

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM KERSHAW COUNTY
Court of Common Pleas

Robert E. Hood, Circuit Court Judge

Appellate Case No.: 2019-000624

Dottie R. Bell.....Appellant,

v.

John C. Bentley Respondent.

RECORD ON APPEAL

T. Jeff Goodwyn, Jr.
C. David Beale, Jr.
Goodwyn Law Firm, LLC
2519 Devine Street
Suite A
Columbia, SC 29205
(803) 251-4517
Attorneys for Appellant

Carrie Hailman O'Brien
Walker, Allen, Grice, Ammons &
Foy, L.L.P.
1819 Charlotte Drive
Suite 210
Charlotte, NC 28203
(704) 264-0159
Attorney for Respondent

RECEIVED
FEB 18 2020
SC Court of Appeals

INDEX FOR RECORD ON APPEAL

I. ORDERS/JUDGMENTS

Order for Appointment of Special Administrator filed August 14, 2018.....	1
Form 4 Order of DeAndrea G. Benjamin filed October 16, 2018.....	3
Order of R. E. Hood filed February 28, 2019.....	6

II. PLEADINGS

Summons and Complaint filed December 16, 2016.....	10
Defendant's Answer and Motion to Intervene filed April 18, 2017.....	16
Affidavit of Publication filed April 21, 2017.....	23
Proposed Order for Appointment of Special Administrator filed July 20, 2018.....	24
Application/Petition for Appointment of Special Administrator filed July 26, 2018.....	27
Motion to Substitute Bryan D. Caskey, Esquire as Personal Representative filed September 10, 2018.....	30
Motion to Substitute Bryan D. Caskey, Esquire as Personal Representative filed December 5, 2018.....	32
Acceptance of Service of Bryan D. Caskey, Esquire as Special Administrator filed March 7, 2019.....	34

III. TRANSCRIPTS

Transcript of Records dated October 15, 2018.....	35
Transcript of Record dated February 13, 2019.....	45

IV. EXHIBITS AND DOCUMENTS

Email between counsel dated January 25, 2018 and time stamped 3:26 p.m.....	59
Email between counsel dated January 25, 2018 and time stamped 5:03 p.m.....	60
Email between counsel dated January 26, 2018 and time stamped 1:44 p.m.....	61

Email between counsel dated January 26, 2018 and time stamped 10:48 a.m.....	62
Email between counsel dated January 26, 2018 and time stamped 12:36 p.m.....	63
Appellant's correspondence to Kershaw County Probate dated January 29, 2018.....	65
Appellant's letter to DHEC dated January 31, 2018.....	67
Appellant's list of all funeral homes contacted.....	70
Appellant's 10 letters to funeral homes in and surrounding Kershaw County dated February 1, 2018 through February 8, 2018.....	71
Appellant's Interrogatories to Respondence dated February 19, 2018.....	81
Appellant's letter to DHEC dated April 17, 2018.....	87
Appellant's FOIA Request to Lee County dated April 17, 2018.....	91
Email regarding Lee County Coroner's confirmation of Respondent's death dated April 17, 2018.....	95
Appellant's letter to Respondent requesting response to their February 19, 2018 Interrogatories dated April 25, 2018.....	96
Appellant's letter to DHEC requesting statement of Death dated May 16, 2018.....	97
Correspondence from DHEC with Statement of Death dated June 12, 2018.....	99
V. CERTIFICATE OF COUNSEL.....	100

STATE OF SOUTH CAROLINA

COUNTY OF KERSHAW

Re: Estate of John C. Bentley,

Dottie R. Bell,

Petitioner

IN THE PROBATE COURT

Civil Action No. 2018-ES-28-00314

ORDER FOR APPOINTMENT OF
SPECIAL ADMINISTRATOR

2018 AUG 14 PM 3:55

WHEREAS, the parties to the above captioned action have been involved in litigation regarding a motor vehicle accident that occurred on February 20, 2014 in a case in the Court of Common Pleas styled: Dottie R. Bell v. John C. Bentley, C/A#: 2016-CP-28-01087.

Respondent John C. Bentley passed away on July 27, 2016. To date, no estate has been opened on behalf of the Respondent, and

WHEREAS, the Petition is desirous to have a special administration appointed to represent the interests of the estate as they relate to this claim and any related claims as well as being substituted as the proper party defendant until a further order of the Kershaw County Probate Court. Counsel for Petitioner suggests the appointment of Bryan D. Caskey, Esquire, of Caskey & Imgrund as the Special Administrator for the Estate of John C. Bentley and Mr. Caskey has indicated that he is willing to serve as the Special Administrator.

THEREFORE, IT IS ORDERED that Bryan D. Caskey, Esquire shall serve as the Special Administrator for the Estate of John C. Bentley for the sole purpose of representing the estate to allow the Plaintiff, Dottie R. Bell, in Civil Action 2016-CP-28-01087 to seek damages up to policy limits of the liability and UIM Insurance available. Upon conclusion of the civil matter, Attorney Bryan D. Caskey shall file a copy of the final order so that his appointment can be terminated and the estate file closed.

db

A CERTIFIED COPY:

ATTEST

Bryan D. Caskey
PROBATE JUDGE
KERSHAW COUNTY, S. C.

IT IS SO ORDERED.

August 14, 2018
Camden, SC


The Honorable Debra B. Branham
Kershaw County Probate Judge

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF Kershaw
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2016CP2801087

Dottie R Bell
PLAINTIFF(S)

John C Bentley et al
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- ☐ JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ ACTION DISMISSED (CHECK REASON): ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled);
☐ Other
- ☐ ACTION STRICKEN (CHECK REASON): ☐ Rule 40(j), SCRCP; ☐ Bankruptcy;
☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
☐ Other
- ☐ STAYED DUE TO BANKRUPTCY
- ☐ DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):
☐ Affirmed; ☐ Reversed; ☐ Remanded;
☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☒ Statement of Judgment by the Court:

Plaintiff, Dottie Bell's Motion to Substitute Parties is denied, with leave granted to serve the Administrator of Defendant's Estate.

ORDER INFORMATION

This order ☐ ends ☒ does not end the case.

☐ See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 10/16/2018 .

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

ELECTRONICALLY FILED - 2018 Oct 16 2:47 PM - KERSHAW - COMMON PLEAS - CASE#2016CP2801087



Kershaw Common Pleas

Case Caption: Dottie R Bell VS John C Bentley , defendant, et al
Case Number: 2016CP2801087
Type: Order/Electronic Form 4

So Ordered

s/DeAndrea Gist Benjamin, #2161

Electronically signed on 2018-10-16 14:41:58 page 3 of 3

ELECTRONICALLY FILED - 2018 Oct 16 2:47 PM - KERSHAW - COMMON PLEAS - CASE#2016CP2801087

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF KERSHAW	)	Civil Action No.: 2016-CP-28-01087
	)	
Dottie R. Bell	)	
	)	
	)	
	)	<u>ORDER</u>
vs.	)	
	)	
John C. Bentley	)	
	)	
	)	
	)	
	)	
	)	

THIS MATTER, coming before the undersigned on the Plaintiff's Motion to Substitute Parties pursuant to South Carolina Rule of Civil Procedure 17(a), during the February 13, 2019 Civil Session in the Court of Common Pleas, the Honorable Robert E. Hood presiding, and with the Plaintiff being represented by the Goodwyn Law Firm, LLC, and the Defendant being represented by Carrie Hailman O'Brien of Walker, Allen, Grice, Ammons & Foy, LLP, the Court has reviewed the pleadings, the submissions of the parties, and the arguments of counsel.

IT APPEARING to the Court that the Plaintiff failed to substitute the party within a reasonable amount of time, the Plaintiff's Motion to Substitute Parties is denied. Specifically the Court finds as follows:

1. That Defendant died on July 26, 2016.
2. Upon learning during mediation on January 25, 2016 from the Plaintiff the insured, Dr. Peter McKoy was a veterinarian and has passed away, defense counsel realized she may know Dr. McKoy's children. During mediation, defense counsel reached out to Dr. McKoy's daughter-in-law, Kendall McKoy and she confirmed Dr. McKoy had in fact passed away and the Defendant was an acquaintance/employee of Dr. McKoy

- and Defendant was deceased. Defense counsel thereby notified the parties verbally during mediation of Defendant's passing.
3. Thereafter on January 25, 2018 defense counsel confirmed the news of Defendant's death to Plaintiff's counsel in writing.
 4. The date Plaintiff had knowledge of Defendant's death pursuant to South Carolina Rule of Civil Procedure 25(a)(1) was January 25, 2018.
 5. On January 26, 2018, defense counsel notified Plaintiff's counsel of Defendant's date of death, that he had no next of kin and no estate. And, thus a personal representative would need to be appointed or the equivalent on behalf of the Defendant.
 6. Plaintiff's counsel on or before January 30, 2018 acknowledged that he would proceed with having someone duly appointed on behalf of the Defendant.
 7. Plaintiff had Bryan D. Caskey, as Special Administrator for the Estate of John C. Bentley appointed on August 14, 2018.
 8. Plaintiff filed a Motion to Substitute the Parties on September 10, 2018 which was denied by the Court on October 16, 2018. However, leave was granted to serve the special administrator, which had never been completed.
 9. Bryan D. Caskey, as Special Administrator for the Estate of John C. Bentley accepted service of the Summons and Compliant on October 19, 2018.
 10. Pursuant to Rule 25(a)(1) a motion for substitution must be made within a reasonable amount of time after such knowledge of the death is obtained
 11. Pursuant to Rule 25(a)(1) the footnotes indicates the rule mirrors the Federal Rules of Civil Procedure which notes the substitution must be made in ninety (90) days.

12. A reasonable amount of time pursuant case law ranges from ninety (90) days and no more than 120 days. See, Panhorst v. Panhorst, 390 S.E.2d 376 (Ct. App. 1990); see also, Pressley v. Blackwell, 2005 S.C. App. Unpub. LEXIS 23.

IT IS ORDERED that the Plaintiff's Motion to Substitute Parties is hereby DENIED for failure to substitute parties within a reasonable amount of time based upon the totality of the circumstances and facts, the Rules of Civil Procedure, and the case law.

THIS THE _____ DAY OF FEBRUARY, 2019.

The Honorable Robert E. Hood



Kershaw Common Pleas

Case Caption: Dottie R Bell VS John C Bentley , defendant, et al
Case Number: 2016CP2801087
Type: Order/Substitution of Parties

So Ordered

s/ R.E. Hood #2164

Electronically signed on 2019-02-28 09:48:58 page 4 of 4

Dottie R. Bell,

Plaintiff(s)

vs.

John C. Bentley,

Defendant(s)

CIVIL ACTION COVERSHEET

2016-CP-28-1087

(Please Print)

Submitted By: T. Jeff Goodwyn, Jr.

Christopher J. Archer

Address: 2519 Devine Street, Suite A
Columbia, SC 29205

SC Bar #: 73789

101662

Telephone #: (803) 251-4500

Fax #: (803) 251-4500

Other:

E-mail: JGoodwyn@GoodwynLaw.com

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this cover sheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- ☒ JURY TRIAL demanded in complaint. ☐ NON-JURY TRIAL demanded in complaint.
☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is exempt from ADR (certificate attached).

NATURE OF ACTION (Check One Box Below)

- | | | | |
|--|---|--|--|
| Contracts
☐ Constructions (100)
☐ Debt Collection (110)
☐ Employment (120)
☐ General (130)
☐ Breach of Contract (140)
☐ Other (199) | Torts - Professional Malpractice
☐ Dental Malpractice (200)
☐ Legal Malpractice (210)
☐ Medical Malpractice (220)
☐ Notice/ File Med Mal (230)
☐ Other (299) | Torts - Personal Injury
☐ Assault/Slander/Libel (300)
☐ Conversion (310)
☐ Motor Vehicle Accident (320)
☐ Premises Liability (330)
☐ Products Liability (340)
☒ Personal Injury (350)
☐ Wrongful Death (360)
☐ Other (399) | Real Property
☐ Claim & Delivery (400)
☐ Condemnation (410)
☐ Foreclosure (420)
☐ Mechanic's Lien (430)
☐ Partition (440)
☐ Possession (450)
☐ Building Code Violation (460)
☐ Other (499) |
| Inmate Petitions
☐ PCR (500)
☐ Sexual Predator (510)
☐ Mandamus (520)
☐ Habeas Corpus (530)
☐ Other (599) | Judgments/Settlements
☐ Death Settlement (700)
☐ Foreign Judgment (710)
☐ Magistrate's Judgment (720)
☐ Minor Settlement (730)
☐ Transcript Judgment (740)
☐ Lis Pendens (750)
☐ Other (799) | Administrative Law/Relief
☐ Reinstate Driver's License (800)
☐ Judicial Review (810)
☐ Relief (820)
☐ Permanent Injunction (830)
☐ Forfeiture (840)
☐ Other (899) | Appeals
☐ Arbitration (900)
☐ Magistrate-Civil (910)
☐ Magistrate-Criminal (920)
☐ Municipal (930)
☐ Probate Court (940)
☐ SCDOT (950)
☐ Worker's Comp (960)
☐ Zoning Board (970)
☐ Administrative Law Judge (980)
☐ Public Service Commission (990)
☐ Employment Security Comm (991)
☐ Other (999) |
| Special/Complex /Other
☐ Environmental (600)
☐ Automobile Arb. (610)
☐ Medical (620)
☐ Other (699) | | | |
| ☐ Pharmaceuticals (630)
☐ Unfair Trade Practices (640)
☐ Out-of State Depositions (650) | | | |

Submitting Party Signature:

Date: December 13, 2016

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

FOR MANDATED ADR COUNTIES ONLY
Florence, Horry, Lexington, Richland, Greenville and Anderson

SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.

You are required to take the following action(s):

1. The parties shall select a neutral and file a "Proof of ADR" form on or by the 210th day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.
2. The initial ADR conference must be held within 300 days after the filing of the action.
3. Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the "Notice of Intent to File Suit" or as the court directs. (Medical malpractice mediation is mandatory statewide.)
4. Cases are exempt from ADR only upon the following grounds:
 - a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
 - b. Requests for temporary relief;
 - c. Appeals
 - d. Post Conviction relief matters;
 - e. Contempt of Court proceedings;
 - f. Forfeiture proceedings brought by governmental entities;
 - g. Mortgage foreclosures; and
 - h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.
5. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.
6. Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference has been concluded.

**Please Note: You must comply with the Supreme Court Rules regarding ADR.
Failure to do so may affect your case or may result in sanctions.**

STATE OF SOUTH CAROLINA)
)
COUNTY OF KERSHAW)
)
Dottie R. Bell,)
)
)
)
Plaintiff,)
)
v.)
)
John C. Bentley,)
)
)
Defendant.)

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

Civil Action No.:

2016-CP-28-1087

SUMMONS

FILED FOR RECORD
2016 DEC 16 AM 10:22
JOYCE McDONALD
CLERK OF COURT
KERSHAW COUNTY, S.C.

TO THE ABOVE-NAMED DEFENDANT:

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, a copy of which is herewith served on you, and to serve a copy of your Answer to said Complaint upon the subscriber at his office at 2519 Devine Street, Suite A, Columbia, South Carolina, 29205, within thirty (30) days of the date of service, exclusive of the day of such service; if you fail to answer the said Complaint within the time aforesaid, the Plaintiff in this action will apply to the Court for the said relief demanded in the Complaint.

This 13TH day of December, 2016.

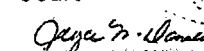
GOODWYN LAW FIRM, LLC



T. Jeff Goodwyn, Jr.
Christopher J. Archer
2519 Devine Street
Suite A
Columbia, SC 29205
(803) 251-7517
(803) 251-7527 (f)
JGoodwyn@Goodwynlaw.com
Attorneys for Plaintiff

Columbia, South Carolina

ATTEST True, Correct & Certified
Copy of Original on File in this
Court


Clerk of Court Kershaw County

STATE OF SOUTH CAROLINA
COUNTY OF KERSHAW

Dottie R. Bell,

Plaintiff,

v.

John C. Bentley,

Defendant.

IN THE COURT OF COMMON PLEAS

Civil Action No.:

2016-CP-28-1087

COMPLAINT
(Jury Trial Requested)

FILED FOR RECORD
2016 DEC 16 AM 10:25
JOYCE McDONALD
CLERK OF COURT
KERSHAW COUNTY, S.C.

