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**Mar 13 2023**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

Bentley D. Price, Circuit Court Judge  
Case No. 2019-CP-10-04387  
Appellate Case No. 2021-000051

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Applied Building Sciences, Inc.,

Appellant,

v.

South Carolina Department of Commerce,  
Division of Public Railways,

Respondent.

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**NOTICE OF APPEARANCE**

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PLEASE TAKE NOTICE that Joseph B. Berry, Esq., of the law firm of Lewis Babcock L.L.P., hereby notices his appearance as counsel on behalf of the Respondent South Carolina Department of Commerce, Division of Public Railways, which will also continue to be represented by Keith M. Babcock, Esq.

**[Signature on Next Page]**

Respectfully submitted,

/s/ Joseph B. Berry  
Joseph B. Berry, SC Bar No. 101676  
LEWIS BABCOCK L.L.P.  
Post Office Box 11208  
Columbia, South Carolina 29211  
(803) 771-8000  
[jbb@lewisbabcock.com](mailto:jbb@lewisbabcock.com)

Attorney for Respondent South Carolina  
Department of Commerce, Division of Public  
Railways

Columbia, South Carolina  
March 13, 2023

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Respondents.

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PROOF OF SERVICE

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I certify that I have served the Notice of Appearance for Respondent South Carolina Department of Commerce, Division of Public Railways on Gene M. Connell, Jr., counsel for Appellant, Applied Building Sciences, by email sent to his primary e-mail address listed in the Attorney Information System, [gconnell@classactlaw.net](mailto:gconnell@classactlaw.net) on March 13, 2023. See attached email.

Gene M. Connell, Jr., Esquire  
Kelaher Connell & Connor, PC  
Post Office Drawer 14547  
Surfside Beach, South Carolina 29587  
[gconnell@classactlaw.net](mailto:gconnell@classactlaw.net)

/s/ Joseph B. Berry  
Keith M. Babcock, SC Bar No. 456  
Joseph B. Berry, SC Bar No. 10676  
LEWIS BABCOCK, L.L.P.  
Post Office Box 11208  
Columbia, South Carolina 29211  
(803) 771-8000  
[kmb@lewisbabcock.com](mailto:kmb@lewisbabcock.com)  
[jbb@lewisbabcock.com](mailto:jbb@lewisbabcock.com)

Attorneys for Respondent South Carolina  
Department of Commerce, Division of  
Public Railways

Columbia, South Carolina  
March 13, 2023

**From:** [Joseph B. Berry](#)  
**To:** [Gene Connell](#)  
**Cc:** [Pat K. McCright](#)  
**Subject:** Applied Building Sciences, Inc. v. SC Dep't of Commerce, Division of Public Railways  
**Date:** Monday, March 13, 2023 2:43:12 PM  
**Attachments:** [20230313 Proof of Service for Notice of Appearance JBB.pdf](#)  
[20230313 Notice of Appearance JBB for SC Dept of Commerce Division of Public Railways.pdf](#)

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Gene,

Attached for service upon you is my Notice of Appearance for Respondent in accordance with Rule 262, SCACR. This notice will be filed in the Court of Appeals shortly.

Kind regards,



**Joseph B. Berry**

**Attorney**

LEWIS BABCOCK L.L.P.  
1513 Hampton Street (29201)  
PO Box 11208  
Columbia, SC 29211

**Main** 803-771-8000  
**Direct** 803-733-3530

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**JOSEPH B. BERRY** ATTORNEY

joseph.berry@lewisbabcock.com

Lewis Babcock L.L.P.

1513 Hampton Street (29201)

PO Box 11208

Columbia, SC 29211

**O:** 803.771.8000

**D:** 803.733.3530

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Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211  
[ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)

Re: Applied Building Sciences, Inc. v. SC Department of Commerce,  
Division of Public Railways  
Appellate Case No. 2021-000051  
Our File No. 17-115

Dear Ms. Kitchings:

Enclosed for filing please find a Notice of Appearance of counsel for Respondent and Proof of Service in the above referenced matter.

With best regards, I am

Kind Regards,

A handwritten signature in blue ink, appearing to be 'JBerry', written over a light blue horizontal line.

Joseph B. Berry

JBB:pkm  
Enclosure

cc: Gene M. Connell, Jr., Esq.  
[gconnell@classactlaw.net](mailto:gconnell@classactlaw.net)