

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

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JAN 28 2020  
S.C. SUPREME COURT

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas  
The Honorable Frank Addy, Circuit Court Judge

Case No. 2014-CP-10-07038  
Appellate Case No. 2019-001752

Wendy C.H. Wellin, .....Respondent,

v.

Peter Wellin, Cynthia W. Plum, and Marjorie W. King,  
Individually and as Co-Trustees and Beneficiaries of the Wellin  
Family 2009 Irrevocable Trust, u/a/b November 2, 2009 .....Appellants/Petitioners,

v.

Wendy C.H. Wellin, Individually and as Trustee of the Keith  
S. Wellin Florida Revocable Living Trust u/a/d December 11,  
2001, Hamilton College, Keith S. Wellin Florida Revocable  
Living Trust, Campbell Hart, and Heather Lane .....Respondents,

In the Matter of: Keith S. Wellin.

MOTION TO SUPPLEMENT THE APPENDIX<sup>1</sup>

Pursuant to Rule 212(b), SCACR, Petitioners (collectively “the Wellin Children”) move this Court to supplement the Appendix to the Petition for Certiorari pending before this Court to include a ruling filed by the trial court on January 22, 2020 denying the Wellin Children’s Motion for Reconsideration of certain of the trial court’s prior rulings. See Order Denying Motion to Reconsider, attached hereto as **Exhibit A**.

<sup>1</sup> The Wellin Children’s counsel consulted with Respondents’ counsel in hopes of obtaining their consent to a joint supplementation of the Appendix as contemplated by Rule 212(b), SCACR. Counsel for Wendy Wellin in her individual capacity and counsel for Wendy Wellin in her capacity as trustee declined to consent to supplementation of the Appendix.

In addition to its general relevance to the proceedings underlying the Wellin Children's pending Petitions for a Writ of Certiorari and a Writ of Supersedeas, the trial court's recently filed Order also resolves any concerns raised by one of the primary arguments made by Respondents in opposition to the Wellin Children's Petitions. Specifically, Respondents argued the Wellin Children's Petitions were premature and/or moot because, according to Respondents, the Wellin Children's ability to seek such relief was stymied by the trial court's lengthy delay in ruling on the Motion for Reconsideration that the Wellin Children had filed out of an abundance of caution more than six months ago.<sup>2</sup> In light of the trial court's recent ruling, however, to the extent there was any question whether the Wellin Children's Petitions are ripe, timely filed, and ready for disposition—and, as explained in the Wellin Children's prior briefing, they are<sup>3</sup>—that question has now been answered, and Respondents' argument to the contrary has been mooted.

The Wellin Children's Petitions are properly before this Court awaiting rulings on their merits. The trial court has indicated it still intends to begin the truncated trial on severed claims in just six days, beginning on February 3, 2020, a trial that—as explained in the Wellin Children's prior filings with this Court—conflicts with the mandates of the Rules of Appellate Procedure, contradicts this Court's precedent, and would gravely prejudice the Wellin Children's substantive and procedural rights.

Accordingly, the Wellin Children file this Motion to Supplement the Appendix to clarify the procedural posture of the case, to confirm the ripeness of the pending Petitions, and to further establish the Petitions' readiness for this Court's disposition. Should this Motion be granted, the

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<sup>2</sup> See Respondents' Return to the Wellin Children's Petition for a Writ of Supersedeas at 4, 20; Wendy Wellin's (in her individual capacity) Return to the Wellin Children's Petition for a Writ of Certiorari at 3–4, 15.

<sup>3</sup> See Wellin Children's Reply in Support of their Petition for a Writ of Supersedeas at 9–10; Wellin Children's Reply in Support of their Petition for a Writ of Certiorari at 12–13.

Wellin Children will promptly compile, serve, and file a Supplemental Appendix as contemplated by Rule 212(c), SCACR.

Respectfully submitted,

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Greenville, South Carolina  
January 28, 2020

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# Exhibit A

STATE OF SOUTH CAROLINA

THE COURT OF COMMON PLEAS

COUNTY OF CHARLESTON

Civil Action No. 2014-CP-10-07038

Wendy C. H. Wellin,  
*Petitioner,*

vs.

Peter Wellin, Cynthia W. Plum and  
Marjorie W. King, Individually and as  
Co-Trustees and Beneficiaries of the  
Wellin Family 2009 Irrevocable Trust,  
u/a/b November 2, 2009,  
*Respondents and Counter- Petitioners*

ORDER DENYING MOTION TO  
RECONSIDER

vs.

Wendy C.H. Wellin, Invidiually and as  
Trustee of the Keith S. Wellin Florida  
Revocable Living Trust u/a/d December  
11, 2001, Hamilton College, Keith S.  
Wellin Florida Revocable Living Trust,  
Campbell Hard, and Heather Lane  
*Counter-Respondents.*

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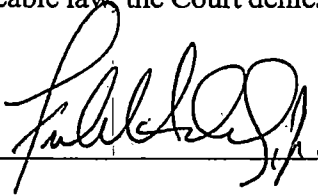
IN THE MATTER OF:  
Keith S. Wellin

THIS MATTER CAME BEFORE THE COURT on July 11, 2019 on the Wellin Children's Motion to Reconsider a prior order issued by the Court on July 2, 2019. The Court denied both motions for entry of default and granted both motions to set aside the motions for entry of default. The order also granted the Wellin Children's motion for continuance and included instructions for the parties to select two weeks to try the case in 2020.



WHEREAS the Court received the Wellin Children's motion, reconsidered the facts and the evidence in this matter as well as the applicable law, the Court denies the motion to reconsider.

**IT IS SO ORDERED.**



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Frank R. Addy, Jr.  
Circuit Court Judge  
Eighth Judicial Circuit

*January 22, 2020*  
N.P. July 16, 2019  
Edgefield, South Carolina

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Case No. 2014-CP-10-07038  
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Wendy C.H. Wellin, ..... Respondent,

v.

Peter Wellin, Cynthia W. Plum, and Marjorie W.  
King, Individually and as Co-Trustees and  
Beneficiaries of the Wellin Family 2009 Irrevocable  
Trust, u/a/b November 2, 2009, ..... Appellants/Petitioners,

v.

Wendy C.H. Wellin, Individually and as Trustee of  
the Keith S. Wellin Florida Revocable Living Trust  
u/a/d December 11, 2001, Hamilton College, Keith  
S. Wellin Florida Revocable Living Trust, Campbell  
Hart, and Heather Lane, ..... Respondents,

In the Matter of: Keith S. Wellin.

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**PROOF OF SERVICE**

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I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Peter Wellin, Cynthia Wellin Plum, and Marjorie Wellin King Individually and as Co-Trustees and Beneficiaries of the Wellin Family 2009 Irrevocable Trust, u/a/b November 2, 2009, do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

Pleadings:

**MOTION TO SUPPLEMENT THE APPENDIX**

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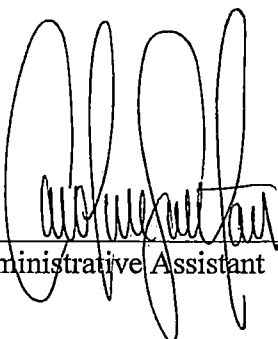
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January 28, 2020