COMES NOW, Plaintiff, Dottie R. Bell, complaining of the Defendant above-named and would respectfully show unto the Court, the following:

1. Plaintiff is a South Carolina resident.
2. Defendant John C. Bentley (hereafter "Bentley") is, upon information is a South Carolina resident at 1581 Fort Jackson Road, Lugoff, South Carolina 29078 and is subject to the jurisdiction of this Court.
3. Venue is proper in Kershaw County.
4. On or about February 20, 2014 at approximately 12:25 p.m., Plaintiff was traveling west on York Street near the intersection of Ehrenclou Drive near Camden, South Carolina.
5. At the same date and time Defendant Bentley, was traveling west on York Street near the intersection of Ehrenclou Drive near Camden, South Carolina.
6. At the same date and time the vehicle driven by Defendant Bentley collided with the rear-end of the vehicle occupied by Plaintiff.
7. As a direct and proximate cause of the above-mentioned collision, Plaintiff suffered bodily injury.

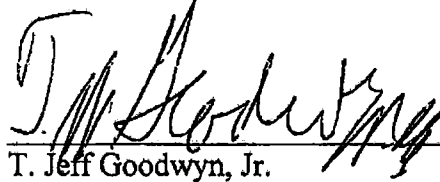
FOR A FIRST CAUSE OF ACTION
(Negligence)

8. The preceding allegations are incorporated herein as if repeated verbatim.
9. Defendant Bentley, traveling too fast for conditions, carelessly and negligently collided with the rear-end of the vehicle operated by Plaintiff.
10. Defendant Thacker was negligent, grossly negligent, careless and reckless, in the above-mentioned accident in the following particulars:
 - a. In failing to maintain a proper lookout;
 - b. In failing to maintain proper control of his vehicle;
 - c. In following too close in violation of S.C. Code Ann. § 56-5-1930 which is negligence per se;
 - d. In traveling too fast for conditions in violation of S.C. Code Ann. § 56-5-1520 which is negligence per se;
 - e. In such other and further ways as to be proved at trial.
11. The aforesaid acts of Defendant Bentley were the direct and proximate cause of the damages suffered by Plaintiff, and Defendant Bentley is liable for the damages caused by his negligence.

WHEREFORE, Plaintiff requests a jury trial and prays for judgment against the Defendant, for all actual damages and punitive damages in an amount to be determined at trial plus all such other damages found to be fair and reasonable as determined by this Court.

- signature page to follow -

GOODWYN LAW FIRM, LLC



T. Jeff Goodwyn, Jr.

Christopher J. Archer

2519 Devine Street

Suite A

Columbia, SC 29205

(803) 251-7517

(803) 251-7527 (f)

JGoodwyn@Goodwynlaw.com

Attorneys for Plaintiff

Columbia, South Carolina

December 13, 2016

STATE OF SOUTH CAROLINA

COUNTY OF KERSHAW

Dottie R. Bell

Plaintiff,

vs.

John C. Bentley

Defendant.

IN THE COURT OF COMMON PLEAS
JUDICIAL CIRCUIT

CASE NO.: 2016-CP-28-01087

MOTION AND ORDER INFORMATION
FORM AND COVERSHEET

FILED FOR RECORD
2017 APR 18 AM 8:57
JAMES E. PASTY
CLERK OF COURT
KERSHAW COUNTY, S.C.

Plaintiff's Attorney:

T. Jeff Goodwyn, Jr., Bar No.

Address:

2519 Devine Street, Ste A.

Columbia, SC 29205

Phone: (803) 251-4517 Fax (803) 251-4527

E-mail: jgoodwyn@goodwynlaw.com

mbush@goodwynlaw.com Other:

Defendant's Attorney:

Carrie Hailman O'Brien Bar No. 68540

Address:

6701 Carmel Road, Suite 475

Charlotte, NC 28226

Phone: (704) 247-9679 Fax (704) 544-1719

E-mail: chobrien@wjlaw.net Other:

☒ MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)

☐ FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)

☐ PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)

SECTION I: Hearing Information

Nature of Motion: Motion to Intervene

Estimated Time Needed: 15 min Court Reporter Needed: ☐ YES/☒ NO

SECTION II: Motion/Order Type

☐ Written motion attached

☐ Form Motion/Order

I hereby move for relief or action by the court as set forth in the attached proposed order.

Signature of Attorney for ☐ Plaintiff/☒ Defendant Date submitted

SECTION III: Motion Fee

☒ PAID - AMOUNT: \$ 25.00

☐ EXEMPT:

(check reason)

☐ Rule to Show Cause in Child or Spousal Support

☐ Domestic Abuse or Abuse and Neglect

☐ Indigent Status ☐ State Agency v. Indigent Party

☐ Sexually Violent Predator Act ☐ Post-Conviction Relief

☐ Motion for Stay in Bankruptcy

☐ Motion for Publication ☐ Motion for Execution (Rule 69, SCRPC)

☐ Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions

Name of Court Reporter:

☐ Other:

JUDGE'S SECTION

☐ Motion Fee to be paid upon filing of the attached order.

☐ Other: _____

JUDGE CODE

Date:

CLERK'S VERIFICATION

Collected by: _____ Date Filed:

☐ MOTION FEE COLLECTED: \$

☐ CONTESTED - AMOUNT DUE: \$

STATE OF SOUTH CAROLINA

COUNTY OF KERSHAW

Dottie R. Bell

vs.

John C. Bentley

Plaintiff,

Defendant.

IN THE COURT OF COMMON PLEAS

C/A No.: 2016-CP-28-01087

DEFENDANT'S ANSWER AND MOTION
TO INTERVENE
(JURY TRIAL DEMANDED)

FILED FOR RECORD
2017 APR 18 AM 8:57
JAMES C. HASTY
CLERK OF COURT
KERSHAW COUNTY, S.C.

NOW COMES Progressive Insurance Company's insured, Peter McCoy, pursuant to Rule 24 of the South Carolina Rules of Civil Procedure makes this Motion to Intervene in the above referenced lawsuit. In support of this Motion, Progressive Insurance Company says and alleges that it has a policy of insurance payable for the benefit of Peter McCoy and John C. Bentley in the above referenced case which may have coverage which could be affected by the outcome of this litigation. Progressive notes Defendant Bentley not in communication with Progressive Insurance Company and as such Progressive Insurance Company has no way to protect its financial interests without this Motion being granted.

WHEREFORE, Progressive Insurance Company respectfully requests of the Court that this Motion to Intervene be allowed.

FURTHER ANSWER AND FOR A FIRST DEFENSE

1. Admitted upon information and belief.
2. Denied.

3. Admitted.

4. Admitted.

5. Admitted.

6. It is admitted at the same time and place, The Defendant made contact with the rear of the Plaintiff's vehicle. Except as specifically admitted herein; denied.

7. Denied.

FOR A FIRST CAUSE OF ACTION
(Negligence)

8. The Defendant incorporates and re-alleges Paragraphs 1-7 as fully set forth herein.

9. Denied.

10. Denied.

FOR A SECOND DEFENSE

The Summons and Complaint fail to state facts sufficient to state a cause of action.

FOR A THIRD DEFENSE

The Defendants would allege that upon information and belief that the claims of the Plaintiff are barred or partially barred by virtue of the Plaintiff's failure to mitigate Plaintiff's alleged damages.

FOR A FOURTH DEFENSE

If the Defendant is found negligent in this matter which has been denied above, and is herein denied again, then the Defendant alleges that such negligence would not have resulted in any injury to a person of ordinary susceptibility, and the Defendant hereby pleads that the Plaintiff's peculiar susceptibility to the alleged injuries bars them from recovery in this action.

FOR A FIFTH DEFENSE

Punitive damages are unconstitutional fifth (5th), eighth (8th) and fourteenth (14th) amendments of the United States Constitution and some of the provisions of the South Carolina Constitution.

WHEREFORE, having truly answered the Complaint of the Plaintiff, Defendant prays that the complaint be dismissed, with costs assessed to Plaintiff, and for such and further relief as the Court may deem proper.

THIS THE 13TH DAY OF APRIL, 2017.

Willson Jones Carter & Baxley, P.A.

Caroline M. Hieser for CHO
Carrie Hailman O'Brien
S.C. Bar No.: 68540
Email: chobrien@wjlaw.net
6701 Carmel Road, Suite 475
Charlotte, NC 28226
(704) 247-9679 (phone)
(704) 544-1719 (fax)

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Motion To Intervene and Defendant's Answer to Plaintiffs' Complaint was served upon all counsel of Record as follows:

- ☒ as an attachment to an electronic correspondence
- ☒ by depositing a copy of the same in an official depository of the United States mail in a postage-paid envelope
- ☐ via facsimile, or
- ☐ by hand delivery

addressed as follows:

T. Jeff Goodwyn, Jr., Esquire
Goodwyn Law Firm, LLC
2519 Devine Street, Ste A.
Columbia, SC 29205
(803) 251-4517/(803) 251-4527 (F)
Attorney for Plaintiff
Dottie R. Bell

FILED FOR RECORD
2017 APR 18 AM 8:57
JAMES J. HASTY
CLERK OF COURT
KERSHAW COUNTY, S.C.

This the 13th day of April, 2017.

Caroline M. Gieser for
Carrie Hailman O'Brien CHO

STATE OF SOUTH CAROLINA

COUNTY OF KERSHAW

Dottie R. Bell

Plaintiff,

vs.

John C. Bentley

Defendant.

IN THE COURT OF COMMON PLEAS

Civil Action No.: 2016-CP-28-01087

DEFENDANT'S OFFER OF JUDGMENT

FILED FOR RECORD
17 APR 18 AM 8:57
JACOB C. HASTON
CLERK OF COURT
KERSHAW COUNTY, SC

COMES NOW Defendant and pursuant to Rule 68 of the South Carolina Rules of Civil Procedure, more than ten (10) days before the trial of this action, and offer to allow judgment to be taken against Defendants in the lump sum of Eight Thousand Nine Hundred and Nine and No/100 Dollars (\$8,909.00) for all damages, attorneys' fees taxable as costs, interest, and the remaining costs accrued at the time this Offer is served. This Offer is made for the purpose set out in South Carolina Rule 68(a), and for no other purpose.

THIS THE 13TH DAY OF APRIL, 2017.

Willson Jones Carter & Baxley, P.A.

Caroline M. Hines ^{for} CHO

Carrie Hailman O'Brien

Email: chobrien@wjlaw.net

6701 Carmel Road, Suite 475

Charlotte, NC 28226

(704) 247-9679(phone)

(704) 544-1719 (fax)

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing document, Defendant's Offer of Judgment, was served upon all counsel of Record:

- ☒ as an attachment to an electronic correspondence
- ☒ by depositing a copy of the same in an official depository of the United States mail in a postage-paid envelope
- ☐ via facsimile, or
- ☐ by hand delivery

addressed as follows:

T. JEFF GOODWYN, JR., ESQUIRE
GOODWYN LAW FIRM, LLC
2519 DEVINE STREET, STE A.
COLUMBIA, SC 29205
(803) 251-4517/(803) 251-4527 (F)

FILED FOR RECORD
2017 APR 18 AM 8:57
JAMES B. EASTY
CLERK OF COURT
KERSHAW COUNTY, S.C.

This the 13TH day of APRIL, 2017.

Caroline M. Gresser for
CARRIE HAILMAN O'BRIEN CHO

Chronicle-Independent

STATE OF SOUTH CAROLINA
COUNTY OF KERSHAW

Personally appeared before me, a Notary Public, in and for said State and County, Michael Mischnor, who being duly sworn according to law deposes and says that he is publisher of the Chronicle-Independent, a newspaper published each week in said county, and who further deposes that the Notice, a true copy of which is hereto affixed, was published by and for:

Bell vs. Bently

in the issues dated 2/3 - 2/10 - 2/17

FILED FOR RECORD

2017 APR 21 AM 11:35

JANET C. HASTY
CLERK OF COURT
KERSHAW COUNTY, S.C.

M. W.
Publisher

Subscribed and sworn to before me this

14 day of April, 20 17
Nancy W. Wilson

Notary Public for South Carolina

My commission expires: 10-29-2025

IN THE COURT OF COMMON PLEAS
Civil Action No. 2016-CP-25-1087

SUMMONS

STATE OF SOUTH CAROLINA

COUNTY OF KERSHAW

Dottie R. Bell,

Plaintiff,

vs.

John C. Bently,

Defendant.

TO THE DEFENDANT(S) ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Amended Complaint in this action, a copy of which is herewith served on you and to serve a copy of your Answer to said Complaint upon the subscriber of this office, 2519 Devine Street, Suite A, Columbia, South Carolina, 29205, within thirty (30) days of the date of service, exclusive of the day of such service. If you fail to answer the said Complaint within the time aforesaid, the Plaintiff in this action will apply to the Court for the said relief demanded in the Complaint.

NOTICE IS HEREBY GIVEN that the original Summons and Complaint in this action was filed in the Kershaw County Court of Common Pleas on December 16, 2016.

T. Jeff Goodwyn, Jr., Esquire
Christopher J. Archer, Esquire
GOODWYN LAW FIRM, LLC
2519 Devine Street, Suite A
Columbia, South Carolina 29205
(803) 251-4517

TGoodwyn@GoodwynLaw.com
ATTORNEY FOR PLAINTIFF
Columbia, South Carolina
January 25, 2017

2017/01/25/17

GOODWYN LAW FIRM, LLC

T. Jeff Goodwyn, Jr.*
Christopher J. Archer

Reply to:
2519 Devine Street
Suite A
Columbia, South Carolina 29205

111-B Congress Street
Winnsboro, South Carolina 29180

Tel. (803) 251-4517 (Columbia)
Fax (803) 251-4527

Tel. (803) 635-1920 (Winnsboro)
Fax (803) 635-2100

Email: Contact@Goodwynlaw.com
Web: www.GoodwynLaw.com

*Also Licensed in Georgia

July 20, 2018

The Honorable Debra B. Branham
Kershaw County Probate Court
1121 Broad Street, Room 225
Camden, SC 29020

RE: Dottie R. Bell v. John C. Bentley (Deceased)
Civil Action No.: 2016-CP-28-01087
Our File No.: 8000-0260

Dear Judge Branham:

Please find enclosed for your consideration an original and one copy of a proposed Order for Appointment of Special Administrator in regard to the above referenced matter. Should this Order meet with your approval, please sign same and return to me in the self-addressed stamped envelope provided and I will file it with the Court.

By copy of this letter to all parties' counsel, I am providing them with a copy of same.

Thank you and should you have any questions, please do not hesitate to contact me.

Sincerely,


T. Jeff Goodwyn, Jr.

TJG/msb
Enclosures

cc: Carrie Hailman O'Brien, Esquire
H. Thomas Morgan, Jr., Esquire



STATE OF SOUTH CAROLINA

COUNTY OF KERSHAW

Re: Estate of John C. Bentley,

Dottie R. Bell,

Petitioner

IN THE PROBATE COURT

Civil Action No. _____

**ORDER FOR APPOINTMENT OF
SPECIAL ADMINISTRATOR**

WHEREAS, the parties to the above captioned action have been involved in litigation regarding a motor vehicle accident that occurred on February 20, 2014 in a case in the Court of Common Pleas styled: Dottie R. Bell v. John C. Bentley, C/A#: 2016-CP-28-01087. Respondent John C. Bentley passed away on July 27, 2016. To date, no estate has been opened on behalf of the Respondent, and

WHEREAS, the Petitioner is desirous to have a special administrator appointed to represent the interests of the estate as they relate to this claim and any related claims as well as being substituted as the proper party defendant until a further order of the Kershaw County Probate Court. Counsel for Petitioner suggests the appointment of Bryan D. Caskey, Esquire, of Caskey & Imgrund as the Special Administrator for the Estate of John C. Bentley and Mr. Caskey has indicated that he is willing to serve as the Special Administrator.

THEREFORE, IT IS ORDERED that Bryan D. Caskey, Esquire shall serve as the Special Administrator for the Estate of John C. Bentley for the purposes of representing the estate for this claim and any related claims until a further order of the Kershaw County Probate Court. Mr. Caskey as the Special Administrator is to record his time and expenses, and such record shall be submitted to this Court for approval and payment.

IT IS SO ORDERED!

The Honorable Debra B. Branham
Presiding Judge
Kershaw County Probate Court

ELECTRONICALLY FILED - 2019 Mar 07 8:10 AM - KERSHAW - COMMON PLEAS - CASE#2016CP2801087

STATE OF SOUTH CAROLINA

COUNTY OF KERSHAW

IN THE MATTER OF:
JOHN CARL BENTLEY, JR.
(Decedent)

IN THE PROBATE COURT

APPLICATION/PETITION FOR APPOINTMENT
OF SPECIAL ADMINISTRATOR

CASE NUMBER:

***COMPLETE THIS SECTION ONLY IF FILING
PETITION FOR SPECIAL ADMINISTRATOR**

*DOTTIE BELL,
Petitioner(s)

vs.

