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FILED  
2018  
SC Appellate

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM FLORENCE COUNTY  
Court of Common Pleas

The Honorable Craig D. Brown, Circuit Court Judge

Appellate Case No. 2015-001941

Elizabeth J. Langley ..... Appellant,

v.

Wendy J. Lynch, Rebecca M. Lynch,  
James M. Lynch, II, Donald Jordan, III,  
Jimmy White and S. Porter Stewart, II, as  
Personal Representative of the Estate of  
James M. Lynch ..... Defendants

Of Whom Wendy J. Lynch is the ..... Respondent.

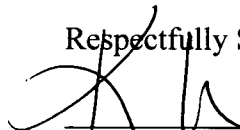
**RESPONDENT'S MOTION FOR SANCTIONS  
PURSUANT TO RULE 269, SCACR**

The Respondent, by and through undersigned counsel, moves this Honorable Court pursuant to Rule 269, SCACR, to find that Appellant's motions filed on July 19, 2017 are frivolous and taken solely for the purposes of delay. Specifically, Appellant filed the following motions:

- (1) Amended Motion to Recall Remittitur;
- (2) Amended Motion for Extension of Time;
- (3) Amended Motion to Correct Errors; and
- (4) Amended Motion for Attorney Fee Reimbursement.

The Amended Motion to Recall Remittitur is Appellant's second such filing which earlier filing was denied by this Honorable Court by Order dated July 11, 2017. As this Court lacks jurisdiction as set forth in its July 11<sup>th</sup> Order and given the general nature of the filings, such motions are frivolous and meant solely for delay. Respondent incorporates herein Respondent's Return to Appellant's Amended Motion to Recall Remittitur, Amended Motion for Extension of Time, Amended Motion to Correct Errors, and Amended Motion for Attorney Fee Reimbursement. Respondent has been prejudiced by having to expend additional sums for attorney fees and costs in responding to these frivolous claims, and sanctions are required in order to deter such future conduct by Appellant. As such, Respondent requests attorney fees and costs in responding to said motions (Exhibit A) and for such other relief as this Honorable Court may award.

Respectfully Submitted,



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Joseph M. McCulloch, Jr., Esq.  
Kathy R. Schillaci, Esq.  
McCulloch & Schillaci, Attorneys at Law  
1513 Hampton Street  
P.O. Box 11623  
Columbia, South Carolina 29201  
Telephone: (803) 779-0005  
Facsimile: (803) 779-0666

ATTORNEYS FOR RESPONDENT

This 28th day of July, 2017

Columbia, South Carolina

# **EXHIBIT A**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

RECEIVED

APPEAL FROM FLORENCE COUNTY  
Court of Common Pleas

2013-08-27  
SC Court of Appeals

The Honorable Craig D. Brown, Circuit Court Judge

Case No. 2013-CP-21-01408

Elizabeth J. Langley ..... Appellant,

v.

Wendy J. Lynch, Rebecca M. Lynch,  
James M. Lynch, II, Donald Jordan, III,  
Jimmy White and S. Porter Stewart, II, as  
Personal Representative of the Estate of  
James M. Lynch ..... Defendants

Of Whom Wendy J. Lynch is the ..... Respondent.

The Appellate Court is requested to tax the following *additional*<sup>1</sup> costs and fees against

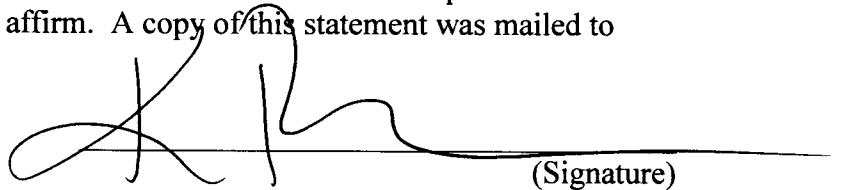
**Elizabeth J. Langley**

<b>COSTS/FEEs REQUESTED UNDER RULE 269, SCACR.</b>	<b>NO. OF PAGES</b>	<b>RATE</b>	<b>REQUESTED</b>	<b>ALLOWED (For Court Use Only)</b>
Attorney Fee for reviewing four motions with attachments filed by Appellant; researching waiver of attorney-client privilege; draft, revise, and finalize Return to Motions	2.3 Hours	\$250	\$575.00	
Postage	3	.49	\$1.47	
Copies	45	.10	\$4.50	
Filing Fee	\$25.00		\$25.00	

<sup>1</sup> Respondent earlier filed a Motion for Costs and Attorney Fee pursuant to Rule

	<b>TOTAL:</b>		<b>\$ 605.97</b>	

I, Kathy R. Schillaci, do swear or affirm that the foregoing costs are correct and were necessarily incurred in responding to Appellant's filing and as a filing fee for the Motion under Rule 269, SCACR. The information contained herein is based on personal knowledge, and I am competent to so affirm. A copy of this statement was mailed to Appellant.



(Signature)

Attorney for Respondent

Subscribed and sworn to before me this 28 day of July, 2017.



Notary Public for SC

My Commission Expires: 12/7/25

(Seal)

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM FLORENCE COUNTY  
Court of Common Pleas

The Honorable Craig D. Brown, Circuit Court Judge

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Appellate Case No. 2015-001941

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Elizabeth J. Langley ..... Appellant,

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Personal Representative of the Estate of  
James M. Lynch ..... Defendants

Of Whom Wendy J. Lynch is the ..... Respondent.

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PROOF OF SERVICE

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I certify that I have served the **RESPONDENT'S MOTION FOR SANCTIONS PURSUANT TO RULE 269, SCACR** by depositing one copy of same in the United States Mail, first-class mail, postage prepaid, on July 28, 2017, addressed to:

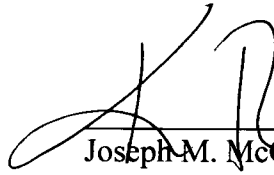
J. Rene Josey, Esquire  
Turner, Padget, Graham & Laney, P.A.  
Post Office Box 5478  
Florence, SC 29502

James T. Irvin, Esquire,  
P.O. Box 2677  
Myrtle Beach, SC, 29578

Elizabeth Langley  
1225 Edgewood Avenue  
Florence, SC 29501

July 28, 2017

Columbia, SC



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KATHY SCHILLACI  
kathy@mccullochlaw.com

July 28, 2017


South Carolina Court of Appeals  
**Attn: Jenny Abbott Kitchings, Clerk of Court**  
P.O. Box 11629  
Columbia, South Carolina 29211

**RE: Langley v. Lynch**  
**Case No.: 2013-CP-21-01408**

Dear Ms. Kitchings:

Please find enclosed for filing an original and six copies each of Respondent's Return to Appellant's Amended Motion to Recall Remittitur, Amended Motion for Extension of Time, Amended Motion to Correct Errors, and Amended Motion for Attorney Fee Reimbursement and Respondent's Motion for Sanctions Pursuant to Rule 269, SCACR along the proofs of service. The motion fee is also included. If you would, please clock and file the original and copies and clock and return the extra copy to my office. Thank you for your attention to this matter.

Sincerely



Kathy R. Schillaci

Enclosure(s)

cc: Jim Irvin, Esq.  
J. Rene Josey, Esq.  
Elizabeth Langley

**RECEIVED**

JUL 28 2017

SC Court of Appeals