

**RECEIVED**

**Mar 27 2023**

**SC Court of Appeals**

**THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS**

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Appeal from Spartanburg County  
Court of Common Pleas

Roger L. Couch, Circuit Court Judge  
R. Keith Kelly, Circuit Court Judge

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Cases No. 2012-CP-42-04733 and -04915

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Jonathan Bryant,

Petitioner,

v.

Kevin Fountain,

Respondent.

In re:

Southern Wholesale, Inc.,

Plaintiff,

v.

Chad Kerr and Jonathan Bryant,

Defendants,

and

Jonathan Bryant,

Third-Party Plaintiff,

v.

Kevin Fountain and Specialty Equipment Leasing, Inc.,

Third-Party Defendants.

Of which Kevin Fountain, Southern Wholesale, Inc.,  
and Specialty Equipment Leasing, Inc., are

Appellants,

and Jonathan Bryant is

Respondent.

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**NOTICE OF APPEAL**

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*\*Counsel identified on the following page*

Russell G. Hines (SC Bar No. 72100)  
CLEMENT RIVERS, LLP  
25 Calhoun Street, Suite 400  
Charleston, South Carolina 29401  
P.O. Box 993 (29402)  
(843) 720-5488

*-and-*

W. Westbrook Wills III (SC Bar No. 76681)  
THE LAW OFFICE OF  
W. WESTBROOK WILLS III  
P.O. Box 822  
Folly Beach, South Carolina 29439  
(843) 805-6300

*Attorneys for Appellants*

Other Counsel of Record:

Scott F. Talley (SC Bar No. 70364)  
TALLEY LAW FIRM, P.A.  
291 South Pine Street  
Spartanburg, South Carolina 29302  
(864) 595-2966

*Attorneys for Respondent*

Kevin Fountain, Southern Wholesale, Inc., and Specialty Equipment Leasing, Inc., (collectively, “Appellants”) hereby appeal the following orders of the Honorable Roger L. Couch, Circuit Court Judge:

- **Form 4 Order Attaching Formal Order Denying Motion to Remove and Replace Arbitrator**, filed October 9, 2015;
- **Formal Order Denying Motion to Remove and Replace Arbitrator**, filed October 9, 2015; and
- **Order on Motion to Reconsider Order Denying Motion to Remove and Replace Arbitrator**, filed February 12, 2016; and

Additionally, Appellants hereby appeal the following orders of the Honorable R. Keith Kelly, Circuit Court Judge:

- **Form 4 Order Granting Motion to Affirm the Award of the Arbitrator**, filed October 3, 2022;
- **Formal Order Granting Motion to Confirm the Award of Arbitrator**, filed February 1, 2023, **as well as the Judgment entered pursuant thereto and, out of an abundance of caution, insofar as Appellants may be aggrieved or adversely affected by the same, any other intermediate orders or decrees necessarily affecting the Judgment;**
- **(Original) Order on Respondent and Third-Party Defendant’s Notice of Motion and Motion to Alter, Amend or Reconsider**, filed February 24, 2023; and
- **(Re-filed) Order on Respondent and Third-Party Defendant’s Notice of Motion and Motion to Alter, Amend or Reconsider**, filed March 2, 2023.

Copies of the above-referenced appealed orders are attached hereto and incorporated herein by reference. Appellants received written notice of entry of the two most recent orders (i.e., the Original and Re-filed orders above referenced) on February 24 and March 2, 2023, respectively.

<SIGNED ON THE FOLLOWING PAGE>

Respectfully submitted,

By: s/Russell G. Hines  
Russell G. Hines (SC Bar No. 72100)  
CLEMENT RIVERS, LLP  
25 Calhoun Street, Suite 400  
Charleston, South Carolina 29401  
P.O. Box 993 (29402)  
(843) 720-5488

*-and-*

W. Westbrook Wills III (SC Bar No. 76681)  
THE LAW OFFICE OF  
W. WESTBROOK WILLS III  
P.O. Box 822  
Folly Beach, South Carolina 29439  
(843) 805-6300

*Attorneys for Appellants*

Charleston, South Carolina

March 27, 2023

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Cases No. 2012-CP-42-04733 and -04915

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Third-Party Defendants.

