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**Mar 26 2021**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM HAMPTON COUNTY  
Court of Common Pleas

The Honorable Carmen T. Mullen, Presiding Judge

Case No. 2013-CP-25-00295

Appellate Case No. 2018-002161

Estate of Willie G. Weekley, Deceased, by its Personal  
Representative, Betty W. Denney.....Appellant,

v.

L.C. Weekley, Laura Weekley Segel, Individually and as  
Personal Representative of the Estate of William James Weekley,  
Deceased, Peter Saad as Personal Representative of Mary Elizabeth Weekley  
Saad, Deceased, and as Trustee of the Mary Elizabeth Saad Trust,

Of whom Laura Weekley Segel, Individually and as Personal Representative of  
the Estate of William James Weekley, Deceased, is the.....Respondent.

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**RESPONDENT’S REPLY TO APPELLANT’S  
RESPONSE TO MOTION TO DISMISS APPEAL**

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*Attorneys for Respondent Laura Weekley Segel*

## REPLY

The Respondent, Laura Weekley Segel, submits this Reply to the Appellant's Response to Motion to Dismiss, pursuant to Rule 240, SCACR, and respectfully requests that this Court dismiss the Appellant's appeal of the circuit court's order granting summary judgment to Respondent dated November 5, 2018. In her Response, the Appellant presents various arguments to support her appeal; however, she ignores several important procedural arguments presented in the Respondent's Motion to Dismiss. Therefore, the Respondent specifically replies as follows:

1. The Appellant did not file a timely notice of appeal on Judge Mullen's Form 4 order denying intervention dated November 5, 2018; therefore, consideration of the denial of the motion to intervene is not before this Court. The Appellant did not reference Judge Mullen's Form 4 Order in her Notice of Appeal. Moreover, in her Response, Appellant admits that she is appealing Judge Mullen's order dated November 5, 2018, in which Judge Mullen granted the Respondent's motion for summary judgment. (App. Resp. pp. 2-3). Nothing in that order references the denial of Appellant's motion to intervene. Because the Appellant did not specifically appeal the Form 4 order issued by Judge Mullen on November 5, 2018, the Court should dismiss Appellant's arguments regarding the motion to intervene.

2. The Appellant argues in her Response that she is an aggrieved party and that she is the only party able to appeal, therefore she has standing. (App. Resp. p. 2). However, she is not a party because she was removed as the personal representative by order of Judge Mullen on January 17, 2017. (R. pp. 13-16). The Appellant then sought to intervene as a party and this was denied by Judge Mullen's Form 4 Order on November 5, 2018. The Appellant insists there is no other available remedy; however, the available remedy would have been to appeal the orders removing her as personal representative and denying the motion to intervene, which she did not do. There is

no standing for Appellant to bring this appeal, yet the Appellant in her Response continues to disregard this critical and very relevant fact.

3. The Appellant also lacks standing because she is no longer living. The Appellant passed away on April 26, 2019. She did not bring this action in her personal capacity, nor did her estate move to amend the notice of appeal or the caption.

4. In her Response, the Appellant cites to various statements made by Respondent's counsel at a hearing on the prior motion for summary judgment, which took place before Judge Buckner in June of 2015. (App. Resp. pp. 7-8, 15). This Court has already issued an order in response to that summary judgment hearing and subsequent order in its opinion captioned *Op. No. 2017-UP-208*. The use of quotes from prior hearings on a prior motion for summary judgment only serves to mislead and confuse the issues on appeal, fails to acknowledge the facts and evidence before the circuit court in the hearing leading to the decision presently under appeal, and is irrelevant to the current proceeding before the Court.

Respectfully submitted,

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s/Kelly M. Jolley

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Date: March 26, 2021