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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

R. Keith Kelly, Judge

RECEIVED
OCT 27 2017
SC Court of Appeals

C.A. No.: 2016-CP-42-1280
Appellate Case No.: 2017-001009
Appellate Case No. 2017-002160

Caitlyn Langham,
v.

Appellant,

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

Respondents.

MOTION TO CONSOLIDATE RELATED APPEALS

Pursuant to Rule 42(a) of the SCRPC, Appellant, by and through her counsel, hereby moves to consolidate the two above-captioned appeals, which arise from the same circuit court case and involve related issues. Appellant states that:

1. On April 8, 2016, Appellant filed a Complaint against Respondents Officer Russel Porter, the City of Spartanburg, the Spartanburg Police Department and WALMART Stores Inc. alleging defamation, false arrest, false imprisonment, assault and battery and violation of 42 U.S.C. §1983.
2. On May 16, 2016, Respondent WALMART filed its Answer and moved to dismiss alleging that the Complaint is barred by statute of limitations and lack of cause of action.

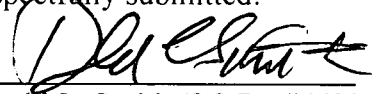
3. On November 15, 2016, the trial court granted Respondent's Partial Motion to Dismiss on the causes of action for defamation, false imprisonment, and violation of §1983, leaving the causes of action for assault and battery pending at the trial court.
4. On November 21, 2016, Appellant moved to reconsider the Order, dated November 15, 2016, which the court denied in its Order, dated March 22, 2017.
5. On December 8, 2016, Respondents Porter, City of Spartanburg and Spartanburg Police Department moved for summary judgment, which the court granted in its Order, dated March 23, 2017.
6. On April 18, 2017, Appellant appealed the Orders, dated March 22, 2017 and March 23, 2017. Appeal was perfected and was recorded as Appellate Case No. 2017-001009.
7. On May 12, 2017, Appellant moved to stay the aforementioned appeal due to the pendency of several causes of action against Respondent WALMART in the lower court.
8. On July 14, 2017, the lower court granted summary judgment against Appellant.
9. Appellant moved for reconsideration of the lower court's decision, which was deemed moot by the lower court considering the existing appeal.
10. Appellant perfected an appeal on the remaining causes of action against Respondent WALMART on October 3, 2017.
11. These two appellate cases present common questions of fact and law. Consolidation will not delay the disposition of this case. It will, in fact, minimize delays and eliminate confusion.

CONCLUSION

WHEREFORE, because consolidation of these two cases (Appellate Case No. 2017-001009 and 2017-002160) will promote efficiency and judicial economy, and will not prejudice any party, Appellant respectfully requests this Honorable Court to enter an Order consolidating all further proceedings in these actions.

Anderson, South Carolina
October 24, 2017

Respectfully submitted:



Donald L. Smith (SC Bar#6699)

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Attorney for Appellant

**FORM 7
PROOF OF SERVICE**

THE STATE OF SOUTH CAROLINA
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Case No.: 2016-CP-42-1280
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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 copy of Appellant's Motion to Consolidate Related Appeals 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, Lee Ellen Bagley, Esquire and Randi Lynn Roberts, Esquire, at 3700 Forest Drive, Suite 400, Columbia, SC 29204, and James D. Jolly Jr., Esquire and Stacy Todd Coffee, Esquire at 1805 North Blvd., Anderson, SC 29622, by depositing a copy of it in the United States Mail, postage prepaid, on October 24, 2017.

October 24, 2017
Anderson, South Carolina



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FORM 8
LETTER TO THE APPEALS COURT CLERK

October 24, 2017

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

**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
Appellate Case No. 2017-002160**

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SC Court of Appeals

Dear Honorable Kitchings:

Please find enclosed the following materials for filing:

- (1) Appellant's Motion to Consolidate Related Appeals;
- (2) A check amounting to \$25.00 and
- (3) Proof of Service for same.

Sincerely,



Donald L. Smith, (Bar#6699)

Attorney for Appellant

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