

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

68033

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

R. Knox McMahon, Circuit Court Judge

App. Case No. 2012-212678
Lower Case No. 2009-CP-40-8705

RECEIVED
APR 15 2013
SC Court of Appeals

Carolyn Mitchell Powell. Appellant,

vs.

Ashlin Blanchard Potterfield; J. Michael Taylor;
and TAYLOR/POTTERFIELD Respondents.

Consent Motion to Amend Caption

Appellant, with the full and express consent of the Respondents, hereby moves this Court for an Order amending the caption of this case to reflect the proper parties. Appellant originally filed her NOTICE OF APPEAL with a caption naming all parties as named in the ORDER DENYING PLAINTIFF'S MOTION TO ALTER OR AMEND JUDGMENT. (Order at 1, ROA 45). However, the caption in the ORDER GRANTING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT did not name GOLDEN, TAYLOR, POTTERFIELD AND BARRON; Reid Smith; and PRICE, BIRD & SMITH, P.A. because those defendants previously had been dismissed from the case. (Order at 1, ROA 29). Both Appellant and Respondents agreed that the captions should reflect the true parties and henceforth used a caption as reflected in the ORDER GRANTING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT and removed GOLDEN,

TAYLOR, POTTERFIELD AND BARRON; Reid Smith; and PRICE, BIRD & SMITH, P.A. from the appellate caption in all subsequent filings. Upon further reflection, the caption should have been written to reflect the original defendants and the parties of whom are respondents. The parties regret this error and respectfully request that the caption for this matter be amended to read as follows:

Carolyn Mitchell Powell. Appellant,

vs.

Ashlin Blanchard Potterfield; J. Michael Taylor;
TAYLOR/POTTERFIELD; GOLDEN, TAYLOR, POTTERFIELD
AND BARRON; Reid Smith; and
PRICE, BIRD & SMITH, P.A. DEFENDANTS,

OF WHOM:

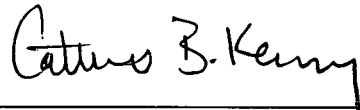
Ashlin Blanchard Potterfield; J. Michael Taylor;
TAYLOR/POTTERFIELD are Respondents.

For the Court's reference, the parties summarize the caption as used in the NOTICE OF APPEAL, the caption as used in all subsequent filings and the caption as requested to be amended in a chart attached as **Exhibit A**. In addition, the full amended caption as it would appear if this motion is granted is attached as **Exhibit B**.

In conclusion, Appellant and Respondents respectfully request the Court grant our CONSENT MOTION TO AMEND THE CAPTION to reflect the true status of the parties in this matter.

Respectfully submitted,

PENDARVIS LAW OFFICES, P.C.

A handwritten signature in black ink that reads "Catherine B. Kerney". The signature is written in a cursive style with a horizontal line underneath the name.

Thomas A. Pendarvis (SC Bar # 64918)

Catherine B. Kerney (SC Bar # 81429)

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Lawyers for Appellant

April 10, 2013

Exhibit A

Originally filed as:	Carolyn Mitchell Powell. Appellant, vs. Ashlin Blanchard Potterfield; J. Michael Taylor; TAYLOR/POTTERFIELD; GOLDEN, TAYLOR, POTTERFIELD AND BARRON; Reid Smith; and PRICE, BIRD & SMITH, P.A.. Respondents.
All Subsequent filings:	Carolyn Mitchell Powell. Appellant, vs. Ashlin Blanchard Potterfield; J. Michael Taylor; and TAYLOR/POTTERFIELD Respondents.
Request to amend as:	Carolyn Mitchell Powell. Appellant, vs. Ashlin Blanchard Potterfield; J. Michael Taylor; TAYLOR/POTTERFIELD; GOLDEN, TAYLOR, POTTERFIELD AND BARRON; Reid Smith; and PRICE, BIRD & SMITH, P.A.. DEFENDANTS, OF WHOM: Ashlin Blanchard Potterfield; J. Michael Taylor; TAYLOR/POTTERFIELD are Respondents.

Exhibit B

Request to Amend as:

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY
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R. Knox McMahon, Circuit Court Judge

App. Case No. 2012-212678
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Carolyn Mitchell Powell. Appellant,

vs.

Ashlin Blanchard Potterfield; J. Michael Taylor;
TAYLOR/POTTERFIELD; GOLDEN, TAYLOR, POTTERFIELD
AND BARRON; Reid Smith; and
PRICE, BIRD & SMITH, P.A. DEFENDANTS,

OF WHOM:

Ashlin Blanchard Potterfield; J. Michael Taylor;
TAYLOR/POTTERFIELD are Respondents.

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APPEAL FROM LEXINGTON COUNTY
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vs.

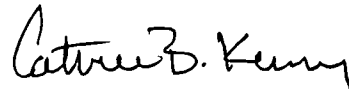
Ashlin Blanchard Potterfield; J. Michael Taylor;
and TAYLOR/POTTERFIELD. Respondents.

PROOF OF SERVICE

I, Catherine B. Kerney, a lawyer with PENDARVIS LAW OFFICES, P.C., certify that I have served one (1) copy of the CONSENT MOTION TO AMEND CAPTION AND PROOF OF SERVICE on counsel for Respondents: Ashlin Blanchard Potterfield; J. Michael Taylor; and TAYLOR/POTTERFIELD by depositing copies of the same in the United States Mail, postage prepaid, on the 1st day of April , 2013 addressed to Charles E. Hill, J.D., TURNER, PADGET GRAHAM & LANEY, PA, PO Box 1473 Columbia, SC 29202.

Respectfully submitted,

PENDARVIS LAW OFFICES, P.C.



Thomas A. Pendarvis (SC Bar # 64918)
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Lawyers for Appellant, Carolyn Mitchell Powell

April 10, 2013

Beaufort, South Carolina

PENDARVIS LAW OFFICES, PC



April 10, 2013

VIA US MAIL

Jenny Abbott Kitchings, Clerk of Court
COURT OF APPEALS FOR THE STATE OF SOUTH CAROLINA
PO Box 11629
Columbia, SC 29211

**Re: Carolyn Mitchell Powell v. Ashlin Blanchard Potterfield, J. Michael Taylor,
and TAYLOR/POTTERFIELD - App. Case No. 2012-212678; Lower Case No.
2009-CP-40-8705**

Dear Ms. Kitchings:

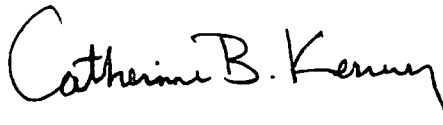
Enclosed for filing please find the original and one copy of the CONSENT MOTION TO AMEND CAPTION with a PROOF OF SERVICE in regards to the above-referenced matter. Also enclosed is our check in the amount of \$25.00 representing the filing fee.

Please return the clocked copies in the stamped, self-addressed return envelope enclosed for your convenience.

With kind regards, I remain

Sincerely,

PENDARVIS LAW OFFICES, P.C.



Catherine B. Kerney

TAP/alg
Enclosures
cc w encl: Charles E. Hill, J.D.

ec w encl: Susan F. Campbell, J.D.
Carolyn Mitchell

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SC Court of Appeals

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