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OCT 14 2019

STATE OF SOUTH CAROLINA  
In the Court of Appeals

SC Court of Appeals

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**APPEAL FROM LEXINGTON COUNTY  
Court of Common Pleas**

**Walton J. McLeod, Circuit Judge**

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**Appellate Case No.: 2019-000367**

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Desa Ballard and Desa Ballard, P.A.,  
d/b/a Ballard & Watson,

Appellants,

v.

Admiral Insurance Company and Adele R. Pope, individually and as Special  
Administrator of The Estate of Gloria Corley,

Respondents.

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**Joint Return and Memorandum of Respondents Estate of Gloria Corley and Adele  
J. Pope to Appellants' Motion to Dismiss Parties**

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Respondents Estate of Gloria Corley and Adele J. Pope ("Respondents" or "Corley Respondents") oppose Appellants' motion to dismiss them as parties as untimely and made in bad faith in an effort to damage Mrs. Corley and her daughter, both of whom are former clients of Appellants. The grounds for the Corley Respondents' opposition are set forth below.<sup>1</sup>

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<sup>1</sup> These Respondents have included a more detailed statement of the facts of this case in their initial briefs, which they incorporate herein.

On February 23, 2017, the Estate of Gloria Corley commenced an action against Appellants, seeking damages for professional malpractice related to Appellants' representation of the late Mrs. Corley and Mrs. Corley's daughter Andra Williams in connection with a contract matter related to Mrs. Corley; a buyout of the interest of both clients in the M.L. Corley Marital Trust; and a will prepared for Mrs. Corley which was inconsistent with her long-standing estate plan.

Prior to her March 2016 death Mrs. Corley had raised some these claims through a court-appointed guardian *ad litem*, Heather Cairns, Esq., who had engaged A. Camden Lewis, Esq., who is now deceased.

At Mrs. Corley's death the damage exceeded \$200,000, and Appellants had actual knowledge that it would increase substantially if not resolved promptly. Nevertheless, Appellants delayed delivery of Mrs. Corley's file until a suit for it was filed, and declined, through counsel, to enter into negotiations with Mrs. Corley's estate. As a result, suit was filed by Mrs. Corley's Estate in February 2017.

On September 19, 2017, Appellants filed this case against its carriers and joined the Corley Respondents "for the purposes of being bound by the judgment of this Court in this proceeding." [Complaint] The facts did not reflect the facts of the representation, and disparaged the Corley Respondents and Mrs. Corley's daughter. This required the Corley Respondents to correct the incorrect factual statements, and to seek dismissal.

After dismissal was granted, Appellants once again designated the Corley Respondents in this appeal. On information and belief, the intention was, once again, to

bind the Corley Respondents to a false narrative of the facts of the representation, and to damage Mrs. Corley's Estate in its pending claim against Appellants.

Pursuant to Rule 203(e)(1)(E), it was the duty of Appellants to identify the parties to their appeal, and they elected for a second time to include Respondents.

Appellants' initial brief was filed and served on July 15, 2019. Once again, the Corley Respondents were required to correct the record in the face of Appellant's effort to bind them to a narrative inconsistent with the facts of the representation.<sup>2</sup>

The Corley Respondents filed their initial briefs on August 5, 2019, and Appellants made no objection thereto. Thereafter the Court communicated with Respondent Pope on August 19, 2019 to request that Pope's brief be filed, with copies to all counsel herein.<sup>3</sup> The clerical issue was resolved with no objection by Appellants.

Appellants did not file a timely reply brief to either brief of the Corley Respondents, and the time to do so has now passed.

More than six (6) months after the Corley Respondents corrected the numerous factual errors in Appellants' brief, Appellants seek to dismiss the Corley Respondents as parties. The motion is manifestly unjust, as well as untimely. It appears to be a clear assault on the Corley Respondents and an effort to gain an unwarranted factual advantage in the pending case of Mrs. Corley's estate against Respondents. In that effort Appellants create an incorrect narrative of the facts of the representation, even making Mrs. Corley's

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<sup>2</sup> Pursuant to Rule 208(b)(2), a respondent's failure to file a timely brief results in her acceptance of the Appellant's statement of the case.

daughter, rather than Appellants, appear to be the wrongdoer. The briefs and designations of Respondents directly contradict many of the factual allegations made by Appellants. The Corley Respondents have now set the record straight. Appellants should not be allowed to prevent the Court from knowing the actual facts of this case, which addresses issues important to all persons required to seek redress from former attorneys.

Appellants have twice over two years forced the Corley Respondents, including the estate of their former client, to expend resources (and increase the damages inflicted by Appellants) to avoid being bound by an incorrect and unsupported version of the facts of the representation. Appellants waited for months to take the position that those responses were not only unnecessary but somehow also improper. Respondents submit that continues a bad faith, years-long effort of Appellants to avoid resolution of their former client's valid claims against them. The attempt to denigrate both Mrs. Corley's daughter and the counsel who properly represented her should not be allowed.

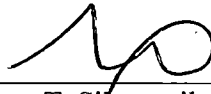
For the foregoing reasons, the Corley Respondents respectfully submit that Appellants' motion should be denied and all matter properly designated by all Respondents be included in the record on appeal herein.

**[Signatures on following page]**

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<sup>3</sup> Apparently due to a clerical oversight, Pope's brief, which had been filed on August 5, 2019, had not made it into the file. The Court's file subsequently reflected that the brief had been filed on August 5<sup>th</sup>.

Respectfully submitted,



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*Respondent, pro se*

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**Proof of Service**

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The undersigned hereby certifies that on October 14, 2019 he has served a copy of the Joint Return and Memorandum Opposing Motion to Dismiss Parties on counsel for Appellant and Respondent Admiral Insurance Company herein by hand-delivering a copy of same to their counsel, addressed as follows:

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