

**RECEIVED**

**May 09 2023**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

R. Lawton McIntosh, Circuit Court Judge

---

Case No. 2018-CP-40-04841

---

Bierer and Associates, Inc.,

Appellant,

v.

Jan F. Kennerly, Jr., Danielle Kennerly,  
EUSA, LLC, J&D Farms, LLC, Trystar LLC;  
Travis Pattern & Foundry, Inc.; Illinois Tool  
Works, Inc.; and David Deinek,

Of whom, Trystar LLC and Travis Pattern &  
Foundry Inc. are

Respondents.

Jan F. Kennerly, Jr.,

Defendant/Third Party  
Plaintiff,

v.

Walter Bierer, Brent Jeffries, and Joseph Bierer,

Third Party Defendants.

---

**NOTICE OF APPEAL**

---

Bierer and Associates, Inc. (Bierer) appeal the February 6, 2023 Order of the Honorable R. Lawton McIntosh granting Travis Pattern & Foundry, Inc.'s and Trystar, LLC's Motions for Summary Judgment (attached) and the May 5, 2023 Order denying Bierer's timely filed Motion to Reconsider the February 6, 2023 Order (attached). Bierer received electronic notice of entry of the Order Denying the Motion to Reconsider on May 5, 2023.

By: s/ James M. Griffin  
James. M. Griffin, SC Bar No. 9995  
Margaret N. Fox, SC Bar No. 76228  
GRIFFIN DAVIS LLC  
4408 Forest Drive, Suite 300  
Columbia, South Carolina 29206  
T: (803) 744-0800  
[jgriffin@griffindavislaw.com](mailto:jgriffin@griffindavislaw.com)  
[mfox@griffindavislaw.com](mailto:mfox@griffindavislaw.com)

*Attorneys for Appellant Bierer and Third Party  
Defendants Walter Bierer, Joseph Bierer, & Brent  
Jeffries*

May 9, 2023  
Columbia, South Carolina

Other Counsel of Record:

John F. Beach  
Lyndey R. Z. Bryant  
Adams and Reese LLP  
1501 Main Street, 5<sup>th</sup> Floor  
Columbia, SC 29201  
T: (803) 254-4190

*Attorney for Respondent Travis Pattern & Foundry, Inc.*

Brian Duffy  
Blake A. McKie  
DUFFY & YOUNG LLC  
96 Broad Street  
Charleston, SC 29401  
T: (843) 720-2044

John W. Ursu  
Faegre Drinker LLP  
2200 Wells Fargo Center  
90 South Seventh Street  
Minneapolis, MN 55402  
T: (612)766-8164

*Attorney for Respondent Trystar, LLC*

John B. Kelchner  
Turner Padget Graham & Laney, P.A.  
P.O. Box 1473 (29202)  
1901 Main Street, Suite 1700  
Columbia, SC 29201  
T: (803)227-4234

*Attorney for Defendant David Deinek*

William R. Padget  
Carl D. Hiller  
HHP Law Group, LLC  
924 Gervais Street  
Columbia, SC 29202  
T: (803) 400-8227

*Attorney for Defendants Jan. F. Kennerly, Danielle Kennerly, EUSA, LLC and J&D Farms*

Kurt M. Rozelsky  
Spencer Fane LLP  
27 Cleveland Street, Suite 201 (29601)  
P.O. Box 294  
Greenville, SC 29602-0294  
T: (864) 906-7694

*Attorney for Illinois Tool Works, Inc.*

**RECEIVED**

**May 09 2023**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

R. Lawton McIntosh, Circuit Court Judge

---

Case No. 2018-CP-40-04841

---

Bierer and Associates, Inc.,

Appellant,

v.

Jan F. Kennerly, Jr., Danielle Kennerly,  
EUSA, LLC, J&D Farms, LLC, Trystar LLC;  
Travis Pattern & Foundry, Inc.; Illinois Tool  
Works, Inc.; and David Deinek,

Of whom, Trystar LLC and Travis Pattern &  
Foundry Inc. are

Respondents.

Jan F. Kennerly, Jr.,

Defendant/Third Party  
Plaintiff,

v.

Walter Bierer, Brent Jeffries, and Joseph Bierer,

Third Party Defendants.

---

**PROOF OF SERVICE**

---

I, Jaime Harmon, legal assistant to the attorney for the Appellant, Griffin Davis LLC, located at 4408 Forest Drive, Suite 300, Columbia, South Carolina 29206, hereby certify that on May 9, 2023, I did serve by placing in the U.S. Mail, first class postage affixed thereto (with a courtesy copy sent electronically), the following document to the below mentioned individuals:

Document: Notice of Appeal

Served: John F. Beach  
Lyndey R. Z. Bryant  
Adams and Reese LLP  
1501 Main Street, 5<sup>th</sup> Floor  
Columbia, SC 29201

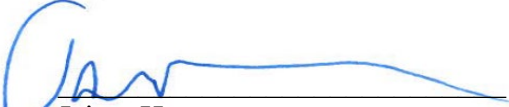
Brian Duffy  
Blake A. McKie  
DUFFY & YOUNG LLC  
96 Broad Street  
Charleston, SC 29401

John W. Ursu  
Faegre Drinker LLP  
2200 Wells Fargo Center  
90 South Seventh Street  
Minneapolis, MN 55402

John B. Kelchner  
Turner Padget Graham & Laney, P.A.  
P.O. Box 1473 (29202)  
1901 Main Street, Suite 1700  
Columbia, SC 29201

William R. Padget  
Carl D. Hiller  
HHP Law Group, LLC  
924 Gervais Street  
Columbia, SC 29202

Kurt M. Rozelsky  
Spencer Fane LLP  
P.O. Box 294  
Greenville, SC 29602-0294



Jaime Harmon