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Feb 16 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM SUMTER COUNTY
R. FERRELL COTHAN, JR., CIRCUIT COURT JUDGE
Case No. 2022-CP-43-00438

James E. Fender,Appellant,

v.

Larry R. Hoffman and Allen Jackson Barnes, Defendants.

Of Whom Allen Jackson Barnes is theRespondent.

NOTICE OF APPEAL

Appellant James E. Fender appeals from the trial court’s Order that granted Defendant Allen Jackson Barnes’ Motion to Dismiss Amended Complaint filed January 3, 2023, that was received by Appellant on January 3, 2023. Appellant also appeals from the trial court’s Order that Dismissed Plaintiff’s Motion for Reconsideration filed January 18, 2023, that was received by Appellant on January 18, 2023. Copies of the orders are attached hereto as **Exhibit A and Exhibit B.**

s/ Desa Ballard
Desa Ballard (S.C. Bar No. 498)
Harvey M. Watson III (S.C. Bar No. 74053)
Haley Hubbard (S.C. Bar No. 103195)

BALLARD & WATSON
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ATTORNEYS FOR APPELLANT

February 16, 2023

Other counsel of record:

Allen Jackson Barnes (S.C. Bar No. 65493)
215 North Harvin Stret, Room #15
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PRO SE DEFENDANT

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R. FERRELL COTHRAN, JR., CIRCUIT COURT JUDGE
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James E. Fender, Appellant,

v.

Larry R. Hoffman and Allen Jackson Barnes, Defendants.

Of Whom Allen Jackson Barnes is the Respondent.

PROOF OF SERVICE

I, Beth Cogan, an employee with Ballard & Watson, do hereby certify that on February 16, 2023, I served a copy of the **Notice of Appeal** in the above-captioned case on the following individuals by electronic mail using their email address listed in the Attorney Information System, addressed as follows:

Allen Jackson Barnes, Esquire
abarnes@sumtercountysc.gov



Beth Cogan, Paralegal

February 16, 2023

Beth Cogan

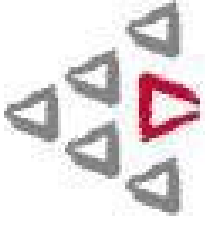
From: Beth Cogan
Sent: Thursday, February 16, 2023 4:04 PM
To: Allen J. Barnes
Cc: Desa Ballard; Haley Hubbard
Subject: (Fender v. Hoffman et al. 2022-CP-43-00438) Ltr to COA encl NOA
Attachments: 2023 02 16 Ltr to COA encl Notice of Appeal.pdf; 2023 02 16 Notice of Appeal.pdf; A- Order 1.pdf; B- Order 2.pdf; 2023 02 16 POS NOA.pdf

Mr. Barnes,

Please see the attached Notice of Appeal for the above-referenced matter that is being filed today with the Court of Appeals.

Kindest Regards,
-Beth

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Ballard & Watson
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PERSISTENT. UNWAVERING.

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February 16, 2023

Via Email (ctappfilings@sccourts.org)
The Honorable Jenny Abbot Kitchings
Court of Appeals Clerk of Court
Post Office Box 11629
Columbia, South Carolina 29211

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SC Court of Appeals

Re: *James E. Fender v. Larry R. Hoffman, et al.*
Case No.: 2022-CP-43-00438

Dear Ms. Kitchings:

Enclosed for filing, please find a Notice of Appeal and Proof of Service for the above-referenced matter. Pursuant to paragraph (3)(c) of the Supreme Court's amended administrative order dated May 6, 2022 ("Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules" originally dated August 25, 2021) a check for the filing fee is being forwarded separately via US mail.

By copy of this letter and as evidenced by the Proof of Service, this filing has been served upon counsel for the Respondent and is being filed with the Trial Court. If you have any questions, please do not hesitate to contact our office. With warm personal regards, I am,

Sincerely yours,

s/Desa Ballard

Desa Ballard
desab@desaballard.com

Enclosures

cc: *Via Email*
Jack Barnes, Esquire
Ed Fender