

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Bentley D. Price, Circuit Court Judge

Case No. 2020-000399

RECEIVED

Dec 17 2020

SC Court of Appeals

CRAIG CHAPPELL, on behalf of himself and others similarly situated, Appellant,

v.

Ladles Soups – James Island LLC; Ladlessoups, LLC; Ladles Soups At Cane Bay LLC; Ladles Soups At Citadel Mall LLP; Ladles Soups Calhoun LLC; Ladles Soups Cane Bay LLC; Ladles Soups Coosaw LLC; Ladles Soups Downtown Charleston, LLC; Ladlessoups Fresh Fields, LLC; Ladles Soups @ Freshfields Village, LLC; Ladlessoups Mainstreet, LLC; Ladles Soups Moncks Corner LLC; Ladlessoups Mount Pleasant, LLC; Ladles Franchise Development, LLC; Ladles Franchising Inc.; Ladles Fort Mill, LLC; Ladles Knightsville LLC; Ladles West Ashley; Teri Owens; Sue Allen, Tracy Allen, Steve Traeger, Erik Dyke, Julie Dyke, Stan Sutton, Carol Sutton, Jason Dalter, Kellie Henderson; Jane Doe 1-25 (Unknown Operating Company and Management Company Owners); John Doe 25-40 (Management Personnel), Defendants,

Of Which Ladles Franchising Inc., Ladlessoups, LLC, Sue Allen, and Tracy Allen are the Respondents.

MOTION FOR SUBSTITUTION

Teri Chappell, by and through her undersigned counsel, hereby files this Motion to Substitute Party in the above-captioned case pursuant to South Carolina Appellate Court Rule 265(b) which states in relevant part:

[i]f a party to an appeal dies or becomes incompetent, the appellate court may, upon motion or on its own initiative, order substitution of the proper parties or remand the case to the trial court for the substitution of the proper parties as provided by Rule 25, SCRPC.

S.C. App. Ct. R. 265(b)

Appellant Craig Chappell died on or about September 27, 2020. After receiving notification of Plaintiff's death, Ben Le Clercq and David D. Ashley, on behalf of the Appellant and pursuant to S.C. App. Ct. R. 265(a), filed the Suggestion of Death with the court on October 27, 2020. In order to administer Mr. Chappell's estate, Appellant's sister, Teri Chappell, petitioned to be appointed Personal Representative of Craig Chappell's estate after compiling all necessary records and receiving the consent of his heirs. Teri Chappell was duly appointed as the Personal Representative of Craig Chappell by the Charleston County Probate Court on December 8, 2020. A copy of the Fiduciary Letters is attached as Exhibit A.

This is an appeal on an action for a violation of the South Carolina payment of wages act, breach of contract, and conversion and the claims for a violation of the South Carolina payment of wages act, breach of contract, and conversion was not extinguished by the death of Appellant.

Wherefore, Appellant moves the court for an order substituting Teri Chappell, as Personal Representative of the estate of Craig Chappell, as the Appellant in the above captioned matter.

Dated: December 17, 2020

Respectfully Submitted,

/s/ David D. Ashley
Ben Le Clercq (S.C. Bar #65754)
David D. Ashley (S.C. Bar #76206)
Le Clercq Law Firm
Ben@LeClercqLaw.com
David@LeClercqLaw.com
708 South Shelmore Blvd. #202
Mount Pleasant, SC 29464
Phone (843) 722-3523
Fax (843) 352-2977
Counsel for Appellant

Other Counsel of Record:

Kerry W. Koon

147 Wappoo Creek Drive, Suite 203

Charleston, SC 29412

Attorney for Respondents

(843) 795-7000

M. Evan Lacke

147 Wappoo Creek Drive, Suite 204

Charleston, SC 29412

Attorney for Respondents

(843) 327-1523

STATE OF SOUTH CAROLINA

)
)
)
)
)
)
)

IN THE PROBATE COURT

COUNTY OF CHARLESTON

FIDUCIARY LETTERS

IN THE MATTER OF:
CRAIG HAROLD CHAPPELL
(Decedent)

CASE NUMBER: 2020ES1001987

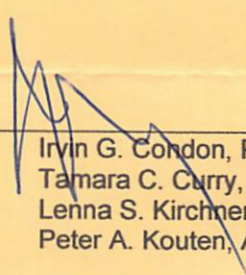
- PERSONAL REPRESENTATIVE
- SUCCESSOR PERSONAL REPRESENTATIVE
- SPECIAL ADMINISTRATOR

On the 8th day of December, 2020, TERI CHAPPELL was/were appointed and qualified as Fiduciary(ies) of the above matter by this Court, with all the authority granted to a fiduciary by law.

