

**RECEIVED**  
**Feb 23 2023**  
**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM JASPER COUNTY  
Court of Common Pleas

Carmen T. Mullen, III, Circuit Court Judge

Case No.: 2020-CP-27-00495

SLF III - HARDEEVILLE, LLC,.....Plaintiff-Respondent,

v.

RSV - HARDEEVILLE, LLC,.....Defendant-Appellant.

NOTICE OF APPEAL

RSV - HARDEEVILLE, LLC appeals the ORDER GRANTING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT AND DENYING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT of The Honorable Carmen T. Mullen, entered May 31, 2022. Counsel for Appellant received written notice of this Order on May 31, 2022, and timely served and filed a Motion to Reconsider, Alter and Amend that Order. RSV - HARDEEVILLE, LLC also appeals the Order of The Honorable Carmen T. Mullen entered on January 24, 2023, denying RSV - HARDEEVILLE, LLC's Motion to Reconsider, Alter and Amend. Counsel for Appellant received written notice of the entry of this Order on January 24, 2023.

s/Keating L. Simons, III  
S.C. Bar No. 5111  
Simons & Dean  
147 Wappoo Creek Drive, Suite 604  
Charleston, SC 29412  
843-762-9132  
[klsimons@simonsanddean.com](mailto:klsimons@simonsanddean.com)

Attorneys for Defendant-Appellant

Other Counsel of Record:

Cheryl D. Shoun, Esquire  
NEXSEN PRUET, LLC  
205 King Street, Suite 400 (29401)  
P.O. Box 486  
Charleston, SC 29402  
843-720-1762  
[cshoun@nexsenpruet.com](mailto:cshoun@nexsenpruet.com)

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1230 Main Street  
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Scott Franklin Talley, Esquire  
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291 South Pine Street  
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864-595-2966  
[scott@talleylawfirm.com](mailto:scott@talleylawfirm.com)

Attorneys for Plaintiff-Respondent

February 23, 2023  
Charleston, South Carolina

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SLF III - HARDEEVILLE, LLC,.....Plaintiff-Respondent,

v.

RSV - HARDEEVILLE, LLC,.....Defendant-Appellant.

PROOF OF SERVICE

The undersigned counsel hereby certifies that the foregoing Notice of Appeal has been served upon all counsel of record by email addressed to the following:

Cheryl D. Shoun, Esquire  
NEXSEN PRUET, LLC  
205 King Street, Suite 400 (29401)  
PO Box 486  
Charleston, SC 29402  
843-720-1762  
[cshoun@nexsenpruet.com](mailto:cshoun@nexsenpruet.com)

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Scott Franklin Talley, Esquire  
Talley Law Firm, P.A.  
291 South Pine Street  
Spartanburg, SC 29302  
864-595-2966  
[scott@talleylawfirm.com](mailto:scott@talleylawfirm.com)

Attorneys for Plaintiff-Respondent

The undersigned counsel also certifies that the Notice of Appeal has been electronically filed with the Circuit Court, resulting in service upon all counsel of record via the SC Courts E-Filing System.

s/Keating L. Simons, III  
S.C. Bar No. 5111  
Simons & Dean  
147 Wappoo Creek Drive, Suite 604  
Charleston, SC 29412  
843-762-9132  
[klsimons@simonsanddean.com](mailto:klsimons@simonsanddean.com)

Attorneys for Defendant-Appellant

February 23, 2023  
Charleston, South Carolina

## Brenda Casey

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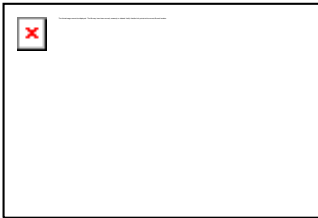
**From:** Keating Simons <klsimons@simonsanddean.com>  
**Sent:** Thursday, February 23, 2023 10:28 AM  
**To:** 'Shoun, Cheryl D.'; dblack@nexsenpruet.com; 'Scott Talley'  
**Cc:** Brenda Casey  
**Subject:** SLF III-Hardeeville, LLC vs. RSV-Hardeeville LLC (Case No.: 2020CP2700495)  
**Attachments:** Notice of Appeal 2-23-23.pdf

Counsel:

Yesterday, after serving and filing with the circuit court a notice of appeal, we realized that Scott had not been included in the list of lawyers representing Plaintiff-Respondent. I then served Scott with the notice of appeal via email.

I don't believe the clerical mistake in omitting Scott from the notice affects the timeliness of the appeal, but out of an abundance of caution, attached for service upon each of you is another notice of appeal correctly listing all attorneys of record. This notice will be e-filed with the circuit court today.