*JOHN CARL BENTLEY, JR.,
Respondent(s)

DEPT. OF PROBATE
CLERK
JUL 26 2018
KERSHAW COUNTY, S.C.

2018 JUL 26 PM 1:12

FILED

☒ INFORMAL

☐ *FORMAL

Appointment of a Special Administrator is requested:

INFORMAL PROCEEDING:

- ☐ to protect the Estate of Decedent prior to the appointment of a general Personal Representative.
- ☐ to safeguard Estate assets until a Successor Personal Representative is appointed due to the death or disability of _____, the previously appointed Personal Representative.
- ☒ to enforce a creditor's security interest upon property of the Estate or to institute proceedings to establish the Decedent's liability to the extent of the limits of insurance protection only.
- ☐ to take appropriate actions involving Estate assets, specifically: _____.
- ☐ to obtain medical, tax, or other confidential records, specifically: _____.
- ☐ to gain access to and take possession of any Wills, deeds to cemetery plots, and insurance policies, or other Estate related documents in Decedent's safe deposit box located at: _____.
- ☐ Other: _____.

FORMAL PROCEEDING:

- ☐ Appointment of a Special Administrator is requested to preserve the Estate and to secure the Estate and to secure the Estate's proper administration because: _____.
- ☐ Other: _____.

***NOTE: IF THIS IS A FORMAL PROCEEDING, IN ADDITION TO A PETITION, YOU MUST ALSO FILE
A SUMMONS (FORM SCCA 401PC) AND PAY THE STATUTORY FILING FEE OF \$150.00.
A HEARING IN THE PROBATE COURT ON THE PETITION MAY BE REQUIRED.**

VERIFICATION

The undersigned, being sworn, states that the facts set forth in the foregoing statements are true to the best of the undersigned's knowledge, information and belief, and hereby submits to the Court's jurisdiction in this matter.

SWORN to before me this

26 day
of

June

2018

Man J Bush

Notary Public for South Carolina

My Commission Expires: 10-19-2019

Signature:

T. Jeff Goodwyn, Jr.

Print Name:

T. JEFF GOODWYN, JR.

Address:

2519 DEVINE STREET, SUITE A

COLUMBIA, SC 29205

Telephone (Work):

(803) 251-4517

(Home):

(Cell):

Email:

JGOODWYN@GOODWYNLAW.COM

Relationship to Decedent/Estate:

Attorney for Petitioner Dottie Bell

ORDER FOR HEARING

IT IS HEREBY ORDERED that a hearing on this matter be set for:

DATE: _____

TIME: _____

PLACE: _____

Pursuant to SCPC 62-1-401, Petitioner is ordered to give notice of this hearing to all interested persons at least twenty (20) days prior to the hearing date.

Executed this _____ day of _____, 20____

_____, Probate Court Judge

ORDER OF APPOINTMENT

IT IS HEREBY ORDERED that the above application/petition for appointment of Special Administrator in the above estate be

☐ GRANTED ☐ DENIED as follows:

RESTRICTIONS: _____

Executed this _____ day of _____, 20____

_____, Probate Court Judge

QUALIFICATION AND STATEMENT OF ACCEPTANCE

I accept appointment and agree to perform the duties and discharge the trust of the office of Special Administrator of the foregoing Estate and submit to the jurisdiction of the Court in this matter.

Signature: _____

Print Name: _____

Address: _____

Telephone (Work): _____

(Home): _____

(Cell): _____

Email: _____

Attorney: _____

Address: _____

Telephone: _____

Email: _____

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF KERSHAW)

Dottie R. Bell,) Civil Action No.: 2016-CP-28-1087
))

Plaintiff,)

vs.)

John C. Bentley,)

Defendant.)

**MOTION TO SUBSTITUTE BRYAN D.
CASKEY, ESQUIRE AS PERSONAL
REPRESENTATIVE OR REAL PARTY
IN INTERST FOR DEFENDANT**

**TO: CARRIER HAILMAN O'BRIEN, ESQUIRE, ATTORNEY FOR DEFENDANT AND
H. THOMAS MORGAN, JR., ESQUIRE, ATTORNEY FOR STATE FARM MUTUAL
AUTOMOBILE INSURANCE COMPANY AS UIM CARRIER:**

COMES NOW, Plaintiff, pursuant to Rule 17(a) of the South Carolina Rules of Civil Procedure and moves this honorable court for an order substituting Bryan D. Caskey, Esquire as the Personal Representative or real party in interest, for the Defendant and shows the court the following:

1. Plaintiff filed this action December 13, 2016.
2. Defendant was served by publication on February 17, 2017. (Affidavit of Publication filed with the Court on April 21, 2017).
3. It has since been discovered that Defendant has died and no estate has been opened in the Kershaw County.
4. Bryan D. Caskey, Esquire has been named the Special Administrator of Defendant's estate as of August, 14, 2018 for the purposes of representing the estate for the purposes of this suit.
5. Pursuant to S.C.R.C.P. 17(a), all cases must be brought in the name of the real party in interest, which in this case would be the Special Administrator of the Estate of John C.

Bentley, Bryan D. Caskey.

WHEREFORE, Plaintiff respectfully requests that the court issue an order substituting Bryan D. Caskey, Special Administrator, as the real party in interest for Defendant.

Respectfully submitted:

GOODWYN LAW FIRM, LLC

s/T. Jeff Goodwyn, Jr.
T. Jeff Goodwyn, Jr., Esquire
Christopher J. Archer, Esquire
2519 Devine Street
Suite A
Columbia, South Carolina 29205
(803) 251-4517
(803) 251-4527 (f)
JGoodwyn@Goodwynlaw.com
Attorneys for Plaintiff

Columbia, South Carolina

September 10, 2018

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF KERSHAW)

Dottie R. Bell,) Civil Action No.: 2016-CP-28-1087
))
Plaintiff,)
))
vs.) **MOTION TO SUBSTITUTE BRYAN D.
CASKEY, ESQUIRE AS PERSONAL
REPRESENTATIVE OR REAL PARTY
IN INTERST FOR DEFENDANT**
John C. Bentley,)
))
Defendant.)

**TO: CARRIER HAILMAN O'BRIEN, ESQUIRE, ATTORNEY FOR DEFENDANT AND
H. THOMAS MORGAN, JR., ESQUIRE, ATTORNEY FOR STATE FARM MUTUAL
AUTOMOBILE INSURANCE COMPANY AS UIM CARRIER:**

COMES NOW, Plaintiff, pursuant to Rule 17(a) of the South Carolina Rules of Civil Procedure and moves this honorable court for an order substituting Bryan D. Caskey, Esquire as the Personal Representative or real party in interest, for the Defendant and shows the court the following:

1. Plaintiff filed this action December 13, 2016.
2. Defendant was served by publication on February 17, 2017. (Affidavit of Publication filed with the Court on April 21, 2017).
3. It has since been discovered that Defendant has died and no estate has been opened in Kershaw County.
4. Bryan D. Caskey, Esquire has been named the Special Administrator of Defendant's estate as of August 14, 2018 for the purposes of representing the estate in this matter.
5. Bryan D. Caskey, Esquire was properly served with both the Summons and Complaint as evidenced by the Acceptance of Service filed October 19, 2018.
6. Pursuant to S.C.R.C.P. 17(a), all cases must be brought in the name of the real party in

interest, which in this case would be the Special Administrator of the Estate of John C. Bentley, Bryan D. Caskey.

WHEREFORE, Plaintiff respectfully requests that the court issue an order substituting Bryan D. Caskey, Special Administrator, as the real party in interest for Defendant.

Respectfully submitted:

GOODWYN LAW FIRM, LLC

s/T. Jeff Goodwyn, Jr.

T. Jeff Goodwyn, Jr., Esquire

2519 Devine Street

Suite A

Columbia, South Carolina 29205

(803) 251-4517

(803) 251-4527 (f)

JGoodwyn@Goodwynlaw.com

Attorney for Plaintiff

Columbia, South Carolina
December 5, 2018

STATE OF SOUTH CAROLINA
COUNTY OF KERSHAW

) IN THE COURT OF COMMON PLEAS
) FIFTH JUDICIAL CIRCUIT
)

Dottie R. Bell,

Plaintiff,

vs.

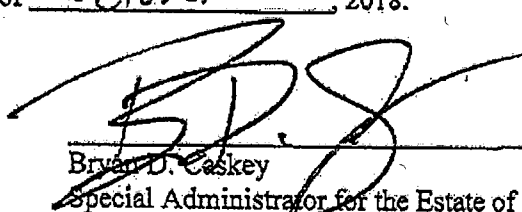
John C. Bentley,

Defendant.

Civil Action No.: 2016-CP-28-01087

ACCEPTANCE OF SERVICE

The undersigned, Bryan D. Caskey, as Special Administrator for the Estate of John C. Bentley, hereby accepts service of the filed Summons and Complaint in connection with the above captioned matter this 19th day of October, 2018.


Bryan D. Caskey

Special Administrator for the Estate of John C. Bentley

EXHIBIT

11

1 STATE OF SOUTH CAROLINA

2 COUNTY OF KERSHAW

) COURT OF COMMON PLEAS
) 2016-CP-28-1087

3
4 Dottie R. Bell,

5 Plaintiff,

6 vs.

7 John C. Bentley,

8 Defendant.

)
)
) TRANSCRIPT OF RECORD
)
)
)

9 October 15, 2018
10 Camden, South Carolina

11
12
13 B E F O R E:

14 THE HONORABLE DEANDREA G. BENJAMIN, JUDGE.
15
16

17 A P P E A R A N C E S:

18 CHRISTOPHER J. ARCHER, ESQ.
19 THOMAS JEFFERSON GOODWYN, JR., ESQ.
Attorneys for the Plaintiff

20 CARRIE H. O'BRIEN, ESQ.
21 Attorney for the Defendant
22
23
24

25 DEBORAH M. McCURDY, RPR
Official Court Reporter

DOTTIE BELL V. JOHN BENTLEY

I N D E X O F W I T N E S S E S

(WHEREUPON, no witnesses were called
during these proceedings.)

E X H I B I T S

(WHEREUPON, no exhibits were introduced
during these proceedings.)

OCTOBER 15, 2018

(WHEREUPON, the proceedings began at
9:42 a.m.)

MR. ARCHER: Chris Archer, here in place of
Jeff Goodwyn, for the Plaintiff, Dottie Bell. This
is our motion to substitute Bryan Caskey as the
real party in interest, or Bryan Caskey as the
special administrator for the estate of John
Bentley as the real party in interest.

This case was filed back in December of 2016,
and we were unable to locate the Defendant. He was
properly served by publication. There should be an
affidavit of service in the Court's file from
April 21st of 2017.

After we obtained service on the Defendant, it
was discovered that he had since died. And so we
filed a motion to have Mr. Caskey appointed as the
special administrator of his estate. That was
granted. There was an order issued on August 14th
of 2018. And we are here today simply asking that
the special administrator of his estate be
substituted as the real party in interest pursuant
to Rule 17.

THE COURT: Any objection?

MS. O'BRIEN: Yes, Your Honor. Good morning.

DOTTIE BELL V. JOHN BENTLEY

1 Carrie O'Brien.

2 Your Honor, I think we are getting the cart
3 before the horse. And the issue in this case is
4 that Mr. Bentley was dead before he was ever served
5 by publication. And whenever he was served by
6 publication, it was done incorrectly, because once
7 he is dead, the only way he can be served by
8 publication is if you serve the estate or someone
9 that is representing him on his behalf.

10 And it is our position that the Plaintiff knew
11 or should have known before this case was filed in
12 2016, December of 2016, in fact, he had died before
13 that. The only way the Defendants found out about
14 it -- we filed a motion to intervene on behalf of
15 the insurance company -- is because, crazy enough,
16 my sister grew up with Mr. McCoy, who owned the
17 vehicle that Mr. Bentley was driving. So my sister
18 grew up with Mr. -- Dr. McCoy, who lived in Kershaw
19 all of his life, grew up with his daughter-in-law.

20 And so the entire time we had been saying that
21 Mr. Bentley has been passed away, he was not alive.
22 There is no way that they could have properly
23 obtained service on him through publication. We
24 filed a motion to dismiss pursuant to 12(b)(6). I
25 filed a motion to intervene. And none of those

1 motions have been heard.

2 When they got him appointed -- someone
3 appointed on his behalf, we were not privy to that
4 motion, we were not noticed regarding that motion,
5 and so, Your Honor, we are going to object to now,
6 over two years after the fact, coming in and trying
7 to substitute a real party in interest whenever
8 they have not properly served him.

9 MR. ARCHER: Judge, we have an order to serve
10 it by publication, and obviously the Court at some
11 point thought that we had done a due diligent
12 search to find Mr. Bentley. I'm not aware of when
13 the representation was made that he was deceased.
14 I don't believe that it was before we obtained
15 service on him. I'm not sure how we were supposed
16 to know that he was deceased. We made an effort to
17 find him, were unable to do so. We made that
18 representation to the Court, and the Court
19 determined that we were able to serve him by
20 publication. He has been served. We are simply
21 here asking the Court to substitute the
22 administrator of his estate as the party.

23 MS. O'BRIEN: And, Your Honor, the Court
24 didn't know that he was passed away. So the whole
25 point is, is you can't serve someone via

1 publication that is already dead. You have to
2 serve an estate or someone acting on their behalf.

3 THE COURT: So have you since served the
4 estate?

5 MS. O'BRIEN: No.

6 MR. ARCHER: No. There has only been the
7 affidavit of service by publication. We are asking
8 that Bryan Caskey, I guess once he is appointed as
9 the special administrator, which has already been
10 done, and substituted as a party, he can then be
11 served, he can accept service for the Defendant.

12 THE COURT: I think you have got to serve him
13 first. You have to serve him first and then
14 substitute him as a party.

15 MR. ARCHER: Okay.

16 THE COURT: If he is already -- he is the PR
17 of the estate?

18 MR. ARCHER: He is the special administrator.

19 THE COURT: Okay.

20 MS. O'BRIEN: I agree with that, Your Honor.

21 THE COURT: All right. I will grant you leave
22 to serve the PR -- the administrator of the estate.
23 Then you will have to come back and substitute him
24 as a party. But you have to serve him first.

