

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

R. Keith Kelly, Judge

Appellate Case No.: 2016-CP-42-1280

RECEIVED

MAY 15 2017

SC Court of Appeals

Caitlyn Langham,
v.

Appellant,

Officer Russell Porter,
City of Spartanburg,
Spartanburg Police Department,
and WALMART, Inc.,

Respondents.

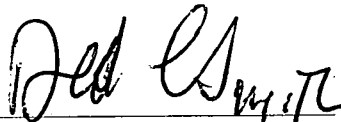
MOTION TO STAY APPEAL

Appellant Caitlyn Langham respectfully requests this Court to exercise its discretion to stay this appeal pending resolution of all causes of action against Defendant WALMART. Due to the lower court's Order, dated November 15, 2016, granting WALMART's Partial Motion to Dismiss, Appellant is informed that he still has an existing cause of action against the latter which has not been decided upon by the lower court.

Parties will not be prejudiced by the issuance of the stay. Furthermore, the grant of a stay will promote the interest of the Court and judicial economy.

For the foregoing reasons, Appellant prays for a stay of this appeal until all the causes of action in the lower court have been exhausted.

May 12, 2017.



Donald L. Smith (Bar #: 6699)
Attorney for Appellant
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Anderson SC 29621
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Facsimile: (864) 642-9285
attorneydonaldsmith@gmail.com

Other Counsel of Records:

James D. Jolly, Jr. Esquire
LOGAN, JOLLY & SMITH
Attorney for Defendant Porter, et al.
1805 North Boulevard
Anderson, South Carolina 29622

Lee Ellen Bagley, Esquire
GAFFNEY LEWIS & EDWARDS, LLC
Attorney for Defendant WALMART, Inc.
3700 Forest Drive, Suite 400
Columbia, SC 29204

**FORM 7
PROOF OF SERVICE
LETTER TO THE APPEALS COURT CLERK**

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

R. Keith Kelly, Judge

Case No.: 2016-CP-42-1280
Appellate Case No. 2017-001009

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SC Court of Appeals

Caitlyn Langham

Appellant,

vs.

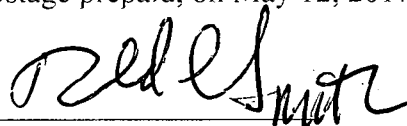
Officer Russell Porter,
City of Spartanburg, Spartanburg Police
Department, and WALMART, Inc.,

Respondents.

PROOF OF SERVICE

I certify that I have served a Motion to Stay Appeal and Proof of Service for same upon The Honorable Jenny Abbott Kitchings, Clerk of Court South Carolina Court of Appeals, at PO Box 11629, Columbia SC 29211, The Honorable Hope Blackley, Spartanburg Clerk of Court, at 180 Magnolia., Spartanburg, S.C. 29306, Lee Ellen Bagley, Esquire, at 3700 Forest Drive, Suite 400, Columbia, SC 29204, and James D. Jolly Jr., Esquire at 1805 North Blvd., Anderson, SC 29622, by depositing a copy of it in the United States Mail, postage prepaid, on May 12, 2017.

May 12, 2017



Donald L. Smith, (Bar#6699)
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May 12, 2017

Lee Ellen Bagley, Esquire
GAFFNEY LEWIS & EDWARDS, LLC
3700 Forest Drive, Suite 400
Columbia, SC 29204

RE: Langham v. Porter, et al
CA No. 2016-CP-42-1280

RECEIVED

MAY 15 2017

SC Court of Appeals

Dear Ms. Bagley:

Please find enclosed a copy of Appellant's Motion to Stay Appeal, which I have filed in the abovementioned case. Also enclosed is a copy of a Proof of Service by mail for the same.

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

With highest regards, I remain
Very truly yours,


Donald L. Smith

DLS/aaf

Enclosures

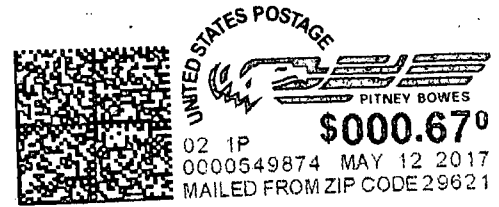
Attorney Office of Donald Smith
122 N. Main Street,
Anderson, SC 29621

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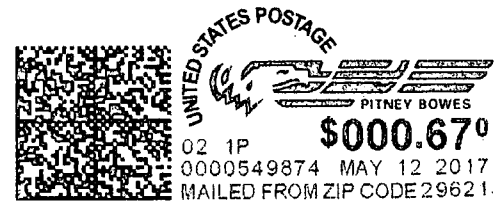
MAY 15 2017

SC Court of Appeals

The Honorable Hope Blackley
Clerk of Court for Spartanburg County
180 Magnolia ST.,
Spartanburg, SC 29306



Attorney Office of Donald Smith
122 N. Main Street,
Anderson, SC 29621



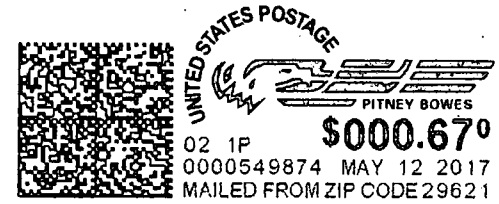
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SC Court of Appeals

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Anderson, SC 29621



Lee Ellen Bagley, Esquire
GAFFNEY LEWIS 7 EDWARDS, M LLC
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Columbia, SC 29204

FORM 8
LETTER TO THE APPEALS COURT CLERK

May 12, 2017

The Honorable Jenny Abbott Kitchings
Clerk of Court South Carolina Court of Appeals
Post Office Box 11629
Columbia SC 29211

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MAY 15 2017
SC Court of Appeals

**RE: Caitlyn Langham v. Officer Russell Porter, City of Spartanburg,
Spartanburg Police Department and WALMART, Inc.
C.A. No.: 2016-CP-42-1280
Appellate Case No.: 2017-001009**

Dear Honorable Kitchings:

In compliance with the Honorable Court's Order, dated May 8, 2017, and received by Appellant on May 9, 2017, please find enclosed the following:

- (1) Appellant's Motion to Stay Appeal;
- (2) A Check for \$25.00 as motion fee; and
- (3) Proof of Service for same.

Sincerely,



Donald L. Smith, (Bar#6699)

Attorney for Appellant

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Anderson SC 29621

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Facsimile: (864) 642-9285

attorneydonaldsmith@gmail.com

cc:

The Honorable Hope Blackley
Lee Ellen Bagley, Esquire
James D. Jolly, Jr., Esquire