
James Eric Cavanaugh, Esquire
Tucker S. Player, Esquire
Brandon Robert Gottschall, Esquire
The Honorable Jeanette McBride

March 24, 2017



SWEENEY WINGATE & BARROW P.A.

April 7, 2017

Reply to: Main Office

Brandon R. Gottschall
(803) 256-2233 x7132
brg@swblaw.com

The Honorable Jeanette W. McBride
Richland County Clerk of Court
Post Office Box 2766
Columbia, South Carolina 29202

RECEIVED
APR 10 2017
SC Court of Appeals

RE: Joseph C. Rivett v. Celadon Trucking
Civil Action No.: 2014-CP-40-6228
Our File: 2772-9340

Dear Ms. McBride:

Enclosed please find the original and one (1) copy of Defendant Bruce Ludlum and Celedon Trucking Services, Inc.'s Rule 60(b) Motion in the above-referenced matter. I have also enclosed a Motion coversheet and \$25.00 check for the filing fee. Please file the original and return the remaining clocked copy to me in the envelope provided.

By copy of this letter to opposing counsel, I am serving them with same.

Thank you for your assistance, and should you have any questions, please do not hesitate to contact me.

Yours truly,

SWEENEY, WINGATE & BARROW, P.A.

Brandon R. Gottschall

BRG/dvy

Enclosures

cc: Michael R. Jeffcoat, Esquire