25 MR. ARCHER: Okay.

1 THE COURT: All right. Thank you.

2 MS. O'BRIEN: Thank you, Your Honor.

3 (WHEREUPON, the proceedings were
4 concluded at 9:46 a.m.)
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

(END OF TRANSCRIPT)

CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA

COUNTY OF KERSHAW

)
)
)

I, Deborah M. McCurdy, Official Court Reporter for the Fifth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of Common Pleas for Kershaw County, South Carolina, on the 15th day of October, 2018.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

March 12, 2019

s/Deborah M. McCurdy, RPR

Deborah M. McCurdy, RPR
Fifth Circuit Court Reporter

MR. ARCHER: [6] 3/3 5/8 6/5 6/14 6/17 6/24 MS. O'BRIEN: [5] 3/24 5/22 6/4 6/19 7/1 THE COURT: [7] 3/23 6/2 6/11 6/15 6/18 6/20 6/25	can [3] 4/7 6/10 6/11 can't [1] 5/25 captioned [1] 8/13 CAROLINA [5] 1/1 1/9 8/4 8/10 8/14 CARRIE [2] 1/20 4/1 cart [1] 4/2 case [4] 3/10 4/3 4/11 8/13 Caskey [4] 3/6 3/7 3/17 6/8 CERTIFICATE [1] 8/1 certify [2] 8/10 8/16 Chris [1] 3/4 CHRISTOPHER [1] 1/18 Circuit [2] 8/9 8/23 come [1] 6/23 coming [1] 5/6 COMMON [2] 1/1 8/14 company [1] 4/15 complete [1] 8/11 concluded [1] 7/4 could [1] 4/22 counsel [1] 8/17 COUNTY [3] 1/2 8/5 8/14 COURT [10] Court's [1] 3/13 CP [1] 1/2 crazy [1] 4/15	getting [1] 4/2 going [1] 5/5 Good [1] 3/25 GOODWYN [2] 1/18 3/5 got [2] 5/2 6/12 grant [1] 6/21 granted [1] 3/19 grew [3] 4/16 4/18 4/19 guess [1] 6/8
1 1087 [1] 1/2 12 [2] 4/24 8/19 14th [1] 3/19 15 [2] 1/9 3/1 15th [1] 8/15 17 [1] 3/23		H had [5] 3/16 4/12 4/20 5/11 8/12 has [4] 4/21 5/20 6/6 6/9 have [12] he [18] heard [1] 5/1 here [3] 3/4 3/20 5/21 hereby [1] 8/10 hereto [1] 8/17 him [12] his [7] 3/18 3/21 4/9 4/19 4/19 5/3 5/22 Honor [6] 3/25 4/2 5/5 5/23 6/20 7/2 HONORABLE [1] 1/14 horse [1] 4/3 how [1] 5/15
2 2016 [3] 3/10 4/12 4/12 2016-CP-28-1087 [1] 1/2 2017 [1] 3/14 2018 [4] 1/9 3/1 3/20 8/15 2019 [1] 8/19 21st [1] 3/14		I I'm [2] 5/12 5/15 incorrectly [1] 4/6 insurance [1] 4/15 interest [5] 3/7 3/9 3/22 5/7 8/17 intervene [2] 4/14 4/25 introduced [2] 2/13 8/12 is [16] issue [1] 4/3 issued [1] 3/19 it [6] 3/15 4/6 4/10 4/14 5/10 5/14
9 9:42 [1] 3/3 9:48 [1] 7/4	D daughter [1] 4/19 daughter-in-law [1] 4/19 day [1] 8/15 dead [3] 4/4 4/7 6/1 DEANDREA [1] 1/14 DEBORAH [4] 1/25 8/8 8/21 8/23 deceased [2] 5/13 5/16 December [2] 3/10 4/12 Defendant [5] 1/8 1/20 3/11 3/15 6/11 Defendants [1] 4/13 determined [1] 5/19 didn't [1] 5/24 died [2] 3/16 4/12 diligent [1] 5/11 discovered [1] 3/16 dismiss [1] 4/24 do [3] 5/17 8/10 8/16 don't [1] 5/14 done [3] 4/6 5/11 6/10 Dottie [2] 1/4 3/5 Dr. [1] 4/18 Dr. McCoy [1] 4/18 driving [1] 4/17 due [1] 5/11 during [2] 2/5 2/14	J Jeff [1] 3/5 JEFFERSON [1] 1/18 John [2] 1/7 3/8 JR [1] 1/18 JUDGE [2] 1/14 5/9 Judicial [1] 8/9
A a.m [2] 3/3 7/4 able [1] 5/19 about [1] 4/13 accept [1] 6/11 accurate [1] 8/11 acting [1] 6/2 administrator [7] 3/8 3/18 3/21 5/22 6/9 6/18 6/22 affidavit [2] 3/13 6/7 after [2] 3/15 5/6 agree [1] 6/20 alive [1] 4/21 all [3] 4/19 6/21 7/1 already [3] 6/1 6/9 6/16 am [1] 8/16 any [2] 3/24 8/17 appeal [1] 8/13 appointed [4] 3/17 5/2 5/3 6/8 April [1] 3/14 April 21st [1] 3/14 ARCHER [2] 1/18 3/4 are [5] 3/20 4/2 5/5 5/20 6/7 as [10] asking [3] 3/20 5/21 6/7 Attorney [1] 1/20 Attorneys [1] 1/19 August [1] 3/19 August 14th [1] 3/19 aware [1] 5/12 away [2] 4/21 5/24	E effort [1] 5/16 END [1] 7/25 enough [1] 4/15 entire [1] 4/20 ESQ [3] 1/18 1/18 1/20 estate [9] ever [1] 4/4 evidence [1] 8/12 exhibits [1] 2/13	K KERSHAW [4] 1/2 4/18 8/5 8/14 kin [1] 8/16 knew [1] 4/10 know [2] 5/16 5/24 known [1] 4/11
B back [2] 3/10 6/23 be [4] 3/12 3/21 4/7 6/10 because [2] 4/6 4/15 been [6] 4/20 4/21 5/1 5/20 6/6 6/9 before [5] 4/3 4/4 4/11 4/12 5/14 began [1] 3/2 behalf [4] 4/9 4/14 5/3 6/2 believe [1] 5/14 Bell [2] 1/4 3/5 BENJAMIN [1] 1/14 Bentley [6] 1/7 3/9 4/4 4/17 4/21 5/12 Bryan [3] 3/6 3/7 6/8	F fact [2] 4/12 5/6 Fifth [2] 8/9 8/23 file [1] 3/13 filed [6] 3/10 3/17 4/11 4/14 4/24 4/25 find [2] 5/12 5/17 first [3] 6/13 6/13 6/24 foregoing [1] 8/10 found [1] 4/13 further [1] 8/16	L law [1] 4/19 leave [1] 6/21 life [1] 4/19 lived [1] 4/18 locate [1] 3/11
C called [1] 2/4 Camden [1] 1/9		M made [3] 5/13 5/16 5/17 March [1] 8/19 McCoy [2] 4/16 4/18 McCURDY [4] 1/25 8/8 8/21 8/23 morning [1] 3/25 motion [7] 3/6 3/17 4/14 4/24 4/25 5/4 5/4 motions [1] 5/1 Mr [2] 4/17 4/18 Mr. [5] 3/17 4/4 4/16 4/21 5/12 Mr. Bentley [3] 4/4 4/21 5/12 Mr. Caskey [1] 3/17 Mr. McCoy [1] 4/16

M	substitute [5] 3/6 5/7 5/21 6/14 6/23 substituted [2] 3/22 6/10 supposed [1] 5/15 sure [1] 5/15
my [2] 4/16 4/17	T
N	Thank [2] 7/1 7/2 that [24] their [1] 6/2 then [3] 6/10 6/13 6/23 There [4] 3/12 3/19 4/22 6/6 these [2] 2/5 2/14 they [3] 4/22 5/2 5/8 think [2] 4/2 6/12 this [4] 3/5 3/10 4/3 4/11 THOMAS [1] 1/18 those [1] 4/25 thought [1] 6/11 through [1] 4/23 time [1] 4/20 today [1] 3/20 TRANSCRIPT [3] 1/6 7/25 8/11 trial [1] 8/12 true [1] 8/11 trying [1] 5/6 two [1] 5/6
neither [1] 8/16 no [5] 2/4 2/13 4/22 6/5 6/6 none [1] 4/25 not [6] 4/21 5/3 5/4 5/8 5/12 5/15 noticed [1] 5/4 now [1] 5/5	U
O	unable [2] 3/11 5/17 up [3] 4/16 4/18 4/19
O'BRIEN [2] 1/20 4/1 object [1] 5/5 objection [1] 3/24 obtained [3] 3/15 4/23 5/14 obviously [1] 5/10 October [3] 1/9 3/1 8/15 Official [2] 1/25 8/8 Okay [3] 6/15 6/19 6/25 once [2] 4/6 6/8 only [3] 4/7 4/13 6/6 order [2] 3/19 5/9 our [2] 3/6 4/10 out [1] 4/13 over [1] 5/6 owned [1] 4/16	V
P	vehicle [1] 4/17 via [1] 5/25
party [9] passed [2] 4/21 5/24 place [1] 3/4 Plaintiff [4] 1/5 1/19 3/5 4/10 PLEAS [2] 1/1 8/14 point [2] 5/11 5/25 position [1] 4/10 PR [2] 6/16 6/22 privy [1] 5/3 proceedings [5] 2/5 2/14 3/2 7/3 8/12 properly [3] 3/12 4/22 5/8 publication [9] pursuant [2] 3/22 4/24	W
R	was [17] way [3] 4/7 4/13 4/22 we [20] were [9] when [2] 5/2 5/12 whenever [2] 4/5 5/7 WHEREUPON [4] 2/4 2/13 3/2 7/3 which [1] 6/9 who [2] 4/16 4/18 whole [1] 5/24 will [2] 6/21 6/23 witnesses [1] 2/4
real [4] 3/7 3/9 3/22 5/7 RECORD [2] 1/6 8/11 regarding [1] 5/4 relative [1] 8/13 Reporter [4] 1/25 8/1 8/8 8/23 representation [2] 5/13 5/18 representing [1] 4/9 right [2] 6/21 7/1 RPR [3] 1/25 8/21 8/23 Rule [1] 3/23 Rule 17 [1] 3/23	Y
S	years [1] 5/6 Yes [1] 3/25 you [11] Your [6] 3/25 4/2 5/5 5/23 6/20 7/2
s/Deborah [1] 8/21 saying [1] 4/20 search [1] 5/12 serve [9] served [8] 3/12 4/4 4/5 4/7 5/8 5/20 6/3 6/11 service [6] 3/13 3/15 4/23 5/15 6/7 6/11 should [2] 3/12 4/11 simply [2] 3/20 5/20 since [2] 3/16 6/3 sister [2] 4/16 4/17 so [7] 3/16 4/17 4/20 5/5 5/17 5/24 6/3 some [1] 5/10 someone [4] 4/8 5/2 5/25 6/2 SOUTH [5] 1/1 1/9 8/4 8/9 8/14 special [5] 3/8 3/18 3/21 6/9 6/18 STATE [3] 1/1 8/4 8/9	

STATE OF SOUTH CAROLINA

County of Kershaw

DOTTIE R. BELL,

PLAINTIFF,

vs.

JOHN R. BENTLEY,

DEFENDANT,

COURT OF COMMON PLEAS
2016CP2801087

TRANSCRIPT OF RECORD

February 13, 2019
Camden, South Carolina

BEFORE:

THE HONORABLE ROBERT E. HOOD, JUDGE.

APPEARANCES:

DAVID BEALE, ESQ.
Attorney for the Plaintiff

CARRIE O'BRIEN, ESQ.
Attorney for the Defendant

KAREN AMBROZIAK
Official Court Reporter

C O N T E N T S

INDEX OF EXHIBITS:

(There were no exhibits introduced.)

INDEX OF WITNESSES:

(There were no witnesses called.)

1 THE COURT: All right. We're on the record in
2 2016-CP-28-1087, Dottie Bell vs. John Bentley and others,
3 and who are you, sir?

4 MR. BEALE: Your Honor, my name is David Beale. I'm
5 here on behalf of Jeff Goodwyn.

6 THE COURT: David Beale?

7 MR. BEALE: Beale, B-E-A-L-E.

8 THE COURT: Okay. And Ms. O'Brien is here.
9 Mr. Morgan is here.

10 MS. O'BRIEN: Yes, sir.

11 MR. MORGAN: Yes, Your Honor.

12 THE COURT: All right. Go ahead.

13 MR. BEALE: Your Honor, we were here on the same
14 issue on October 15th, 2018. The defendant in this matter
15 passed away. It came to our attention some point in 2018.

16 Mr. Caskey was named the special administrator of the
17 estate of the defendant, and that was granted on
18 August 14th, 2018.

19 We were here on October 15th, 2018 for this motion to
20 substitute Mr. Caskey as the personal representative of
21 the real party of interest.

22 At that point, Mr. Caskey had not been properly
23 served summons and complaint. We were granted leave by
24 the court on that day to serve Mr. Caskey and were told to
25 come back and, you know, substitute as a party at that

1 point. We properly served Mr. Caskey on October 19th,
2 2019.

3 THE COURT: Signed what, 19?

4 MR. BEALE: Yes. Yes, Your Honor, October 19th,
5 2018.

6 THE COURT: Okay.

7 MR. BEALE: And we have an acceptance of service. At
8 that point, we refiled our motion a few days later. Well,
9 actually December 5th, 2018 is when we refiled the motion.
10 We're here again. Per -- per the last motion that was
11 heard, and we were granted leave to properly serve. We've
12 done what was asked of us by the Court and are asking for
13 the same today.

14 THE COURT: All right.

15 Who is talking? Ms. O'Brien?

16 MS. O'BRIEN: Yes, sir. Thank you, Your Honor.

17 Your Honor, without getting into the facts I will
18 just say this: There was an initial motion that was filed
19 to substitute parties. That motion was filed. That
20 motion was heard by Judge Benjamin, and specifically on
21 October 16th, 2018 the defendant Bell's motion to
22 substitute parties was denied.

23 It is our position that Your Honor now does not have
24 the authority nor the jurisdiction to overrule another
25 circuit court judge. If the plaintiff wanted to argue

1 that the motion to substitute parties being denied should
2 have been heard or that that should have been extended or
3 some leave granted, that should be before Judge Benjamin
4 not before Judge Hood, Your Honor.

5 THE COURT: All right.

6 MS. O'BRIEN: And I'm happy to pass up the order
7 specifically.

8 THE COURT: Would you please?

9 MS. O'BRIEN: May I approach?

10 THE COURT: Yes, ma'am, of course.

11 Mr. Morgan, do you need to say anything?

12 MR. MORGAN: No, Your Honor. Just it's good to see
13 you again.

14 THE COURT: Yes, good to see you, too.

15 (Pause).

16 Thank you, Ms. O'Brien.

17 MS. O'BRIEN: You're welcome.

18 THE COURT: What do you make of this order,
19 Mr. Beale?

20 MR. BEALE: Your Honor, just I mean, reading the
21 transcript, the Court stated: "I'll grant you leave to
22 serve the P.R., the administrator of the estate, and then
23 you won't have to come back and substitute him as a party.
24 You'll have to serve him first."

25 Ms. O'Brien: "Thank you, Your Honor."

1 You know, I -- I understand what Ms. O'Brien is
2 saying, but the Court basically just instructed us to
3 properly serve Mr. Caskey who had already been granted as
4 special administrator of the estate on August 14. And I
5 just -- I feel like we're kicking the can down the road.
6 I mean, we did what was asked of us by the Court.

7 MS. O'BRIEN: And, Your Honor, I was --

8 THE COURT: I mean, she gave leave to serve so...

9 MS. O'BRIEN: She gave leave to serve, but she
10 specifically denied the motion to substitute parties.

11 THE COURT: That's because he hadn't been served.

12 MS. O'BRIEN: Correct. But there were also numerous
13 other issues that I specifically said to Judge Benjamin
14 before we could even get to whether service was proper or
15 whether they can substitute parties, we can't even discuss
16 that because there had never been any service.

17 THE COURT: Right.

18 MS. O'BRIEN: And so it is our position, and there
19 are numerous other arguments under Rule 25(a)(1) that
20 specifically say that when a P.R. has to be appointed.
21 And specifically, Your Honor, under the federal rules
22 which 25(a)(1) has been mirrored over says that you have
23 to have a P.R. appointed within 90 days upon learning of
24 the death of the defendant.

25 I have correspondence that shows on January 25th,

1 2018 while we were sitting in mediation, the plaintiff, in
2 fact, informed myself and my adjustor -- and I had filed a
3 motion to intervene in this matter because we could never
4 find the defendant. The plaintiff informed us that that,
5 in fact, the named insured of the policy was dead and that
6 she thought that Mr. Bentley was dead.

7 And so I said to the plaintiff sitting in mediation
8 that day: "Tell me about Dr. McCoy. You know, how do you
9 know that he died? Where did he work?"

10 She said, "Well, he was a veterinarian in Kershaw
11 County."

12 So it triggered my brain that my sister had a good
13 friend in Charleston, South Carolina whose father-in-law
14 was a veterinarian in Kershaw County named Dr. McCoy. So
15 I immediately texted my sister and said, "Ask Kendall
16 McCoy and Brodie McCoy if this is their father."

17 In fact, Brodie texted back and said, "Yes, that is
18 my father. Yes, John Bentley used to drive a vehicle for
19 my father every once in a while because he cleaned out the
20 cages at the vet's office."

21 I then texted back and said, "Is it, in fact, true
22 that Mr. Bentley has passed away?"

23 And they texted me back said and, "Yep. He's been
24 dead since July of 2016."

25 So on January 25th, 2018 after mediation, I went to

1 my office and informed the plaintiff in writing that, in
2 fact, Mr. Bentley had been dead since July of 2016, and
3 there is no way that they could have gotten proper service
4 upon him because a P.R. would have needed to be appointed.

5 He had no estate. He had no next of kin. All of
6 that is in writing. I informed them of all of that, and
7 then they waited eight months before they ever had a P.R.
8 appointed, and then they waited over ten months before
9 they ever got service on the P.R.

10 And it's our position that even if Your Honor heard
11 this motion that under 25(a)(1), there is no way that they
12 can wait eight months before they get service or before
13 they have a P.R. appointed because the rules don't allow
14 for that. 25(a)(1) says it has to be done within a
15 reasonable amount of time.

16 It specifically notes that it mirrors the federal
17 rules. The federal rules say that a reasonable amount of
18 time is 90 days. I have got some case law here today
19 showing what South Carolina defines as a reasonable amount
20 of time, and you won't find anything in South Carolina
21 that shows more than 120 days is reasonable.

22 So it's our position that if Your Honor heard this
23 motion -- which we believe it's only appropriate before
24 Judge Benjamin -- because she denied the motion to
25 substitute parties that the time limit for doing so

1 expired.