Kind regards,



Keating L. Simons, III

**SIMONS & DEAN**

ATTORNEYS AT LAW

147 WAPPOO CREEK DRIVE, SUITE 604  
CHARLESTON, SC 29412

TEL: 843.762.9132  
FAX: 843.406.9913  
CELL: 843.709.4447



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*are not the intended recipient, please do not read, copy or retransmit this communication but destroy it immediately. Any unauthorized dissemination, distribution or copying of this communication is strictly prohibited.*

## Brenda Casey

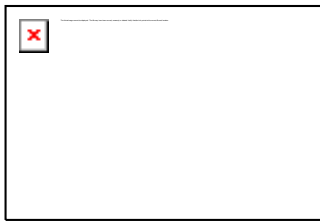
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**From:** Keating Simons <ksimons@simonsanddean.com>  
**Sent:** Wednesday, February 22, 2023 4:51 PM  
**To:** scott@talleylawfirm.com  
**Cc:** 'Shoun, Cheryl D.'; Brenda Casey  
**Subject:** FW: SLF III-Hardeeville, LLC vs. RSV-Hardeeville LLC (Case No.: 2020CP2700495)  
**Attachments:** Notice of Appeal.pdf

Scott:

Attached for service upon you is Defendant's notice of appeal. You have already been served by the SC Courts E-Filing System. However, out of an abundance of caution, I am serving you again via this email since you were omitted from the one below.

Kind regards,



Keating L. Simons, III

**SIMONS & DEAN**

**ATTORNEYS AT LAW**

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**From:** Brenda Casey <brenda@charlestonattorneys.net>  
**Sent:** Wednesday, February 22, 2023 9:51 AM  
**To:** cshoun@nexsenpruet.com; vdblack@nexsenpruet.com  
**Cc:** klsimons@simonsanddean.com  
**Subject:** SLF III-Hardeeville, LLC vs. RSV-Hardeeville LLC (Case No.: 2020CP2700495)

Dear Counsel,

Attached is Defendant's Notice of Appeal in connection with the above-referenced matter that will be electronically filed with Jasper County Clerk today.

Thank you,  
Brenda

**Brenda Casey**  
**Paralegal**  
**SIMONS & DEAN**  
**147 Wappoo Creek Drive**  
**Suite 604**  
**Charleston, SC 29412**  
**843-762-9132/843-406-9913 *facsimile***  
[\*\*brenda@simonsanddean.com\*\*](mailto:brenda@simonsanddean.com)

**Simons & Dean is a debt collector attempting to collect a debt, and any information we obtain will be used for that purpose. It is our understanding that you are not currently in bankruptcy. If you are in bankruptcy, then please disregard this notice.**

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## Brenda Casey

---

**From:** Brenda Casey  
**Sent:** Wednesday, February 22, 2023 9:54 AM  
**To:** cshoun@nexsenpruet.com; dblack@nexsenpruet.com  
**Cc:** klsimons@simonsanddean.com  
**Subject:** SLF III-Hardeeville, LLC vs. RSV-Hardeeville LLC (Case No.: 2020CP2700495)  
**Attachments:** Notice of Appeal.pdf

Dear Counsel,

Attached is Defendant's Notice of Appeal in connection with the above-referenced matter that will be electronically filed with Jasper County Clerk today.

Thank you,  
Brenda

**Brenda Casey**  
**Paralegal**  
**SIMONS & DEAN**  
**147 Wappoo Creek Drive**  
**Suite 604**  
**Charleston, SC 29412**  
**843-762-9132/843-406-9913 *facsimile***  
[brenda@simonsanddean.com](mailto:brenda@simonsanddean.com)

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**SIMONS & DEAN**  
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Keating L. Simons, III [klsimons@simonsanddean.com](mailto:klsimons@simonsanddean.com)  
Derek F. Dean [dfdean@simonsanddean.com](mailto:dfdean@simonsanddean.com)  
I. Sonja Taylor [istaylor@simonsanddean.com](mailto:istaylor@simonsanddean.com)

**RECEIVED**

**Feb 23 2023**

**SC Court of Appeals**

February 23, 2023

**VIA EMAIL ONLY: [ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)**

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
PO Box 11629  
Columbia, SC 29211

Re: *SLF III – Hardeeville, LLC v. RSV – Hardeeville, LLC*  
Case No.: 2020-CP-27-00495

Dear Ms. Kitchings:

Enclosed for filing is the Notice of Appeal, Proof of Service and emails to Counsel for Plaintiff-Respondent serving same along with the two orders being challenged on appeal on behalf of RSV-Hardeeville, LLC, in the above case. Upon filing, please return a clocked-in copy to me via email.

Additionally, we will be mailing our check in the amount of \$250.00 for the filing fee.

With kind regards,

Sincerely,



Keating L. Simons, III

KLS/bdc

Enclosures

cc: Cheryl D. Shoun, Esquire (via email w/enc.)  
J. David Black, Esquire (via email w/enc.)  
Scott F. Talley, Esquire (via email w/enc.)