Of which Kevin Fountain, Southern Wholesale, Inc.,  
and Specialty Equipment Leasing, Inc., are

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and Jonathan Bryant is

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**PROOF OF SERVICE**

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*\*Counsel identified on the following page*

Russell G. Hines (SC Bar No. 72100)  
CLEMENT RIVERS, LLP  
25 Calhoun Street, Suite 400  
Charleston, South Carolina 29401  
P.O. Box 993 (29402)  
(843) 720-5488

*-and-*

W. Westbrook Wills III (SC Bar No. 76681)  
THE LAW OFFICE OF  
W. WESTBROOK WILLS III  
P.O. Box 822  
Folly Beach, South Carolina 29439  
(843) 805-6300

*Attorneys for Appellants*

I, Russell G. Hines, of Clement Rivers, LLP, attorneys for Appellants, hereby certify that Appellants' **NOTICE OF APPEAL** was served on Respondent on March 27, 2023, by emailing (see attached service email) a copy of the same to Respondent's counsel of record:

Scott F. Talley, Esquire  
TALLEY LAW FIRM, P.A.  
[scott@talleylawfirm.com](mailto:scott@talleylawfirm.com)  
*Attorneys for Respondent*

W. Westbrook Wills III, Esquire  
THE LAW OFFICE OF  
W. WESTBROOK WILLS III  
[wwills@wwillslaw.com](mailto:wwills@wwillslaw.com)  
*Additional Counsel for Appellants*

Respectfully submitted,

By: s/Russell G. Hines  
Russell G. Hines (SC Bar No. 72100)  
CLEMENT RIVERS, LLP  
*Attorneys for Appellants*

Charleston, South Carolina

March 27, 2023

## Hines, Russell

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**From:** Hines, Russell  
**Sent:** Monday, March 27, 2023 3:01 PM  
**To:** 'scott@talleylawfirm.com'  
**Cc:** W. Westbrook Wills III  
**Subject:** Bryant v. Fountain (2012-CP-42-4733 & -4915) -- Notice of Appeal  
**Attachments:** Bryant v. Fountain (2012-CP-42-4733 & -4915) -- Notice of Appeal.pdf; Bryant v. Fountain (2012-CP-42-4733 & -4915) -- Appealed Order 7 -- filed March 2, 2023.pdf; Bryant v. Fountain (2012-CP-42-4733 & -4915) -- Appealed Order 1 -- filed October 9, 2015 [Form 4].pdf; Bryant v. Fountain (2012-CP-42-4733 & -4915) -- Appealed Order 2 -- filed October 9, 2015 [Formal].pdf; Bryant v. Fountain (2012-CP-42-4733 & -4915) -- Appealed Order 3 -- filed February 12, 2016.pdf; Bryant v. Fountain (2012-CP-42-4733 & -4915) -- Appealed Order 4 -- filed October 3, 2022.pdf; Bryant v. Fountain (2012-CP-42-4733 & -4915) -- Appealed Order 5 -- filed February 1, 2023.pdf; Bryant v. Fountain (2012-CP-42-4733 & -4915) -- Appealed Order 6 -- filed February 24, 2023.pdf

Attached for service please find Appellants' **Notice of Appeal** in the above-referenced consolidated actions.

Russell G. Hines  
CLEMENT RIVERS, LLP  
[www.ycrlaw.com](http://www.ycrlaw.com)  
25 Calhoun Street, Suite 400  
Charleston, South Carolina 29401  
P.O. Box 993 (29402)  
Phone: (843) 720-5488  
Fax: (843) 579-1327  
Email: [rhines@ycrlaw.com](mailto:rhines@ycrlaw.com)



**CLEMENT RIVERS, LLP**  
25 Calhoun Street • Suite 400 • Charleston, SC 29401  
[ycrlaw.com](http://ycrlaw.com)