2 THE COURT: Mr. Beale?

3 MR. BEALE: Your Honor, I think there are some
4 factual disputes about when our office learned of
5 defendant's death.

6 I think, honestly at this point, all of the things
7 that Ms. O'Brien is raising are moot in the fact that, I
8 mean, none of this was raised in the original motion.

9 The original date that this was heard in October, Ms.
10 O'Brien stood up and just said, "You can't serve someone
11 who is dead." That -- that was the defense raised. "You
12 can't serve someone who is dead. Y'all didn't properly
13 serve him. Publication wasn't good enough. You know,
14 he's dead. You can't serve someone who is dead. You need
15 to serve Mr. Caskey," and that's what we did.

16 That is -- again, you know, I go back to what Judge
17 Benjamin said. Judge Benjamin's ruling was I'll grant you
18 leave to serve the P.R., the administrator of the estate.
19 Then you'll have to come back and substitute him as a
20 party.

21 None of this was raised in October. We're here under
22 the belief that in good faith we went out, served
23 Mr. Caskey. That's what we were told to do. That's what
24 we were granted leave to do.

25 THE COURT: Well, just because you served him doesn't

1 mean that the case goes forward.

2 MR. BEALE: I understand that. I just -- I feel
3 like, you know, there -- there's factual disputes as to
4 when we found out the defendant was deceased. You know, I
5 didn't -- I wasn't under the assumption we were here to
6 argue that today.

7 You know, this is a motion to substitute Mr. Caskey
8 as personal representative of the real party in interest.

9 MS. O'BRIEN: Your Honor, I have an email dated
10 January 25th, 2018 at 3:26 p.m. that I'm happy to hand up
11 to Your Honor where all of the correspondence between
12 myself and the plaintiff's attorney occurs between January
13 25th and January 30th.

14 I informed them on January 25th that: "I had spoken
15 to Mr. McCoy's family and the executor, and they have
16 informed me that Mr. Bentley passed away before you ever
17 served him properly. Thus, you will need to amend the
18 complaint to name his estate or have a P.R. appointed."

19 The next question that I got on January 25th at 5:03
20 p.m. from the plaintiff's attorney was: "Thanks for
21 letting me know about Mr. Bentley. Do you have a date of
22 death? I will send you a motion to amend shortly."

23 I replied back on January 26th at 10:48 a.m. saying,
24 "I am trying to get an exact date. His former employer
25 should know, but it was about a year ago I've been told."

1 Then I replied again at 12:36 a.m. after I learned
2 the exact date and said, "I have been told his date of
3 death was July 26th, 2016. He had no next of kin, so
4 there was not any estate to probate."

5 So as of January 25th, they were informed in writing
6 that, in fact, Mr. Bentley had passed away. On
7 January 26th, I informed them the date of his death; that
8 there was no estate that had ever been set up because this
9 man was essentially homeless and that -- and I informed
10 them of that.

11 I also informed them that I had sent a private
12 investigator out to locate Mr. Bentley at the address that
13 they claimed he lived and that the house had been
14 abandoned apparently for years and that other than
15 Dr. McCoy's family, no one who knew -- no one knew who
16 Mr. Bentley was at all.

17 And again, this was a gentleman who I now have since
18 learned was in prison at one time, and Dr. McCoy whenever
19 he essentially found him on the streets literally said I
20 will give you a job. And so Mr. Bentley cleaned out the
21 cages at the veterinarian's office.

22 They were very well aware on January 25th, 2018
23 through their own client -- which is how I found out about
24 it at mediation -- that in fact, Mr. Bentley had passed
25 away.

1 But I then took the due diligence to get in touch
2 with Dr. McCoy's estate, and Dr. McCoy who is a named
3 insured in this case who was the owner of the vehicle, was
4 never sued, and so I went and called Dr. McCoy's family
5 and spoke with his son, Bryce, who is the executor of the
6 estate, tracked down the date of death, tracked down as
7 much information as I could.

8 They did not know what county he necessarily lived in
9 because their understanding was that he really didn't live
10 anywhere; that he was kind of from place to place in
11 various houses or with, you know, random people he stayed
12 with.

13 So to say that there is a question as to when I
14 notified them of the date of the death is simply not true.
15 I have all of the correspondence from January 25th to
16 January 30th making them very well aware that Mr. Bentley
17 had passed away.

18 THE COURT: Craig, can you grab that?

19 THE DEPUTY: Yes.

20 MS. O'BRIEN: Thank you.

21 THE DEPUTY: You're welcome.

22 MS. O'BRIEN: And, Your Honor, you know with email
23 that the first --

24 THE COURT: It's backward.

25 MS. O'BRIEN: -- is on the last page.

1 THE COURT: I'm with you.

2 All right. Anything else, Mr. Beale?

3 MR. BEALE: Your Honor, just procedurally, I mean,
4 again, I just -- we served by publication February 17th,
5 2017 with an affidavit of publication filed with the Court
6 on April 21st, 2017.

7 We learned that the defendant had died at some point
8 in 2018. Mr. Caskey was named the special administrator
9 of the estate on August 14th, 2018. This was heard before
10 this court in October.

11 None of this was raised at that time. The only issue
12 that was raised was that the defendant could not have been
13 served because he passed away at that time. We were
14 granted leave to serve Mr. Caskey, and that's what we did.

15 THE COURT: All right. I'll let you know by the end
16 of the of week. Thank you.

17 MS. O'BRIEN: Thank you, Your Honor.

18 (Whereupon, the proceedings were concluded.)
19
20
21
22
23
24
25

CERTIFICATE OF REPORTER:

STATE OF SOUTH CAROLINA)
)
COUNTY OF KERSHAW)

I, Karen Ambroziak, Official Court Reporter for the
5th Judicial Circuit of the State of South Carolina, do
hereby certify that the foregoing is a true, accurate and
complete Transcript of Record of the proceedings had and
evidence introduced in the trial of the captioned case,
relative to appeal, in the Court of Common Pleas for
Kershaw County, South Carolina, on the 13th day of
February, 2019.

March 12, 2019

Karen Ambroziak

Karen Ambroziak, RPR
Circuit Court Reporter

Suite A
Columbia, S.C. 29205
Telephone: (803) 251-4517
Facsimile: (803) 251-4527
www.Goodwynlaw.com

CONFIDENTIAL & PRIVILEGED

Unless otherwise indicated or obvious from the nature of the following communication, the information contained herein is attorney-client privileged and confidential information/work product. The communication is intended for the use of the individual or entity named above. If the reader of this transmission is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error or are not sure whether it is privileged, please immediately notify us by return e-mail and destroy any copies, electronic, paper or otherwise, which you may have of this communication.

From: Carrie H. O'Brien [<mailto:chobrien@wjlaw.net>]
Sent: Thursday, January 25, 2018 3:26 PM
To: 'jgoodwyn@goodwynlaw.com' <jgoodwyn@goodwynlaw.com>; 'mbush@goodwynlaw.com' <mbush@goodwynlaw.com>
Subject: Dottie R. Bell vs. John C. Bentley 14-3008670:

Jeff,

We are still missing the following items from discovery:

- copies of SSDI application and related documents
- name of ER she visited around 9/8/15
- name of endocrinologist she visited around 8/15
- details about an MVA around 3/6/14
- name of PT provider identified on 11/15/12 note
- updated records
- any other providers not identified or records not provided that relate to prior injuries

Please provide this information in the next two weeks or I will need to file a Motion to Compel.

Additionally, I have spoken with Mr. McKoy's family and the executor and they have informed me that Mr. Bentley passed away before you ever served him properly. Thus, you will need to amend the Complaint to name his estate or have a PR appointed.

Thank you,
Carrie

ELECTRONICALLY FILED - 2019 Mar 07 8:10 AM - KERSHAW - COMMON PLEAS - CASE#2016CP2801087

Unless otherwise indicated or obvious from the nature of the following communication, the information contained herein is attorney-client privileged and confidential information/work product. The communication is intended for the use of the individual or entity named above. If the reader of this transmission is not the intended recipient, you hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error or are not sure whether it is privileged, please immediately notify us by return e-mail and destroy any copies, electronic, paper or otherwise, which you may have of this communication.

From: Carrie H. O'Brien [mailto:chobrien@wjlaw.net]
 Sent: Friday, January 26, 2018 10:48 AM
 To: 'Jeff Goodwyn' <JGoodwyn@Goodwynlaw.com>; mbush@goodwynlaw.com
 Subject: RE: Dottie R. Bell vs. John C. Bentley 14-3008670:

Jeff,
 I am trying to get an exact date. His former employer should know. But, it was about a year ago I have been told.
 Thanks,

WJC&B

**WILLSON JONES CARTER
 & BAXLEY, P.A.**

Carrie Hailman O'Brien, Attorney
chobrien@wjlaw.net
11440 Carmel Commons Boulevard, Suite 206
Charlotte, North Carolina 28226
Phone: (704) 247-9679
Fax: (704) 544-1719
wjcbllaw.com

This message may be protected by the attorney/client privilege, attorney work product or other privileges. If you received this message in error, please send a reply, delete the message immediately and do not forward this message to any other person.

From: Jeff Goodwyn [mailto:JGoodwyn@Goodwynlaw.com]
 Sent: Thursday, January 25, 2018 5:03 PM
 To: Carrie H. O'Brien <chobrien@wjlaw.net>; mbush@goodwynlaw.com
 Subject: RE: Dottie R. Bell vs. John C. Bentley 14-3008670:

Carrie -
 Thanks for letting me know about Mr. Bentley. Do you have a date of death?
 I'll send you a motion to amend shortly.
 I'll also work on getting you the outstanding items in discovery.

T. Jeff Goodwyn, Jr.
 Goodwyn Law Firm, LLC
 2519 Devine Street

Jeff Goodwyn

From: Carrie H. O'Brien <chobrien@wjlaw.net>
Sent: Friday, January 26, 2018 1:44 PM
To: 'Jeff Goodwyn'
Subject: RE: Dottie R. Bell vs. John C. Bentley 14-3008670:

I assume Camden since that is where he worked.

But, I don't know. His last address that I had was in Kershaw County.

WJC&B

**WILLSON JONES CARTER
& BAXLEY, PA.**

Carrie Hailman O'Brien, Attorney
chobrien@wjlaw.net
11440 Carmel Commons Boulevard, Suite 206
Charlotte, North Carolina 28226
Phone: (704) 247-9679
Fax: (704) 544-1719
wjclaw.com

This message may be protected by the attorney/client privilege, attorney work product or other privileges. If you received this message in error, please send a reply, delete the message immediately and do not forward this message to any other person.

From: Jeff Goodwyn [mailto:JGoodwyn@Goodwynlaw.com]
Sent: Friday, January 26, 2018 1:34 PM
To: Carrie H. O'Brien <chobrien@wjlaw.net>
Subject: RE: Dottie R. Bell vs. John C. Bentley 14-3008670:

Do you know what county he resided in when he died?

T. Jeff Goodwyn, Jr.
 Goodwyn Law Firm, LLC
 2519 Devine Street
 Suite A
 Columbia, S.C. 29205
 Telephone: (803) 251-4517
 Facsimile: (803) 251-4527
www.Goodwynlaw.com

CONFIDENTIAL & PRIVILEGED



Unless otherwise indicated or obvious from the nature of the following communication, the information contained herein is attorney-client privileged and confidential information/work product. The communication is intended for the use of the individual or entity named above. If the reader of this transmission is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error or are not sure whether it is privileged, please immediately notify us by return e-mail and destroy any copies, electronic, paper or otherwise, which you may have of this communication.

Unless otherwise indicated or obvious from the nature of the following communication, the information contained herein is attorney-client privileged and confidential information/work product. The communication is intended for the use of the individual or entity named above. If the reader of this transmission is not the intended recipient, you hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error or are not sure whether it is privileged, please immediately notify us by return e-mail and destroy any copies, electronic, paper or otherwise, which you may have of this communication.

From: Carrie H. O'Brien [mailto:chobrien@wjlaw.net]
 Sent: Friday, January 26, 2018 10:48 AM
 To: 'Jeff Goodwyn' <JGoodwyn@Goodwynlaw.com>; mbush@goodwynlaw.com
 Subject: RE: Dottie R. Bell vs. John C. Bentley 14-3008670:

Jeff,

I am trying to get an exact date. His former employer should know. But, it was about a year ago I have been told.

Thanks,

WJC&B

**WILLSON JONES CARTER
 & BAXLEY, P.A.**

Carrie Hailman O'Brien, Attorney
chobrien@wjlaw.net
11440 Carmel Commons Boulevard, Suite 206
Charlotte, North Carolina 28226
Phone: (704) 247-9679
Fax: (704) 544-1719
wjclaw.com

This message may be protected by the attorney/client privilege, attorney work product or other privileges. If you received this message in error, please send a reply, delete the message immediately and do not forward this message to any other person.

From: Jeff Goodwyn [mailto:JGoodwyn@Goodwynlaw.com]
 Sent: Thursday, January 25, 2018 5:03 PM
 To: Carrie H. O'Brien <chobrien@wjlaw.net>; mbush@goodwynlaw.com
 Subject: RE: Dottie R. Bell vs. John C. Bentley 14-3008670:

Carrie -

Thanks for letting me know about Mr. Bentley. Do you have a date of death?

I'll send you a motion to amend shortly.

I'll also work on getting you the outstanding items in discovery.

T. Jeff Goodwyn, Jr.
 Goodwyn Law Firm, LLC
 2519 Devine Street

From: Carrie H. O'Brien [mailto:chobrien@wjlaw.net]
Sent: Friday, January 26, 2018 12:36 PM
To: 'Jeff Goodwyn' <JGoodwyn@Goodwynlaw.com>
Subject: RE: Dottie R. Bell vs. John C. Bentley 14-3008670:

Jeff,

I have been told his date of death was July 26, 2016 and he had no next of kin so there was any estate to probate.

Thanks,

WJC&B

**WILLSON JONES CARTER
& BAXLEY, P.A.**

Carrie Hailman O'Brien, Attorney
chobrien@wjlaw.net
11440 Carmel Commons Boulevard, Suite 206
Charlotte, North Carolina 28226
Phone: (704) 247-9679
Fax: (704) 544-1719
wjcblaw.com

This message may be protected by the attorney/client privilege, attorney work product or other privileges. If you received this message in error, please send a reply, delete the message immediately and do not forward this message to any other person.

From: Jeff Goodwyn [mailto:JGoodwyn@Goodwynlaw.com]
Sent: Friday, January 26, 2018 11:40 AM
To: Carrie H. O'Brien <chobrien@wjlaw.net>
Subject: RE: Dottie R. Bell vs. John C. Bentley 14-3008670:

I think I will need the exact date to file my motion. Do you know what county his estate is being probated in?

T. Jeff Goodwyn, Jr.
Goodwyn Law Firm, LLC
2519 Devine Street
Suite A
Columbia, S.C. 29205
Telephone: (803) 251-4517
Facsimile: (803) 251-4527
www.Goodwynlaw.com

CONFIDENTIAL & PRIVILEGED



**WILLSON JONES CARTER
& BAXLEY, P.A.**

Carrie Hailman O'Brien, Attorney
chobrien@wilaw.net
11440 Carmel Commons Boulevard, Suite 206
Charlotte, North Carolina 28226
Phone: (704) 247-9679
Fax: (704) 544-1719
wicblaw.com

This message may be protected by the attorney/client privilege, attorney work product or other privileges. If you received this message in error, please send a reply, delete the message immediately and do not forward this message to any other person.

ELECTRONICALLY FILED - 2019 Mar 07 8:10 AM - KERSHAW - COMMON PLEAS - CASE#2016CP2801087

Mary Bush

From: Ginny Ray <ginny.ray@kershaw.sc.gov>
Sent: Monday, January 29, 2018 10:50 AM
To: Mary Bush
Subject: Re: Information regarding whether or not an estate has been opened

Good morning:

We do not have an estate for him. You can also check on line-
All lower case - southcarolinaprobate.net.

Take care.

On Mon, Jan 29, 2018 at 9:53 AM, Mary Bush <mbush@goodwynlaw.com> wrote:

John Carl Bentley

DOB: 5/2/1956

It is our understanding that Mr. Bentley passed away within the last year, need to find out if an estate has been opened, and if so, who is the P.R.

Thanks.

Mary S. Bush, Paralegal

Goodwyn Law Firm, LLC

2519 Devine Street. Suite A

Columbia, SC 29205

(803) 251-4517

(803) 251-4527 facsimile

mbush@goodwynlaw.com

Ginny Ray, Clerk of Court
Kershaw County Probate Court
Kershaw County Courthouse
1121 Broad Street, Room 225
Camden, South Carolina 29020
Phone: 803-425-1503
Fax: 803-425-1526
Email: ginny.ray@kershaw.sc.gov

NOTICE: All email correspondence to and from this address may be subject to public disclosure under the SC Freedom of Information Act.

