

IN THE DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Wendy C. H. Wellin, as Special Administrator of
the Estate of Keith S. Wellin and as Trustee of
the Keith S. Wellin Florida Revocable Living
Trust u/a/d December 11, 2001,
Plaintiff,

vs.

Peter J. Wellin, Cynthia W. Plum and Marjorie
W. King, individually, and as co-Trustees and
beneficiaries of the Wellin Family 2009
Irrevocable Trust u/a/d November 2, 2009, and
Friendship Management, LLC,
Defendants.

C/A No. 2:13-cv-01831-DCN

ORDER ADOPTING CONSENT
REPORT & RECOMMENDATION

Larry S. McDevitt, as Trust Protector
of the Wellin Family 2009 Irrevocable Trust,
Plaintiff

vs.

Peter J. Wellin, et al.,
Defendant(s).

C/A No. 2:13-cv-03595-DCN

Peter J. Wellin, Cynthia W. Plum and Marjorie
W. King, as Co-Trustees of the Wellin Family
2009 Revocable Trust,
Counterclaim Plaintiffs,

vs.

Lester S. Schwartz, as Trust Protector
of the Wellin Family 2009 Irrevocable Trust u/a/d
November 2, 2009, et al.,
Counterclaim Defendants.

C/A No. 2:14-cv-04067-DCN

Peter J. Wellin, et al.,
Plaintiffs,

vs.

Wendy Wellin, Individually and as Trustee of the
Keith S. Wellin Florida Revocable Living Trust
u/a/d December 11, 2001, and Hamilton College,
Defendants.

This matter is before the court on the recommendation contained in Special Master William L. Howard's Consent Report & Recommendation ("R&R") (ECF No. 376)¹, dated November 24, 2015, as to Wendy C.H. Wellin's ("Wendy") Motion to Quash [Service] or in the Alternative for a Protective Order (ECF No. 348).

Pursuant to the R&R, the parties agreed and the Special Master recommended that:

- A. The subpoena *duces tecum* at issue (ECF No. 348-1), which is directed to Joseph H. Amberson III, be served upon him and be limited to the following documents only as they relate to the relationship between Keith and Wendy Wellin:
 1. Any and all deposition transcripts of any party or witness taken in the divorce action between Nancy Negley and Keith S. Wellin (the "divorce action");
 2. Any and all videotaped statements of any witness or party taken in connection with the divorce action; and
 3. Any and all pleadings, affidavits, or statements relating to the divorce action;
- B. The documents be produced to counsel for Wendy Wellin, individually, so that they may be marked "confidential", if necessary; and
- C. Wendy Wellin may challenge the production of documents by Amberson that appear to fall outside of the Subpoena's requests by moving for a protective order with regard to those particular documents.

As stated in the court's February 17, 2015 Order Appointing Special Master (ECF No. 270), the court may "adopt or affirm, modify, wholly or partly reject or reverse or resubmit" the Special Master's order. Fed. R. Civ. P. 53(f)(1).

Since the parties have consented to this R&R, no party has submitted notice of its intention to file an objection, as provided in ECF No. 270 at 5-6, to the Special Master's R&R.

¹ Though Case Nos. 2:13-cv-1831, 2:13-cv-3595, and 2:14-cv-4067 have been consolidated for pre-trial purposes, all references to electronic filing numbers in this order will be directed to

Accordingly, the Special Master's November 24, 2015 R&R is **ADOPTED**, and the service of the Subpoena and its response shall be governed by the method laid out in the R&R.

AND IT IS SO ORDERED.



DAVID C. NORTON
UNITED STATES DISTRICT JUDGE

December 7, 2015
Charleston, South Carolina