

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

RECEIVED

AUG 15 2017
SC Court of Appeals

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

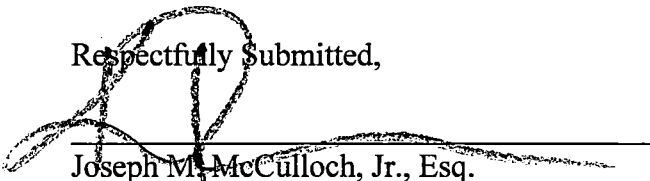
Of Whom Wendy J. Lynch is the Respondent.

**RESPONDENT’S REPLY TO APPELLANT’S RESPONSE IN OPPOSITION TO
RESPONDENT’S MOTION FOR SANCTIONS PURSUANT TO RULE 269,
SCACR**

In Appellant’s Response, she appears to argue that her actions in filing the Motion and Amended Motion to Recall Remittitur, Motion and Amended Motion for Extension of Time, Motion and Amended Motion to Correct Errors, and Motion and Amended Motion for Attorney Fee Reimbursement were warranted. Respondent has addressed these motions on the merits and incorporates herein her Responses served July 28, 2017. While Appellant relies on footnote to Rule 3.1 of the Rules of Professional Conduct for the proposition that “the law is not always clear,” the law *is clear* in this case. As set forth in this Court’s July 11, 2017 Order, this Honorable Court lacks jurisdiction to

Recall the Remittitur, has already issued an Order on the original Motion to Recall Remittitur, and has no authority to reimburse Appellant's attorney fees from Mr. Josey. Even if this Honorable Court did have such authority, Appellant has presented no evidence that she instructed Mr. Josey to move to be relieved as counsel. As such, this matter should be at an end. Respondent believes sanctions are required to discourage Appellant from continuing to file frivolous motions and requests that sanctions be awarded for this purpose.

Respectfully Submitted,



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 11th day of August, 2017

Columbia, South Carolina

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Of Whom Wendy J. Lynch is the Respondent.

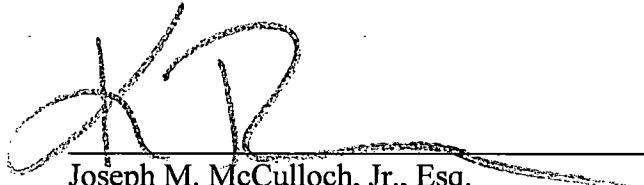
PROOF OF SERVICE

I certify that I have served the **RESPONDENT'S REPLY TO APPELLANT'S RESPONSE IN OPPOSITION TO 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 August 11, 2017, addressed to:

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

Elizabeth Langley
1225 Edgewood Avenue
Florence, SC 29501

Columbia, South Carolina

A handwritten signature in black ink, appearing to read "JM", is written over a horizontal line.

Joseph M. McCulloch, Jr., Esq.

Kathy R. Schillaci, Esq.

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KATHY SCHILLACI
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August 11, 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

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Dear Ms. Kitchings:

Please find enclosed for filing an original and six copies of Respondent's Reply to Appellant's Response in Opposition to Respondent's Motion for Sanctions Pursuant to Rule 269, SCACR along with the proof 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: J. Rene Josey, Esq.
Elizabeth Langley

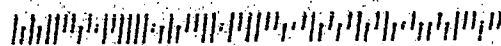
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COLUMBIA, SC 29201



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