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential, proprietary, and/or privileged information protected by law. If you are not the intended recipient, you may not read, use, copy, or distribute this e-mail message or its attachments. If you believe you have received this e-mail message in error, please contact the sender by reply e-mail or telephone immediately and destroy all copies of the original message.

GOODWYN LAW FIRM, LLC

T. Jeff Goodwyn, Jr.*
Christopher J. Archer

Special Counsel:
Rachel G. Peavy

Of Counsel:
E. Crosby Lewis

*Also Licensed in Georgia

Reply to:
2519 Devine Street
Suite A
Columbia, South Carolina 29205

111-B Congress Street
Winnsboro, South Carolina 29180

Tel. (803) 251-4517 (Columbia)
Fax (803) 251-4527

Tel. (803) 635-1920 (Winnsboro)
Fax (803) 635-2100

Email: Contact@Goodwynlaw.com
Web: www.GoodwynLaw.com

January 31, 2018

SC DHEC
Vital Records
2600 Bull Street
Columbia, SC 29201

Re: ***Dottie R. Bell v. John Carl Bentley***
Civil Action No.: 2016-CP-28-01087
Date of Accident: February 20, 2014
Our File No.: 8000-0260

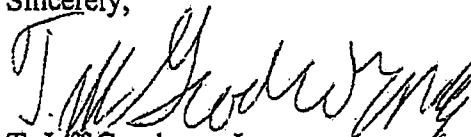
Dear Sir or Madame:

I am writing to obtain a Statement of Death for the above-named Defendant, John Carl Bentley, in regards to the above referenced legal action. I have been informed that Mr. Bentley passed away but cannot seem to locate any information regarding his passing.

Please provide me with a Statement of Death for John Carl Bentley, Date of Birth: 05/02/1956; last known address: 1581 Fort Jackson Road, Lugoff, South Carolina in Kershaw County. I have enclosed a check in the amount of \$12.00 for the search fee as required.

Thank you for your assistance with this request and should you have any questions, please do not hesitate to contact me.

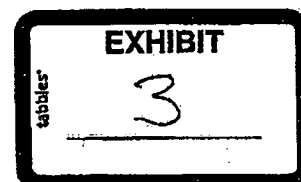
Sincerely,


T. Jeff Goodwyn, Jr.

TJG/msb
Enclosure

cc: Carrie Hailman O'Brien, Esquire

ELECTRONICALLY FILED - 2019 Mar 07 8:10 AM - KERSHAW - COMMON PLEAS - CASE#2016CP2801087





Vital Records Death Application

A photocopy of a current government, school or employer photo identification of the applicant must be submitted with all requests.

Applications without proper identification will be returned unprocessed.

Name of applicant: T. Jeff Goodwyn, Jr., Esquire Day phone number: 803-251-4517

Address: 2519 Devine Street, Suite A

City: Columbia, State: South Carolina Zip code: 29205

Email address: jgoodwyn@goodwynlaw.com

Note: Mail from Vital Records will not be forwarded by the USPS.

Address certificate to be mailed to if different than applicant's address:

Name: _____

Address: _____

City: _____ State: _____ Zip code: _____

Your relationship to person named on the certificate. (Check one - will be used to determine entitlement)

☐ Family member (specify) _____

☐ Legal Guardian ☐ Legal representative (for whom?) _____

☒ Other (specify) Plaintiff's Counsel in pending action against Decedent, John Carl Bentley

For what purpose are you requesting this certificate? Legal

By signing this application, I understand that making a false application for a vital record is a felony under state law.

Signature of applicant: T. Jeff Goodwyn

INFORMATION FOR DEATH CERTIFICATE BEING REQUESTED:

Name of deceased: John Carl Bentley
First Middle Last Suffix

Date of death: _____ Sex: M Age at death: _____ City/County of death: Kershaw

FEES

SEARCH FEE: A \$12 "search fee" is required by SC Law Section 44-63-110. The \$12 search fee is non-refundable. The required search fee includes one (1) certification, if record is located. Additional copies purchased at the same time are \$3 each. Acceptable methods of payment for mail requests are a money order or cashier's check made payable to SC DHEC. Onsite customer service also accepts credit and debit cards and cash.

Specify type of certification: ☐ Death Long ☐ Death Short ☒ Death Statement

Required Search Fee (Non-refundable, Includes one copy if found)..... \$12.00 \$12.00

Each additional copy of type specified above..... x \$ 3.00

Number of additional copies

Total fees submitted: _____

Send completed application to: SC DHEC - Vital Records, 2600 Bull Street, Columbia, SC 29201

Along with completed application, be sure to include payment and photocopy of proper identification.

OFFICE USE ONLY SFN: _____ DCN: _____

Date: 01/31/2018

Vendor: MISC_VENDOR-SC DHEC

Amount: \$12.00

Firm's Acct #:

Invoice NumberInvoice AmountInvoice Description

\$12.00

Certified Copies Fee-Dottie Bell v. John Bentley

Client NameClient #Matter #Client AmountAccount #Firm Amount

Dottie Bell

C00865

8000-0260

\$12.00

52020.00

\$12.00

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

GOODWYN LAW FIRM, LLC

OPERATING ACCOUNT

2519 DEVINE STREET, SUITE A

COLUMBIA, SC 29205

803-251-4517

BANK OF AMERICA
1301 GERVAIS STREET
COLUMBIA, SC 29201

67-448/539

NO.

8102

PAY

Twelve Dollars & 00/100

DATE

01/31/2018

AMOUNT

\$12.00

TO THE
ORDER
OFSC DHEC
Vital Records2600 Bull Street
Columbia, SC 29201

Certified Copies Fee



AUTHORIZED SIGNATURE

THE BACK OF THIS DOCUMENT CONTAINS CHECK SECURITY WATERMARK AND COIN REACTIVE INK

8102 SHAW - COMMON PLEAS - CASE# 01 CP2801087

Bell

✓Kornegay Funeral Home
1112 Fair St.
Camden 29020

✓Bowers Funeral Home, LLC
832 Ridgeway Rd.
Waggon 29078

✓Nelson-Haile Funeral Home
919 Church St.
Camden 29020

✓Kornegay Funeral Home
1139 US-1
Waggon 29078

✓Collins Funeral Home
714 W Dekalb St.
Camden 29020

✓Baker Funeral Home
210 E Hilton St.
Kershaw 29067

✓Brown's Funeral Home
704 Broad St
Camden 29020

✓Stewart's Funeral Home, Inc.
4893 Kershaw Camden Hwy
Heath Springs 29058

✓Cooke Funeral Home Memorial Chapel
1109 Lytleton St.
Camden 29020

✓Crawford Funeral Home
407 W Marion St.
Kershaw 29067

✓Kirkland Mortuary
116 S Hart St.
Kershaw 29067

ELECTRONICALLY FILED - 2019 Mar 07 8:10 AM - KERSHAW - COMMON PLEAS CASE#2016CR9801087

EXHIBIT

4a

GOODWYN LAW FIRM, LLC

T. Jeff Goodwyn, Jr.*
Christopher J. Archer

Special Counsel:
Rachel G. Peavy

Of Counsel:
E. Crosby Lewis

*Also Licensed in Georgia

Reply to:
2519 Devine Street
Suite A
Columbia, South Carolina 29205

111-B Congress Street
Winnsboro, South Carolina 29180

Tel. (803) 251-4517 (Columbia)
Fax (803) 251-4527

Tel. (803) 635-1920 (Winnsboro)
Fax (803) 635-2100

Email: CArcher@Goodwynlaw.com
Web: www.GoodwynLaw.com

February 8, 2018

Kornegay Funeral Home
1112 Fair Street
Camden, SC 29020

RE: *Dottie R. Bell v. John C. Bentley*
Civil Action No.: 2016-CP-28-01087
Our File No.: 8000-0260

Dear Sir or Madame:

I represent the Plaintiff in regard to the above referenced matter. It has been brought to our attention that the Defendant in this case, John C. Bentley, has passed away since the commencement of this action. The information we have is that he died in the past 10 months.

We need a funeral program and obituary to confirm his death, but have not been able to locate any relatives that can either provide these or tell us which funeral home handled the service.

I am writing to ask that you please check your records to determine if you performed the embalming, cremation and/or service for John C. Bentley and let us know if you did.

Please contact Mary at our office (803) 251-4517 and let us know if you have any records for Mr. Bentley.

Thank you in advance for your cooperation, and I look forward to hearing from you soon.

Sincerely,


T. Jeff Goodwyn, Jr.

TJG

EXHIBIT

tabbles

46

GOODWYN LAW FIRM, LLC

T. Jeff Goodwyn, Jr.*
Christopher J. Archer

Special Counsel:
Rachel G. Peavy

Of Counsel:
E. Crosby Lewis

*Also Licensed in Georgia.

Reply to:
2519 Devine Street
Suite A
Columbia, South Carolina 29205

111-B Congress Street
Winnsboro, South Carolina 29180

Tel. (803) 251-4517 (Columbia)
Fax (803) 251-4527

Tel. (803) 635-1920 (Winnsboro)
Fax (803) 635-2100

Email: CArcher@Goodwynlaw.com
Web: www.GoodwynLaw.com

February 8, 2018

Nelson-Haile Funeral Home
919 Church Street
Camden, SC 29020

RE: *Dottie R. Bell v. John C. Bentley*
Civil Action No.: 2016-CP-28-01087
Our File No.: 8000-0260

Dear Sir or Madame:

I represent the Plaintiff in regard to the above referenced matter. It has been brought to our attention that the Defendant in this case, John C. Bentley, has passed away since the commencement of this action. The information we have is that he died in the past 10 months.

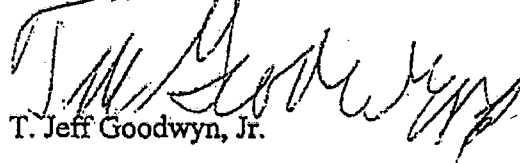
We need a funeral program and obituary to confirm his death, but have not been able to locate any relatives that can either provide these or tell us which funeral home handled the service.

I am writing to ask that you please check your records to determine if you performed the embalming, cremation and/or service for John C. Bentley and let us know if you did.

Please contact Mary at our office (803) 251-4517 and let us know if you have any records for Mr. Bentley.

Thank you in advance for your cooperation, and I look forward to hearing from you soon.

Sincerely,


T. Jeff Goodwyn, Jr.

TJG

EXHIBIT

4c

GOODWYN LAW FIRM, LLC

T. Jeff Goodwyn, Jr.*
Christopher J. Archer

Special Counsel:
Rachel G. Peavy

Of Counsel:
E. Crosby Lewis

*Also Licensed in Georgia

Reply to:
2519 Devine Street
Suite A
Columbia, South Carolina 29205

111-B Congress Street
Winnsboro, South Carolina 29180

Tel. (803) 251-4517 (Columbia)
Fax (803) 251-4527

Tel. (803) 635-1920 (Winnsboro)
Fax (803) 635-2100

Email: CArcher@Goodwynlaw.com
Web: www.GoodwynLaw.com

February 8, 2018

Collins Funeral Home
714 W Dekalb Street
Camden, SC 29020

RE: ***Dottie R. Bell v. John C. Bentley***
Civil Action No.: 2016-CP-28-01087
Our File No.: 8000-0260

Dear Sir or Madame:

I represent the Plaintiff in regard to the above referenced matter. It has been brought to our attention that the Defendant in this case, John C. Bentley, has passed away since the commencement of this action. The information we have is that he died in the past 10 months.

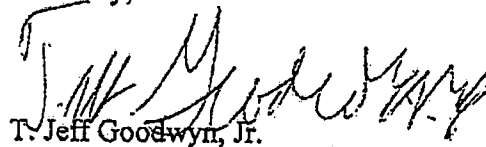
We need a funeral program and obituary to confirm his death, but have not been able to locate any relatives that can either provide these or tell us which funeral home handled the service.

I am writing to ask that you please check your records to determine if you performed the embalming, cremation and/or service for John C. Bentley and let us know if you did.

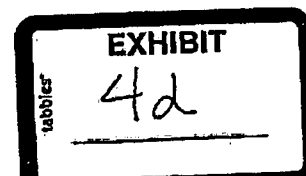
Please contact Mary at our office (803) 251-4517 and let us know if you have any records for Mr. Bentley.

Thank you in advance for your cooperation, and I look forward to hearing from you soon.

Sincerely,


T. Jeff Goodwyn, Jr.

TJG



T. Jeff Goodwyn, Jr.*
Christopher J. Archer

Special Counsel:
Rachel G. Peavy

Of Counsel:
E. Crosby Lewis

*Also Licensed in Georgia

GOODWYN LAW FIRM, LLC

Reply to:
2519 Devine Street
Suite A
Columbia, South Carolina 29205

111-B Congress Street
Winnsboro, South Carolina 29180

Tel. (803) 251-4517 (Columbia)
Fax (803) 251-4527

Tel. (803) 635-1920 (Winnsboro)
Fax (803) 635-2100

Email: CArcher@Goodwynlaw.com
Web: www.GoodwynLaw.com

February 8, 2018

Brown's Funeral Home
704 Broad Street
Camden, SC 29020

RE: *Dottie R. Bell v. John C. Bentley*
Civil Action No.: 2016-CP-28-01087
Our File No.: 8000-0260

Dear Sir or Madame:

I represent the Plaintiff in regard to the above referenced matter. It has been brought to our attention that the Defendant in this case, John C. Bentley, has passed away since the commencement of this action. The information we have is that he died in the past 10 months.

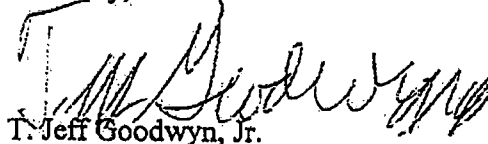
We need a funeral program and obituary to confirm his death, but have not been able to locate any relatives that can either provide these or tell us which funeral home handled the service.

I am writing to ask that you please check your records to determine if you performed the embalming, cremation and/or service for John C. Bentley and let us know if you did.

Please contact Mary at our office (803) 251-4517 and let us know if you have any records for Mr. Bentley.

Thank you in advance for your cooperation, and I look forward to hearing from you soon.

Sincerely,



T. Jeff Goodwyn, Jr.

TJG

ELECTRONICALLY FILED - 2019 Mar 07 8:10 AM - KERSHAW - COMMON PLEAS - CASE#2016CP2801087



GOODWYN LAW FIRM, LLC

T. Jeff Goodwyn, Jr.*
Christopher J. Archer

Special Counsel:
Rachel G. Peavy

Of Counsel:
E. Crosby Lewis

*Also Licensed in Georgia

Reply to:
2519 Devine Street
Suite A
Columbia, South Carolina 29205

111-B Congress Street
Winnsboro, South Carolina 29180

Tel. (803) 251-4517 (Columbia)
Fax (803) 251-4527

Tel. (803) 635-1920 (Winnsboro)
Fax (803) 635-2100

Email: C.Archer@Goodwynlaw.com
Web: www.GoodwynLaw.com

February 8, 2018

Cooke Funeral Home Memorial Chapel
1109 Lyttleton Street
Camden, SC 29020

RE: *Dottie R. Bell v. John C. Bentley*
Civil Action No.: 2016-CP-28-01087
Our File No.: 8000-0260

Dear Sir or Madame:

I represent the Plaintiff in regard to the above referenced matter. It has been brought to our attention that the Defendant in this case, John C. Bentley, has passed away since the commencement of this action. The information we have is that he died in the past 10 months.

We need a funeral program and obituary to confirm his death, but have not been able to locate any relatives that can either provide these or tell us which funeral home handled the service.

I am writing to ask that you please check your records to determine if you performed the embalming, cremation and/or service for John C. Bentley and let us know if you did.

Please contact Mary at our office (803) 251-4517 and let us know if you have any records for Mr. Bentley.

Thank you in advance for your cooperation, and I look forward to hearing from you soon.

Sincerely,


T. Jeff Goodwyn, Jr.

TJG



T. Jeff Goodwyn, Jr.*
Christopher J. Archer

Special Counsel:
Rachel G. Peavy

Of Counsel:
E. Crosby Lewis

*Also Licensed in Georgia

GOODWYN LAW FIRM, LLC

Reply to:
2519 Devine Street
Suite A
Columbia, South Carolina 29205

111-B Congress Street
Winnsboro, South Carolina 29180

Tel. (803) 251-4517 (Columbia)
Fax (803) 251-4527

Tel. (803) 635-1920 (Winnsboro)
Fax (803) 635-2100

Email: CArcher@Goodwynlaw.com
Web: www.GoodwynLaw.com

February 8, 2018

Kirkland Mortuary
116 S Hart Street
Kershaw, SC 29067

RE: *Dottie R. Bell v. John C. Bentley*
Civil Action No.: 2016-CP-28-01087
Our File No.: 8000-0260

Dear Sir or Madame:

I represent the Plaintiff in regard to the above referenced matter. It has been brought to our attention that the Defendant in this case, John C. Bentley, has passed away since the commencement of this action. The information we have is that he died in the past 10 months.

