

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM RICHLAND COUNTY

The Honorable Amy W. McCulloch, Probate Judge

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Appellate Case No. 2019-000169

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In the Matter of the Estate for Bertha Maust-Thompson

Terri Ann Thompson, Wendy K. Thompson, and Robert M. Thompson, Jr, as Co-Personal Representatives of the Estate of Robert Miller Thompson, Sr.,.....Respondents,

v.

Marilyn M. White, as Personal Representative of the Estate of Bertha Maust-Thompson,.....Appellant.

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**RETURN TO APPELLANT’S MOTION  
FOR EXPEDITED REINSTATEMENT OF APPEAL  
AND TRANSFER TO SUPREME COURT**

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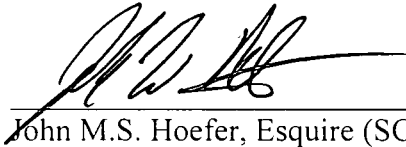
Respondents above-named, pursuant to Rule 240(e) of the South Carolina Appellate Court Rules (“SCACR”), submit this Return to Appellant’s “Motion for Expedited Reinstatement of Appeal and Transfer to Supreme Court” (the “Motion”). Appellant’s Motion should be denied because this Court lacks jurisdiction, the Motion is an improper attempt to submit additional arguments in support of her petition for reconsideration that is already pending before this Court, and is procedurally defective.

On February 26, 2019, Appellant filed a “Motion for Reconsideration Pursuant to Rule 221” seeking to have reinstated her appeal that this Court dismissed by order dated February 15, 2019. By request of this Court, on March 25, 2019, Respondents filed their return to the petition

for reconsideration, asserting that it should be denied because the dismissal of the appeal was correct because this Court does not have jurisdiction. Appellant filed her reply on March 28, 2019. Accordingly, Appellant’s petition for reconsideration has been fully briefed in accordance with Rule 240, SCACR.

Notwithstanding this, Appellant now raises additional arguments in support of her petition for reconsideration and seeks the exact same relief sought therein, only now on an “expedited” basis. For the reasons set forth in Respondent’s return to the petition for reconsideration, this Court lacks jurisdiction and the Motion should be denied for that reason alone. Further, because it is an improper attempt to submit further argument in support of her petition for reconsideration, the Motion should be denied for that reason as well. Finally, Appellant’s attempt to combine three motions—a motion for expedited treatment, a motion for reinstatement, and a motion for transfer—in a single motion is procedurally improper, warranting denial of the Motion for this reason as well.<sup>1</sup>

Respectfully Submitted,



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Attorneys for Respondents

Columbia, South Carolina  
April 1, 2019

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<sup>1</sup> Cf. Rule 240(d), SCACR.

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M. Thompson, Jr, as Co-Personal Representatives of the  
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v.

Marilyn M. White, as Personal Representative of the  
Estate of Bertha Maust-Thompson,.....Appellant.

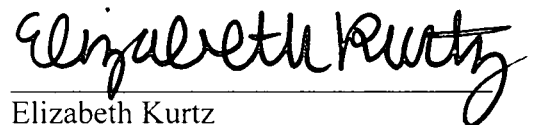
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**PROOF OF SERVICE**

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This is to certify that I, Elizabeth Kurtz, a paralegal with the law firm Willoughby & Hoefer, P.A., have caused to be served one (1) copy of the Respondents' **Return to Appellant's Motion for Expedited Reinstatement of Appeal and Transfer to Supreme Court** in the above-captioned matter via first class mail delivery and addressed as follows:

W. Duvall Spruill, Esquire  
Catherine H. Kennedy, Esquire  
**Turner Padget Graham & Laney P.A.**  
P.O. Box 1473  
Columbia, SC 29202-1473

  
Elizabeth Kurtz

Columbia, South Carolina  
This 1st day of April 2019.

**WILLOUGHBY & HOEFER, P.A.**  
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April 1, 2019

**VIA HAND DELIVERY**

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

Re: *In the Matter of the Estate of Bertha Maust-Thompson*  
*Marilyn M. White v. Terri Ann Thompson, et al.*  
*Appellate Case No. 2019-000169*

Dear Ms. Kitchings:

Enclosed for filing please find the original and seven copies of Respondents' **Return to Appellant's Motion for Expedited Reinstatement of Appeal and Transfer to Supreme Court** in the above-referenced matter. I would appreciate it if the original was accepted for filing and the extra copy file-stamped and returned via my courier.

By copy of this letter, I am serving counsel of record and enclose a Proof of Service to that effect.

If you have any questions, or require additional information, please do not hesitate to contact me.

Sincerely,

**WILLOUGHBY & HOEFER, P.A.**

*John*

John W. Roberts

cc: W. Duvall Spruill, Esq.  
Catherine H. Kennedy, Esq.  
John M.S. Hoefler, Esq.