

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

Keith Wellin, individually 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-1831 DCN

ORDER

Lester S. Schwartz, as Trust Protector of the
Wellin Family 2009 Irrevocable Trust,

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, Friendship Management, LLC, and Cynthia
W. Plum as Manager of Friendship Management,
LLC,

Defendants.

C/A No. 2:13-cv-3595 DCN

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

Counterclaim Plaintiffs,

-vs-

Lester S. Schwartz, Esq., as Trust Protector of the
Wellin Family 2009 Irrevocable Trust u/a/d
November 2, 2009, and Keith Wellin, as Grantor of
the Wellin Family 2009 Irrevocable Trust u/a/d
November 2, 2009,

Counterclaim Defendants.

Peter J. Wellin, Cynthia Wellin Plum, and	)	C/A No. 2:14-cv-4067 DCN
Majorie Wellin King, Individually and as	)	
Co-Trustees and Beneficiaries of the Wellin	)	
Family 2009 Irrevocable Trust u/a/d	)	
November 2, 2009,	)	
	)	
Plaintiffs,	)	
	)	
-vs-	)	
	)	
Wendy Wellin, Individually and as Trustee of	)	
the Keith S. Wellin Florida Revocable Living	)	
Trust u/a/d December 11, 2001,	)	
	)	
Defendants.	)	
	)	

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The above referenced cases are before this court upon the Special Master’s recommendation that the 30(b)(6) deposition subpoena of Wellin & Co. Be quashed, and that a protective order be granted prohibiting the Estate from taking the 30(b)(6) deposition of Wellin & Co.

This court is charged with conducting a de novo review of any portion of the Special Master’s report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636(b)(1). However, absent prompt objection by a dissatisfied party, it appears that Congress did not intend for the district court to review the factual and legal conclusions of the Special Master. Thomas v Arn, 474 U.S. 140 (1985). Additionally, any party who fails to file timely, written objections to the Special Master’s report pursuant to 28 U.S.C. § 636(b)(1) waives the right to raise those objections at the appellate court level. United States v. Schronce, 727 F.2d 91 (4th Cir. 1984), cert. denied, 467 U.S. 1208 (1984).<sup>1</sup> **No objections have been filed to the Special Master’s report and recommenda-**

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<sup>1</sup>In Wright v. Collins, 766 F.2d 841 (4th Cir. 1985), the court held "that a pro se litigant must receive fair notification of the consequences of failure to object to a magistrate judge's report before such a procedural default will result in waiver of the right to appeal. The notice must be 'sufficiently understandable to one in appellant's circumstances fairly to appraise him of what is required.'" Id. at 846. Plaintiff was advised in a clear manner that his objections had to be filed within ten (10) days, and he received notice of the consequences at the appellate level of his failure to object to the magistrate judge's report.

tion.

A de novo review of the record indicates that the Special Master's report accurately summarizes this case and the applicable law. Accordingly, the Special Master's report and recommendation is **AFFIRMED**, the Wellin Children's motion to quash the 30(b)(6) deposition subpoena of Wellin & Co. (ECF No. 601 in C/A No. 2:13cv1831 DCN) is **GRANTED**, and a protective order is granted prohibiting the Estate from taking the 30(b)(6) deposition of Wellin & Co.

**AND IT IS SO ORDERED.**



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David C. Norton  
United States District Judge

March 22, 2018  
Charleston, South Carolina

**NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified that any right to appeal this Order is governed by Rules 3 and 4 of the Federal Rules of Appellate Procedure.