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

**RECEIVED**

APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas for the Thirteenth Judicial Circuit  
The Honorable Charles B. Simmons, Jr. Master-in-Equity

JUL 05 2022

SC Court of Appeals

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)

[erl@lalawsc.com](mailto:erl@lalawsc.com)

Benjamin H. Joyce (S.C. Bar No. 100949)

[bhj@lalawsc.com](mailto:bhj@lalawsc.com)

LESEMANN & ASSOCIATES LLC

418 King Street, Suite 301

Charleston, SC 29403

(843) 724-5155

*Attorneys for Appellant Crescent Homes SC, LLC*

June 29, 2022

Charleston, South Carolina

**COUNSEL OF RECORD:**

John T. Crawford (S.C. Bar No.69682)

[crawford@conlaw.com](mailto:crawford@conlaw.com)

F. James Warmoth (S.C. Bar No. 101072)

[warmoth@conlaw.com](mailto:warmoth@conlaw.com)

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704 E. McBee Avenue

Greenville, SC 29601

(864) 242-4899

*Attorneys for CJN, LLC*

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Appellate Case No.: 2022-

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Crescent Homes SC, LLC,

Appellants/Plaintiffs,

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CJN, LLC,

Respondents/Defendants.

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**PROOF OF SERVICE**

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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

**COUNSEL OF RECORD:**

John T. Crawford (S.C. Bar No.69682)

[crawford@conlaw.com](mailto:crawford@conlaw.com)

F. James Warmoth (S.C. Bar No. 101072)

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704 E. McBee Avenue

Greenville, SC 29601

(864) 242-4899

*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](mailto:nmt@lalawsc.com)

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The information contained in this electronic message and any attachments to this message are intended for the exclusive use of the addressee(s) and may contain confidential or privileged information. If you are not the intended recipient, or the person responsible for delivering the e-mail to the intended recipient, be advised you have received this message in error and that any use, dissemination, forwarding, printing, or copying is strictly prohibited. Please call Lesemann & Associates immediately at (843) 724-5155 and destroy all copies of this message and any attachments. You will be reimbursed for reasonable costs incurred in notifying us.

# LESEMANN & ASSOCIATES LLC

CIVIL LITIGATION | BUSINESS DISPUTES

ELLIS R. LESEMANN  
EMAIL: [erl@lalawsc.com](mailto:erl@lalawsc.com)

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WEBSITE: [www.lalawsc.com](http://www.lalawsc.com)

June 29, 2022

**RECEIVED**

JUL 05 2022

SC Court of Appeals

**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](mailto:ctappfilings@sccourts.org)

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.)

# LESEMANN & ASSOCIATES LLC

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ELLIS R. LESEMANN  
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TELEPHONE (843) 724-5155

June 29, 2022

**VIA E-FILING**

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

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JUL 05 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 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](mailto:ctappfilings@sccourts.org)

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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*

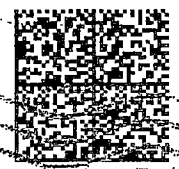
Ellis R. Lesemann

ERL/nmt

Enclosure

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

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**LESEMANN & ASSOCIATES LLC**

418 KING STREET, SUITE 301  
CHARLESTON, SOUTH CAROLINA 29403

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