NOW, THEREFORE, LETTERS are issued as evidence of such appointment, qualification, and authority of the above fiduciary(ies) to do and to perform all acts which may be authorized by law.

RESTRICTIONS: NONE

Executed this 8th day of December, 2020.



 Irvin G. Condon, Probate Court Judge
 Tamara C. Curry, Associate Judge
 Lenna S. Kirchner, Associate Judge
 Peter A. Kouten, Associate Judge



THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Bentley D. Price, Circuit Court Judge

Case No. 2020-000399

RECEIVED

Dec 17 2020

SC Court of Appeals

CRAIG CHAPPELL, on behalf of himself and others similarly situated, Appellant,

v.

Ladles Soups – James Island LLC; Ladlessoups, LLC; Ladles Soups At Cane Bay LLC; Ladles Soups At Citadel Mall LLP; Ladles Soups Calhoun LLC; Ladles Soups Cane Bay LLC; Ladles Soups Coosaw LLC; Ladles Soups Downtown Charleston, LLC; Ladlessoups Fresh Fields, LLC; Ladles Soups @ Freshfields Village, LLC; Ladlessoups Mainstreet, LLC; Ladles Soups Moncks Corner LLC; Ladlessoups Mount Pleasant, LLC; Ladles Franchise Development, LLC; Ladles Franchising Inc.; Ladles Fort Mill, LLC; Ladles Knightsville LLC; Ladles West Ashley; Teri Owens; Sue Allen, Tracy Allen, Steve Traeger, Erik Dyke, Julie Dyke, Stan Sutton, Carol Sutton, Jason Dalter, Kellie Henderson; Jane Doe 1-25 (Unknown Operating Company and Management Company Owners); John Doe 25-40 (Management Personnel), Defendants,

Of Which Ladles Franchising Inc., Ladlessoups, LLC, Sue Allen, and Tracy Allen are the Respondents.

PROOF OF SERVICE OF MOTION FOR SUBSTITUTION

I, David Ashley, certify that I have served *Motion for Substitution* on Ladles Franchising, Inc., Ladlessoups, LLC, Sue Allen and Tracy Allen by e-mailing a copy to their attorneys of record, Kerry W. Koon at kerrykoon@hotmail.com and M. Evan Lacke at elacke@lackelawfirm.com on December 17, 2020.

December 17, 2020

s/David D. Ashley
Ben Le Clercq (S.C. Bar # 65754)
David D. Ashley (S.C. Bar #76206)
Le Clercq Law Firm
Ben@LeClercLaw.com
David@LeClercLaw.com

708 South Shelmore Blvd. #202
Mount Pleasant, SC 29464
Phone (843) 722-3523
Fax (843) 352-2977
Counsel for Appellant



Debbie Mathews <debbie@leclercqlaw.com>

Chappell v Ladles (Franchisor) Motion for Substitution of Party

1 message

Debbie Mathews <Debbie@leclercqlaw.com>

Thu, Dec 17, 2020 at 3:04 PM

To: Kerry Koon <kerrykoon@hotmail.com>, "M. Evan Lacke" <elacke@lackelawfirm.com>

Cc: David Ashley <David@leclercqlaw.com>

Attached please find the Motion for Substitution of Party in this matter.

Debbie Mathews
Legal Assistant
Le Clercq Law Firm
708 South Shelmore Blvd., Suite 202
Mount Pleasant, SC 29464
Tel: 843-722-3523
Fax: 843-352-2977
debbie@leclercqlaw.com
www.leclercqlaw.com

RECEIVED
Dec 17 2020
SC Court of Appeals

DISCLAIMER:

This e-mail message contains confidential, privileged information intended solely for the addressee. Please do not read, copy, or disseminate it unless you are the addressee. If you have received it in error, please call us at 843-722-3523 and ask to speak with the message sender. Also, we would appreciate your forwarding the message back to us and deleting it from your system. Thank you.

This e-mail and all other electronic (including voice) communications from the sender's firm are for informational purposes only. No such communication is intended by the sender to constitute either an electronic record or an electronic signature, or to constitute any agreement by the sender to conduct a transaction by electronic means. Any such intention or agreement is hereby expressly disclaimed unless otherwise specifically indicated.

 **2020 12 17 Motion for Substitution.pdf**
296K