We need a funeral program and obituary to confirm his death, but have not been able to locate any relatives that can either provide these or tell us which funeral home handled the service.

I am writing to ask that you please check your records to determine if you performed the embalming, cremation and/or service for John C. Bentley and let us know if you did.

Please contact Mary at our office (803) 251-4517 and let us know if you have any records for Mr. Bentley.

Thank you in advance for your cooperation, and I look forward to hearing from you soon.

Sincerely,



T. Jeff Goodwyn, Jr.

TJG



T. Jeff Goodwyn, Jr.*
Christopher J. Archer

Special Counsel:
Rachel G. Peavy

Of Counsel:
E. Crosby Lewis

*Also Licensed in Georgia

GOODWYN LAW FIRM, LLC

Reply to:
2519 Devine Street
Suite A
Columbia, South Carolina 29205

111-B Congress Street
Winnsboro, South Carolina 29180

Tel. (803) 251-4517 (Columbia)
Fax (803) 251-4527

Tel. (803) 635-1920 (Winnsboro)
Fax (803) 635-2100

Email: CArcher@GoodwynLaw.com
Web: www.GoodwynLaw.com

February 8, 2018

Baker Funeral Home
210 E Hilton Street
Kershaw, SC 29067

RE: *Dottie R. Bell v. John C. Bentley*
Civil Action No.: 2016-CP-28-01087
Our File No.: 8000-0260

Dear Sir or Madame:

I represent the Plaintiff in regard to the above referenced matter. It has been brought to our attention that the Defendant in this case, John C. Bentley, has passed away since the commencement of this action. The information we have is that he died in the past 10 months.

We need a funeral program and obituary to confirm his death, but have not been able to locate any relatives that can either provide these or tell us which funeral home handled the service.

I am writing to ask that you please check your records to determine if you performed the embalming, cremation and/or service for John C. Bentley and let us know if you did.

Please contact Mary at our office (803) 251-4517 and let us know if you have any records for Mr. Bentley.

Thank you in advance for your cooperation, and I look forward to hearing from you soon.

Sincerely,


T. Jeff Goodwyn, Jr.

TJG

ELECTRONICALLY FILED - 2019 Mar 07 8:10 AM - KERSHAW - COMMON PLEAS - CASE#2016CP2801087



GOODWYN LAW FIRM, LLC

T. Jeff Goodwyn, Jr.*
Christopher J. Archer

Special Counsel:
Rachel G. Peavy

Of Counsel:
E. Crosby Lewis

*Also Licensed in Georgia

Reply to:
2519 Devine Street
Suite A
Columbia, South Carolina 29205

111-B Congress Street
Winnsboro, South Carolina 29180

Tel. (803) 251-4517 (Columbia)
Fax (803) 251-4527

Tel. (803) 635-1920 (Winnsboro)
Fax (803) 635-2100

Email: CArcher@GoodwynLaw.com
Web: www.GoodwynLaw.com

February 8, 2018

Crawford Funeral Home
407 W Marion Street
Kershaw, SC 29067

RE: *Dottie R. Bell v. John C. Bentley*
Civil Action No.: 2016-CP-28-01087
Our File No.: 8000-0260

Dear Sir or Madame:

I represent the Plaintiff in regard to the above referenced matter. It has been brought to our attention that the Defendant in this case, John C. Bentley, has passed away since the commencement of this action. The information we have is that he died in the past 10 months.

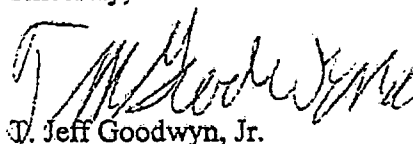
We need a funeral program and obituary to confirm his death, but have not been able to locate any relatives that can either provide these or tell us which funeral home handled the service.

I am writing to ask that you please check your records to determine if you performed the embalming, cremation and/or service for John C. Bentley and let us know if you did.

Please contact Mary at our office (803) 251-4517 and let us know if you have any records for Mr. Bentley.

Thank you in advance for your cooperation, and I look forward to hearing from you soon.

Sincerely,



T. Jeff Goodwyn, Jr.

TJG

EXHIBIT

41

T. Jeff Goodwyn, Jr.*
Christopher J. Archer

Special Counsel:
Rachel G. Peavy

Of Counsel:
E. Crosby Lewis

*Also Licensed in Georgia

GOODWYN LAW FIRM, LLC

Reply to:
2519 Devine Street
Suite A
Columbia, South Carolina 29205

111-B Congress Street
Winnsboro, South Carolina 29180

Tel. (803) 251-4517 (Columbia)
Fax (803) 251-4527

Tel. (803) 635-1920 (Winnsboro)
Fax (803) 635-2100

Email: CArcher@GoodwynLaw.com
Web: www.GoodwynLaw.com

February 8, 2018

Powers Funeral Home, LLC
832 Ridgeway Road
Lugoff, SC 29078

RE: *Dottie R. Bell v. John C. Bentley*
Civil Action No.: 2016-CP-28-01087
Our File No.: 8000-0260

Dear Sir or Madame:

I represent the Plaintiff in regard to the above referenced matter. It has been brought to our attention that the Defendant in this case, John C. Bentley, has passed away since the commencement of this action. The information we have is that he died in the past 10 months.

We need a funeral program and obituary to confirm his death, but have not been able to locate any relatives that can either provide these or tell us which funeral home handled the service.

I am writing to ask that you please check your records to determine if you performed the embalming, cremation and/or service for John C. Bentley and let us know if you did.

Please contact Mary at our office (803) 251-4517 and let us know if you have any records for Mr. Bentley.

Thank you in advance for your cooperation, and I look forward to hearing from you soon.

Sincerely,


T. Jeff Goodwyn, Jr.

TJG

ELECTRONICALLY FILED - 2019 Mar 07 8:10 AM - KERSHAW - COMMON PLEAS - CASE#2016CP2801087



T. Jeff Goodwyn, Jr.*
Christopher J. Archer

Special Counsel:
Rachel G. Peavy

Of Counsel:
E. Crosby Lewis

*Also Licensed in Georgia

GOODWYN LAW FIRM, LLC

Reply to:
2519 Devine Street
Suite A
Columbia, South Carolina 29205

111-B Congress Street
Winnsboro, South Carolina 29180

Tel. (803) 251-4517 (Columbia)
Fax (803) 251-4527

Tel. (803) 635-1920 (Winnsboro)
Fax (803) 635-2100

Email: CArcher@Goodwynlaw.com
Web: www.GoodwynLaw.com

February 8, 2018

Stewart Funeral Home, Inc.
4893 Kershaw Camden Hwy.
Heath Springs, SC 29058

RE: *Dottie R. Bell v. John C. Bentley*
Civil Action No.: 2016-CP-28-01087
Our File No.: 8000-0260

Dear Sir or Madame:

I represent the Plaintiff in regard to the above referenced matter. It has been brought to our attention that the Defendant in this case, John C. Bentley, has passed away since the commencement of this action. The information we have is that he died in the past 10 months.

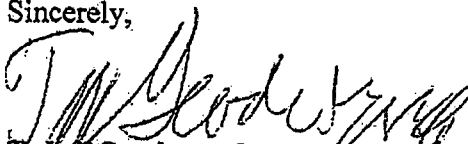
We need a funeral program and obituary to confirm his death, but have not been able to locate any relatives that can either provide these or tell us which funeral home handled the service.

I am writing to ask that you please check your records to determine if you performed the embalming, cremation and/or service for John C. Bentley and let us know if you did.

Please contact Mary at our office (803) 251-4517 and let us know if you have any records for Mr. Bentley.

Thank you in advance for your cooperation, and I look forward to hearing from you soon.

Sincerely,


T. Jeff Goodwyn, Jr.

TJG

ELECTRONICALLY FILED - 2019 Mar 07 8:10 AM - KERSHAW - COMMON PLEAS - CASE#2016CP2801087

EXHIBIT

tabbies

4K

GOODWYN LAW FIRM, LLC

T. Jeff Goodwyn, Jr.*
Christopher J. Archer

Special Counsel:
Rachel G. Peavy

*Also Licensed in Georgia

Reply to:
2519 Devine Street
Suite A
Columbia, South Carolina 29205

111-B Congress Street
Winnsboro, South Carolina 29180

Tel. (803) 251-4517 (Columbia)
Fax (803) 251-4527

Tel. (803) 635-1920 (Winnsboro)
Fax (803) 635-2100

Email: CArcher@Goodwynlaw.com
Web: www.GoodwynLaw.com

February 19, 2018

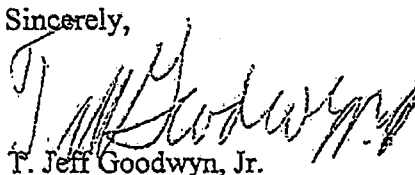
Carrie Hailman O'Brien, Esquire
Willson, Jones, Carter & Baxley, PA
6701 Carmel Road, Suite 475
Charlotte, NC 28226

RE: *Dottie R. Bell v. John C. Bentley*
Civil Action No.: 2016-CP-28-01087
Our File No.: 8000-0260

Dear Ms. O'Brien:

Enclosed herewith and served upon you are Plaintiff's First Supplemental Interrogatories to Defendant and Plaintiff's First Supplemental Requests for Production of Documents to Defendant in regard to the above referenced matter.

Sincerely,



T. Jeff Goodwyn, Jr.

TJG/msb
Enclosures



STATE OF SOUTH CAROLINA
COUNTY OF KERSHAW

IN THE COURT OF COMMON PLEAS

Civil Action No. 2016-CP-28-01087

Dottie R. Bell,

Plaintiff(s),

vs.

John C. Bentley,

Defendant(s).

**PLAINTIFFS' FIRST
SUPPLEMENTAL
INTERROGATORIES TO
DEFENDANT**

TO: CARRIE HAILMAN O'BRIEN, ESQUIRE, ATTORNEY FOR DEFENDANT:

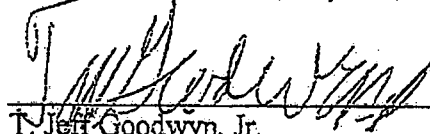
The Plaintiff, pursuant to Rule 33(b) of the South Carolina Rules of Civil Procedure and Rule 3(b) of the Circuit Court Arbitration Rules hereby propounds and serves the following written Supplemental Interrogatories upon Defendant to be answered separately, in writing and under oath, within thirty (30) days from the date of service hereof.

1. State the names, addresses, relationship and telephone numbers of the individual(s) who has informed Defendant and/or Defendant's counsel that the Defendant has died.
2. Identify any person counsel or the family is aware of that attended Defendant's funeral.
3. State the cemetery where Defendant is buried.
4. State the date of death of Defendant.
5. State the date of Defendant's funeral.
6. Identify any obituary for Defendant.
7. Identify any funeral home who handled the embalming, cremation or any other death/burial service for Defendant.

8. Identify any estate that has been opened for Defendant and state the County, State the estate was opened in.
9. Identify any individual known by Counsel or Defendant's family that has applied to be the Personal Representative of the Estate of John C. Bentley.

The foregoing Interrogatories are to be regarded as continuing, and Defendant is requested to provide promptly by way of supplementary responses thereto, such additional documents, etc. as may hereafter be obtained by Defendant or any person or organizations on Defendant's behalf which will augment or otherwise modify any answer now given to the foregoing Interrogatories.

GOODWYN LAW FIRM, LLC



T. Jeff Goodwyn, Jr.
Christopher J. Archer
2519 Devine Street
Suite A
Columbia, SC 29205
(803) 251-4517 Phone
(803) 251-4527 Facsimile
JGoodwyn@Goodwynlaw.com
Attorneys for Plaintiff

Columbia, South Carolina
February 19, 2018

STATE OF SOUTH CAROLINA
COUNTY OF KERSHAW

)
) IN THE COURT OF COMMON PLEAS
)

Dottie R. Bell,

Plaintiff(s),

vs.

John C. Bentley,

Defendant(s).

Civil Action No. 2016-CP-28-01087

PLAINTIFFS' FIRST SUPPLEMENTAL
REQUESTS FOR PRODUCTION OF
DOCUMENTS TO DEFENDANT

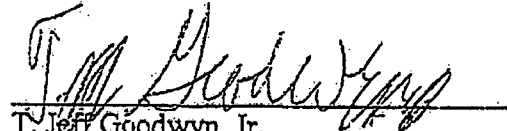
TO: CARRIER HAILMAN O'BRIEN, ESQUIRE, ATTORNEY FOR DEFENDANT:

The Plaintiff, pursuant to Rule 34 of the South Carolina Rules of Civil Procedure hereby propounds and serves the following Supplemental Requests for Production of Documents upon Defendant to be answered separately, in writing and under oath, within thirty (30) days from the date of service hereof.

1. Produce any documents identified in Defendant's responses to Plaintiff's First Supplement Interrogatories to Defendant.
2. Produce a copy of decedent's death certificate.
3. Produce any and all documents evidencing Defendant's death.
4. Produce any and all information regarding where the Defendant is buried.
5. Produce a copy of Defendant's obituary.
6. Produce any Petitions for Appointment, creditor's claims or other filings with the Probate Court relating to the Estate of John C. Bentley.

The foregoing Request for Production of Documents are to be regarded as continuing, and Defendants are requested to provide promptly by way of supplementary productions thereto, such additional documents, etc. as may hereafter be obtained by Defendants or any person or organizations on Defendants' behalf which will augment or otherwise modify any answer now given to the foregoing Request for Production of Documents.

GOODWYN LAW FIRM, LLC


T. Jeff Goodwyn, Jr.
Christopher J. Archer
2519 Devine Street
Suite A
Columbia, SC 29205
(803) 251-4517 Phone
(803) 251-4527 Facsimile
JGoodwyn@Goodwynlaw.com
Attorneys for Plaintiff

Columbia, South Carolina
February 11, 2018

STATE OF SOUTH CAROLINA
COUNTY OF KERSHAW

IN THE COURT OF COMMON PLEAS

Civil Action No. 2016-CP-28-01087

Dottie R. Bell,

Plaintiff(s),

vs.

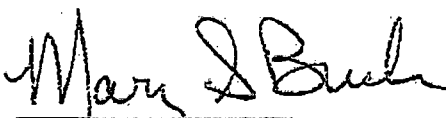
John C. Bentley

Defendant.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on February 19, 2018, copies of the foregoing Plaintiff's First Supplemental Interrogatories to Defendant and Plaintiff's First Supplemental Requests for Production of Documents to Defendant were served on the following party(s) by placing a copy of the same via the U. S. Mail, post prepaid, at the address shown below:

Carrie Hailman O'Brien
Willson, Jones, Carter & Baxley, PA
6701 Carmel Road, Suite 475
Charlotte, NC 28226



Mary S. Bush
Paralegal to T. Jeff Goodwyn, Jr., Esquire
Goodwyn Law Firm, LLC
2519 Devine Street, Suite A
Columbia, SC 29205
(803) 251-4517 Phone

GOODWYN LAW FIRM, LLC

T. Jeff Goodwyn, Jr.*
Christopher J. Archer

Special Counsel:
Rachel G. Peavy

*Also Licensed in Georgia

Reply to:
2519 Devine Street
Suite A
Columbia, South Carolina 29205

111-B Congress Street
Winnsboro, South Carolina 29180

Tel. (803) 251-4517 (Columbia)
Fax (803) 251-4527

Tel. (803) 635-1920 (Winnsboro)
Fax (803) 635-2100

Email: Contact@Goodwynlaw.com
Web: www.GoodwynLaw.com

April 17, 2018

SC DHEC
Vital Records
2600 Bull Street
Columbia, SC 29201

Re: Dottie R. Bell v. John Carl Bentley
Civil Action No.: 2016-CP-28-01087
Date of Accident: February 20, 2014
Our File No.: 8000-0260

Dear Sir or Madame:

I have been retained to represent the Plaintiff in regard to the above referenced matter. I am writing to obtain a Statement of Death for the above-named Defendant, John Carl Bentley, in regards to this legal action. I have been informed that Mr. Bentley passed away on or about July 27, 2016 in Kershaw County.

