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Jun 29 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the South Carolina Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas for the Thirteenth Judicial Circuit

The Honorable Charles B. Simmons, Jr. Master-in-Equity

Civil Action Case Nos.: 2019-CP-23-05954 & 2020-CP-23-04351
Appellate Case No.: 2022-

Crescent Homes SC, LLC,

Appellants/Plaintiffs,

v.

CJN, LLC,

Respondents/Defendants.

NOTICE OF APPEAL

Crescent Homes SC, LLC ("Appellant") hereby respectfully submits its Notice of Appeal of the following Orders of The Honorable Charles B. Simmons, Jr.: (i) May 27, 2022 Order on May 4, 2022 non-jury trial; (ii) June 10, 2022 Order Denying Rule 59(e) Motion. These Orders are immediately appealable pursuant to S.C. Code Ann. § 14-3-330(1) and S.C. Code Ann. § 14-3-330(2). Appellant received notice of the Order Denying Rule 59(e) Motions on June 10, 2022. A copy of the Orders appealed are attached as Exhibit 1 and Exhibit 2.

By: s/Ellis R. Lesemann

Ellis R. Lesemann (S.C. Bar No. 15315)

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(843) 724-5155

Attorneys for Appellant Crescent Homes SC, LLC

June 29, 2022

Charleston, South Carolina

COUNSEL OF RECORD:

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Attorneys for CJN, LLC

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Crescent Homes SC, LLC,

Appellants/Plaintiffs,

v.

CJN, LLC,

Respondents/Defendants.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal of Crescent Homes SC, LLC dated June 22, 2022, on all counsel of record as set forth below via email on June 29, 2022. A copy of the email is attached to this Proof of Service as Exhibit A.

LESEMANN & ASSOCIATES LLC

By: 

Nina M. Thomas, Paralegal
418 King Street, Suite 301
Charleston, South Carolina 29403
(843) 724-5155

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Greenville, SC 29601

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Attorneys for CJN, LLC

EXHIBIT A

Email to counsel enclosing Notice of Appeal

Nina M. Thomas

From: Nina M. Thomas
Sent: Wednesday, June 29, 2022 3:39 PM
To: crawford@conlaw.com; Work
Cc: Ellis Lesemann
Subject: Notice of Appeal in Crescent Homes SC, LLC v. CJN, LLC Civil Action Nos. 2019-CP-23-05954 & 2020-CP-23-04351
Attachments: Notice of Appeal with Exhibits 1 and 2.pdf

Good Afternoon James,

I have attached Plaintiff's Notice of Appeal in the above referenced matters. We will be filing the Appeal with the South Carolina Court of Appeals and the Greenville Court this afternoon.

Please let us know if you have any questions.

Kind regards,

Nina M. Thomas
Paralegal
Lesemann & Associates LLC
418 King Street, Suite 301
Charleston, SC 29403
Phone: (843) 724-5155
Email: nmt@lalawsc.com

STATEMENT OF CONFIDENTIALITY:

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LESEMANN & ASSOCIATES LLC

CIVIL LITIGATION | BUSINESS DISPUTES

ELLIS R. LESEMANN
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June 29, 2022

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SC Court of Appeals

VIA E-FILING

Mr. Paul B. Wickensimer
Greenville County Clerk of Court
305 E. North Street, Suite 202
Greenville, SC 29601

Re: *Crescent Homes SC, LLC v. CJN, LLC*
Case No. 2019-CP-23-05954
CJN, LLC v. Crescent Homes SC, LLC
Case No. 2020-CP-23-4351

Dear Mr. Wickensimer:

Enclosed for filing is Plaintiff's Notice of Appeal of the following orders signed by The Honorable Charles B. Simmons, Jr.:

- (i) May 27, 2022 Order on May 4, 2022 non-jury trial; and
- (ii) June 10, 2022 Order Denying Rule 59(e) Motions.

Also enclosed is the Proof of Service of the Notice of Appeal in the above-referenced matter.

With best regards,

s/ Ellis R. Lesemann

Ellis R. Lesemann (S.C. Bar No. 15315)

ERL/nmt
Enclosures

cc: John T. Crawford, Esquire (w/ encl.)
F. James Warmoth, Esquire (w/ encl.)

LESEMANN & ASSOCIATES LLC

CIVIL LITIGATION | BUSINESS DISPUTES

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June 29, 2022

VIA E-FILING & US MAIL

Jenny Abbott Kitchings, Esquire
Clerk of Court
SC Court of Appeals
P.O. Box 11629
Columbia, SC 29211
ctappfilings@sccourts.org

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Jun 29 2022
SC Court of Appeals

Re: *Crescent Homes SC, LLC v. CJN, LLC*
Case No. 2019-CP-23-05954
CJN, LLC v. Crescent Homes SC, LLC
Case No. 2020-CP-23-4351

Dear Ms. Kitchings:

Enclosed for filing are the following in the above-referenced matter:

1. Plaintiffs' Notice of Appeal;
2. The two (2) Orders by Judge Simmons that we are appealing;
3. Proof of Service of the Notice of Appeal; and
4. Letter to Greenville County Clerk of Court attaching Notice of Appeal and Proof of Service that are being e-filed today in both cases of the consolidated matter.

A check in the amount of \$250.00 for the filing fee will follow to your office via U.S. mail. Please do not hesitate to contact me with any questions or concerns about this matter.

With best regards,

s/ Ellis

Ellis R. Lesemann

ERL/nmt
Enclosure

cc: John T. Crawford, Esquire (w/ encl.)
F. James Warmoth, Esquire (w/ encl.)