

Nov 23 2022

STATE OF SOUTH CAROLINA)
COUNTY OF ANDERSON)

) IN THE COURT OF COMMON PLEAS
) TENTH JUDICIAL CIRCUIT

SC Court of Appeals

Joyce Porter and Edith Durham)
Plaintiffs/Respondents,)
vs.)
Jimmy L. Davis, Inc., and Jimmy)
L. Davis, Individually,)
Defendants/Appellants.)

C.A. No. 2019-CP-04-000927
Appellate Case No. 2022-000242
DEFENDANTS'/APPELLANTS'
RETURN TO PLAINTIFFS/
RESPONDENTS MOTION
REQUESTING DEFENDANTS/
APPELLANTS POST A
SUPERSEDEAS BOND PENDING
THEIR APPEAL

TO: M. STOCKELY HOLDER, ESQUIRE, AND RAYFORD W. BUSSEY, JR.,
ESQUIRE, ATTORNEYS FOR PLAINTIFFS/RESPONDENTS:

YOU WILL PLEASE TAKE NOTICE that the Defendants/Appellants will
move before the presiding Circuit Court Judge for the Tenth Judicial Circuit.,
at a time and date to be scheduled by the Clerk of Court, in the Anderson
County Court of Common Pleas for an order denying and dismissing
Defendants'/Respondents' motion for supersedeas and to post a supersedeas
bond upon the following grounds:

1.) The Defendants/Appellants filed and served a notice of appeal from
the lower Courts' decisions on February 1, 2022. This appeal to the South
Carolina Court of Appeals is still pending.

2.) Rule 241(a), SCACR, provides that a notice of appeal in a civil
action automatically stays the matters decided by the lower courts and to stay
the relief ordered in the appealed order. Therefore, the money judgment of the
lower court is appropriately stayed pending the appeal.

3.) A supersedeas bond is unnecessary because the money judgment

attached to, and constitutes a lien against, any real property owned by Defendants/Appellants.

4.) The stay provided by Rule 241(a). SCACR, is effective upon the filing of the notice of appeal and during the entire course of appellate review of the judgment.

5.) The posting of a supersedeas bond is not appropriate or necessary under the facts of this case to maintain the status quo and should be denied. Rule 241(c), SCACR.

6.) A continued stay is warranted in this case since Defendants/Appellants would suffer irreparable harm absent a stay, and Defendants/Appellants have a legitimate basis for their appeal.

WHEREFORE, DEFENDANTS/APPELLANTS move the Court for an order denying Plaintiffs'/Respondents' motion for a supersedeas bond.

September 23, 2022

Respectfully Submitted.

(s) James S. Eakes

James S. Eakes, S.C. Bar 1820

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ATTORNEY FOR DEFENDANTS/APPELLANTS