Please provide me with a Statement of Death for John Carl Bentley, Date of Birth: 05/02/1956; last known address: 1581 Fort Jackson Road, Lugoff, South Carolina in Kershaw County. I have enclosed a money order in the amount of \$12.00 representing the search fee as required.

Thank you for your assistance with this request and should you have any questions, please do not hesitate to contact me.

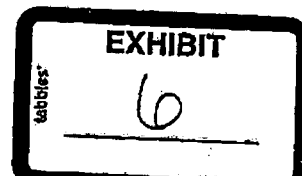
Sincerely,


T. Jeff Goodwyn, Jr.

TJG/msb
Enclosure

cc: Carrie Hailman O'Brien, Esquire

ELECTRONICALLY FILED - 2019 Mar 07 8:10 AM - KERSHAW - COMMON PLEAS - CASE#2016CP2801087





Vital Records Death Application

A photocopy of a current government, school or employer photo identification of the applicant must be submitted with all requests.
Applications without proper identification will be returned unprocessed.

Name of applicant: T. Jeff Goodwyn, Jr. Day phone number: (803) 251-4517

Address: 2519 Devine Street, Suite A

City: Columbia State: South Carolina Zip code: 29205

Email address: jgoodwyn@goodwynlaw.com

Note: Mail from Vital Records will not be forwarded by the USPS.

Address certificate to be mailed to if different than applicant's address:

Name: _____

Address: _____

City: _____ State: _____ Zip code: _____

Your relationship to person named on the certificate. (Check one - will be used to determine entitlement)

☐ Family member (specify) _____

☐ Legal Guardian ☐ Legal representative (for whom?) _____

☒ Other (specify) Attorney for Plaintiff, I have a lawsuit filed and pending against decedent, John C. Bentley.

For what purpose are you requesting this certificate? Legal

By signing this application, I understand that making a false application for a vital record is a felony under state law.

Signature of applicant: [Signature]

INFORMATION FOR DEATH CERTIFICATE BEING REQUESTED:

Name of deceased: John Carl Bentley
First Middle Last Suffix

Date of death: July 27, 2016 Sex: M Age at death: _____ City/County of death: Kershaw

FEES

SEARCH FEE: A \$12 "search fee" is required by SC Law Section 44-63-110. The \$12 search fee is non-refundable. The required search fee includes one (1) certification, if record is located. Additional copies purchased at the same time are \$3 each. Acceptable methods of payment for mail requests are a money order or cashier's check made payable to SC DHEC. Onsite customer service also accepts credit and debit cards and cash.

Specify type of certification: ☒ Death Long ☐ Death Short ☒ Death Statement

Required Search Fee (Non-refundable, Includes one copy if found)..... \$12.00 \$12.00

Each additional copy of type specified above..... x \$ 3.00

Number of additional copies

Total fees submitted: 12.00

Send completed application to: SC DHEC - Vital Records, 2600 Bull Street, Columbia, SC 29201

Along with completed application, be sure to include payment and photocopy of proper identification.

OFFICE USE ONLY SFN: _____

DCN: _____



THIS DOCUMENT CONTAINS A TRUE WATERMARK - HOLD UP TO LIGHT TO VIEW

WESTERN UNION **MONEY ORDER**

UNION FINANCIAL SERVICES INC. - ISSUER

17-732699029

A 341295 D 0-1738
18:13 05
177326990297 L 003627

\$ 12.00

PAY EXACTLY TWELVE DOLLARS AND NO CENTS

PAY TO THE ORDER OF

PAYMENT FOR/ACCT. #

2519 Devine Street, Columbia, SC 29205

PURCHASER'S ADDRESS

[Signature]

ELECTRONICALLY FILED - 2019 Mar 07 8:10 AM - KERSHAW - COMMON PLEAS - CASE#2016CP2801087

T. Jeff Goodwyn, Jr.*
Christopher J. Archer

Special Counsel:
Rachel G. Peavy

*Also Licensed in Georgia

GOODWYN LAW FIRM, LLC

Reply to:
2519 Devine Street
Suite A
Columbia, South Carolina 29205

111-B Congress Street
Winnsboro, South Carolina 29180

Tel. (803) 251-4517 (Columbia)
Fax (803) 251-4527

Tel. (803) 635-1920 (Winnsboro)
Fax (803) 635-2100

Email: C.Archer@GoodwynLaw.com
Web: www.GoodwynLaw.com

April 17, 2018
FOLLOW UP REQUEST

Julie Atkinson
Lee County FOIA Request
P.O. Box 309
Bishopville, SC 29010
jatkinson@leecountysc.org

RE: *Dottie R. Bell v. John C. Bentley*
Civil Action No.: 2016-CP-28-01087
Our File No.: 8000-0260

Dear Ms. Atkinson:

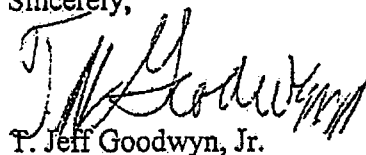
I represent the Plaintiff in regard to the above referenced matter. It has been brought to our attention that the Defendant in this case, John Carl Bentley (DOB: 5/2/1956), has passed away since the commencement of this action. The information we have is that he has died within the past year.

We are requesting copies of any and all documents/information in the possession of the Lee County Coroner's office that would confirm his death. (See the attached FOIA Request)

Please contact Mary or Ashley in my office at (803) 251-4517, to inform us as to whether or not the Lee County Coroner's office has any records related to Mr. Bentley's death.

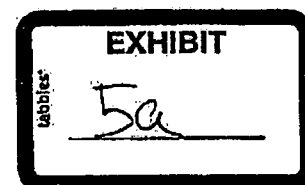
Thank you in advance for your cooperation, and I look forward to hearing from you soon.

Sincerely,



T. Jeff Goodwyn, Jr.

TJG/msb
Enclosure



T. Jeff Goodwyn, Jr.*
Christopher J. Archer

Special Counsel:
Rachel G. Peavy

*Also Licensed in Georgia

GOODWYN LAW FIRM, LLC

Reply to:
2519 Devine Street
Suite A
Columbia, South Carolina 29205

111-B Congress Street
Winnsboro, South Carolina 29180

Tel. (803) 251-4517 (Columbia)
Fax (803) 251-4527

Tel. (803) 635-1920 (Winnsboro)
Fax (803) 635-2100

Email: CArcher@GoodwynLaw.com
Web: www.GoodwynLaw.com

March 7, 2018

Julie Atkinson
jatkinson@leecountysc.org

RE: *Dottie R. Bell v. John C. Bentley*
Civil Action No.: 2016-CP-28-01087
Our File No.: 8000-0260

Dear Ms. Atkinson:

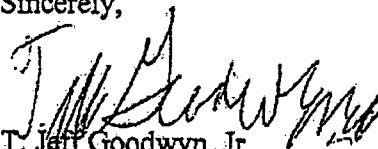
I represent the Plaintiff in regard to the above referenced matter. It has been brought to our attention that the Defendant in this case, John Carl Bentley (DOB: 5/2/1956), has passed away since the commencement of this action. The information we have is that he has died within the past year.

We are requesting copies of any and all documents/information in the possession of the Lee County Coroner's office that would confirm his death. (See the attached FOIA Request)

Please contact Mary or Ashley in my office at (803) 251-4517, to inform us as to whether or not the Lee County Coroner's office has any records related to Mr. Bentley's death.

Thank you in advance for your cooperation, and I look forward to hearing from you soon.

Sincerely,


T. Jeff Goodwyn, Jr.

TJG/msb
Enclosure

Exh. 5b



Forms

FOIA Requests

Freedom of Information Act Requests:

FOI Request Form

For questions contact:

Julie Atkinson

803-484-5341 Ext. 323

jatkinson@leecountysc.org

our Logo here)

Lee County

Freedom of Information Act Request Form

Date of Request 3 / 7 / 2018

Name T. Jeff Goodwyn, Jr., Esq.

ELECTRONICALLY FILED - 2019 Mar 07 8:10 AM - KERSHAW - COMMON PLEAS - CASE#2016CP2801087

Address 2519 Devine Street, Suite ACity Columbia State SC Zip 29205Phone (803) 251-4517 Alternate _____

Information Requested (please be as specific as possible)

Any and all information regarding the death of
John Carl Bentley (DOB: 05-02-1956)

Signature: _____

Section 30-4-30 (B) S. C. Code of Laws, 1976, as amended, provides as follows;

The public body may establish and collect fees not to exceed the actual cost of searching for and making copies of records. Documents may be furnished when appropriate without charge or a reduced charge when the agency determines that waiver or reduction of the fee is in the public interest. The custodian of the public records may charge a reasonable hourly rate for making records available to the public and may receive a reasonable deposit of these rates searching for or making copies of our records.

OFFICE USE ONLY

Request Assigned to: _____ Date of Completion _____

Date of Assignment: _____

Comments: _____

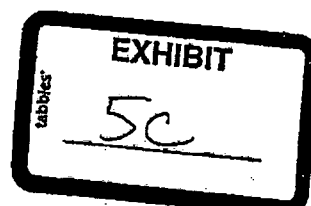
ELECTRONICALLY FILED - 2019 Mar 07 8:10 AM - KERSHAW - COMMON PLEAS - CASE#2016CP2801087

Jeff Goodwyn

From: Ashley Bush <ABush@Goodwynlaw.com>
Sent: Tuesday, April 17, 2018 12:44 PM
To: 'Jeff Goodwyn'; 'Mary S. Bush'
Subject: John C. Bentley - Lee County Coroner!!

Lee County Coroner called; John C. Bentley died in Kershaw Health on 07/27/2016 at 1:23 p.m. of a myocardial infarction. Attending physician that called TOD was Dr. Matthew Floyd. He was cremated and services were held by Powell Funeral Home; all orders and arrangements were handled in Kershaw County.

Ashley Bush, Legal Assistant
Goodwyn Law Firm, LLC
2519 Devine Street, Suite A
Columbia, SC 29205
(803) 251-4517
(803) 251-4527 facsimile
abush@goodwynlaw.com



GOODWYN LAW FIRM, LLC

T. Jeff Goodwyn, Jr.*
Christopher J. Archer

Special Counsel:
Rachel G. Peavy

*Also Licensed in Georgia

Reply to:
2519 Devine Street
Suite A
Columbia, South Carolina 29205

111-B Congress Street
Winnsboro, South Carolina 29180

Tel. (803) 251-4517 (Columbia)
Fax (803) 251-4527

Tel. (803) 635-1920 (Winnsboro)
Fax (803) 635-2100

Email: Contact@Goodwynlaw.com
Web: www.GoodwynLaw.com

April 25, 2018

Carrie Hailman O'Brien, Esquire
Walker Allen Grice Ammons & Foy, LLP
225 East Worthington Avenue, Suite 200
Charlotte, NC 28203

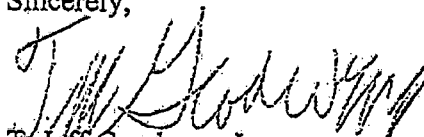
RE: *Dottie R. Bell v. John C. Bentley*
Civil Action No.: 2016-CP-28-01087
Our File No.: 8000-0260

Dear Ms. O'Brien:

I served you with Plaintiff's First Supplemental Interrogatories and First Supplementa Requests for Production of Documents on February 19, 2018 in regard to the above referenced matter. (See attached). I am writing in an attempt to resolve this discovery dispute. If these responses are not received within fifteen (15) days of the date of this letter, I will be forced to file a motion to compel the responses and will seek litigation sanctions.

Should you have any questions, please do not hesitate to contact me.

Sincerely,



T. Jeff Goodwyn, Jr.

TJG/msb
Enclosures

EXHIBIT

13

GOODWYN LAW FIRM, LLC

T. Jeff Goodwyn, Jr.*
Christopher J. Archer

Reply to:
2519 Devine Street
Suite A
Columbia, South Carolina 29205

111-B Congress Street
Winnsboro, South Carolina 29180

Tel. (803) 251-4517 (Columbia)
Fax (803) 251-4527

Tel. (803) 635-1920 (Winnsboro)
Fax (803) 635-2100

Email: Contact@Goodwynlaw.com
Web: www.GoodwynLaw.com

*Also Licensed in Georgia

May 16, 2018

SC DHEC
Vital Records
2600 Bull Street
Columbia, SC 29201

Re: *Dottie R. Bell v. John Carl Bentley*
Civil Action No.: 2016-CP-28-01087
Date of Accident: February 20, 2014
Our File No.: 8000-0260

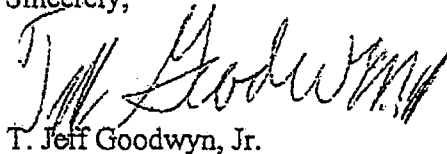
Dear Sir or Madame:

I have been retained to represent the Plaintiff in regard to the above referenced matter. I am writing to obtain a Statement of Death for the above-named Defendant, John Carl Bentley, in regards to this legal action. I have been informed that Mr. Bentley passed away on or about July 27, 2016 in Kershaw County.

Please provide me with a copy of the certified Death Statement for John Carl Bentley, Date of Birth: 05/02/1956; last known address: 1581 Fort Jackson Road, Lugoff, South Carolina in Kershaw County. I have enclosed a money order in the amount of \$12.00 representing the search fee as required.

Thank you for your assistance with this request and should you have any questions, please do not hesitate to contact me.

Sincerely,



T. Jeff Goodwyn, Jr.

TJG/msb
Enclosure

cc: Carrie Hailman O'Brien, Esquire

ELECTRONICALLY FILED - 2019 Mar 07 8:10 AM - KERSHAW - COMMON PLEAS - CASE#2016CP2801087



MONEY ORDER RECEIPT - NON NEGOTIABLE

LOAD THIS DIRECTION, THIS SIDE UP
↓

LOAD THIS DIRECTION, THIS SIDE UP
↑

There's a better way to send cash!
Download the Western Union app and click pay in cash!

ACT 341293 LOC 003627 DT 041718 \$12.00 12DOLLARS AND NO CENTS

Payable to:
RETAIN THIS MONEY ORDER RECEIPT. IT MUST BE INCLUDED WITH ALL RETURN REQUESTS. BE SURE TO READ IMPORTANT INFORMATION BELOW AND ON BACK. For your own records, it is recommended that you make a photocopy of the enclosed Money Order before providing it to the receiver.
PURCHASE AGREEMENT: You the purchaser agree that Western Union Financial Services Inc. (WUFSI) need not stop payment on, or replace, or refund a lost or stolen WUFSI Money Order unless (1) you fill in the face of the Money Order at the time of purchase, and (2) you report the loss or theft to Western Union Financial Services Inc. in writing immediately, and (3) You provide WUFSI with the original Money Order receipt issued by Western Union Financial Services Inc., Englewood, Colorado. For customer service, call 1-800-899-8880.

* 1 7 7 3 2 6 9 9 0 2 9 *





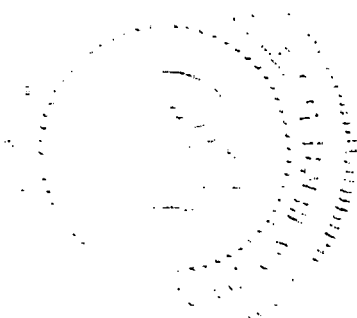
DATE: JUN 12, 2018

RE: *JOHN CARL BENTLEY JR.*

FILE NO: 139-16-027418

TO WHOM IT MAY CONCERN:

According to the death records on file with the Division of Vital Records, Public Health Statistics and Information Services, JOHN CARL BENTLEY JR. , died on JUL 27, 2016 in Kershaw County, South Carolina.



**Division of Vital Records
South Carolina Department of Health and
Environmental Control**

ABSENCE OF IMPRESSED SEAL VOIDS THIS STATEMENT

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM KERSHAW COUNTY
Court of Common Pleas

RECEIVED
FEB 18 2020
SC Court of Appeals

Robert E. Hood, Circuit Court Judge

Appellate Case No.: 2019-000624

Dottie R. Bell.....Appellant,

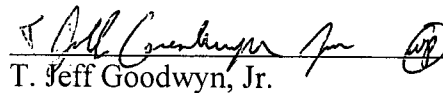
v.

John C. Bentley Respondent.

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that this Appendix to the Record on Appeal, submitted with the consent of all attorneys of record pursuant to Rule 212(b), SCACR, contains all materials proposed to be included by any of the parties and not any other material.

GOODWYN LAW FIRM, LLC


T. Jeff Goodwyn, Jr.

C. David Beale, Jr.

2519 Devine Street

Suite A

Columbia, SC 29205

(803) 251-4517

jgoodwyn@goodwynlaw.com

dbeale@goodwynlaw.com

Attorneys for Appellant

Columbia, South Carolina
February 17, 2020