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October 8, 2019

**Via Hand-Delivery**

The Honorable Jenny Abbott Kitchings  
Clerk of the Court of Appeals  
Post Office Box 11629 (29211)  
1220 Senate St.  
Columbia, South Carolina 29201

**RECEIVED**  
**OCT 08 2019**  
**SC Court of Appeals**

Re: *Rigdon H. Boykin v. Mary Deas Wortley, et al.*  
Appellate Case No. 2019-001632

Dear Ms. Kitchings:

This firm represents the Respondents Mary Deas Wortley and Alice B. Belger, and the intervenors, Theodore T. Wagner, M.D., B. Boykin Wagner, Mary Deas Heimbach, and Alice Boykin "Allie" Belger, in the above referenced matter.

I write for several reasons. First, Ms. May Cantey Boykin is a respondent in the above-referenced appeal, but has served her own, *pro se* appeal. We previously received a copy of this appeal from Appellant's counsel, and we received a service copy in today's mail. Ms. Boykin's appeal does not appear to currently be docketed with the Court of Appeals. A copy of Ms. Boykin's Notice of Appeal is also enclosed herewith for your convenience. We are not attempting to file the Notice for Ms. Boykin, but only to provide the Court with copies of relevant documents.

In the trial court, the positions of the Appellant, Rigdon H. Boykin, and the Respondents May Cantey Boykin and Lemuel Whitaker Boykin, III were aligned with each other. The positions of our clients, Respondents Wortley and Belger and the intervenors, were aligned in opposition to the relief sought by Appellant and Respondents May Cantey Boykin and Lemuel Whitaker Boykin, III.

Out of an abundance of caution, please find enclosed for filing our Notice of Cross Appeal to the Appeal of May Cantey Boykin, together with the filing fee, proof of service, and copies of correspondence to the Kershaw County Clerk of Court filing this Notice of Cross Appeal therein. If it is not necessary for us to also cross-appeal Ms. May Cantey Boykin's appeal, then please return these documents to us.

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Second, assuming Ms. Boykin's appeal is proper, we would request that the appeal be consolidated with the existing appeal, as both matters arise out of the same case and involve the appeal of essentially the same orders and issues.

Third, we have previously contacted your office about our concern that the intervenors have been omitted from the caption and should be listed as parties to the appeal. As previously instructed by LaToyla Burns in your office, we faxed copies of the motion to intervene and the order granting intervention in the underlying case to your office. We see from examining C-Track that those documents are listed with our notice of appeal. We do not cross-appeal the Consent Order Granting Intervention, entered on May 2, 2018. Please advise us on how to proceed in correcting the caption of the appeal to include the intervenors.

Sincerely yours,



James Y. Becker

JYB:rb  
Encl.

cc: w/encl: Mr. Wallace Lightsey, Esq. (by email and First Class mail)  
Mr. Wade S. Kolb, III, Esq. (by email and First Class mail)  
Mr. William Tetteron, Esq. (by email and First Class mail)  
Ms. May Cantey Boykin (by First Class mail)