

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM DORCHESTER COUNTY  
Court of Common Pleas

Maite Murphy, Presiding Judge

Case No.: 2019-CP-18-0980

RECEIVED

Nov 08 2023

SC Court of Appeals

Andrey Gergel and Sonja M. Wyatt. .... Respondents,

v.

Tina B. Opoulous, individually,  
and as personal representative for the Estate of Alexander Opoulous, III,..... Appellants.

**NOTICE OF APPEAL**

Tina B. Opoulous, individually, and as personal representative of the Estate of Alexander Opoulous, III, by and through undersigned counsel, hereby appeals the *Form 4 Order for Judgment* signed by the Honorable Maite Murphy and filed with the Court of Common Pleas on May 6, 2022 **(Exhibit A)**. Appellant also appeals the *Form 4 Order Denying Defendant's Motion for Stay of Execution of Judgment* signed by the Honorable Maite Murphy on October 17, 2023, and filed with the Court of Common Pleas on October 18, 2023 **(Exhibit B)**.

ATTORNEY SIGNATURE PAGE TO FOLLOW

Respectfully submitted,

FUTERAL & NELSON, LLC

/s/Stephan V. Futeral

Stephan V. Futeral

SC Bar ID 66427

1004 Anna Knapp Blvd., Suite 3

Mount Pleasant, South Carolina 29464

(843) 284-5500 Phone (843) 284-5501 Fax

Email: [sfuteral@charlestonlaw.net](mailto:sfuteral@charlestonlaw.net)

Dated: November 8, 2023

*Attorney for Appellants*

**Other Counsel of Record:**

Hamlin O'Kelley, III

652 Coleman Blvd., Suite 200

Mt. Pleasant, SC 29464

Email: [Hamlin.okelley@buistbyars.com](mailto:Hamlin.okelley@buistbyars.com)

*Attorney for Respondents*

FORM 4

RECEIVED

Nov 08 2023

JUDGMENT IN A CIVIL CASE  
CASE NUMBER 2019CP1800980

SC Court of Appeals

STATE OF SOUTH CAROLINA  
COUNTY OF DORCHESTER  
IN THE COURT OF COMMON PLEAS

Andrey Gergel	Sonya M Wyatt	Alexander Opoulous III	Tina B Opoulous
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PLAINTIFF(S)	DEFENDANT(S)
Submitted by:	Attorney for: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.  See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  
 Rule 43(k), SCRPC (Settled);  Other: \_\_\_\_\_
- ACTION STRICKEN (CHECK REASON):**  Rule 40(j) SCRPC;  Bankruptcy;  
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  Other: \_\_\_\_\_
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
 Affirmed;  Reversed;  Remanded;  Other:

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED:  See attached order; (formal order to follow)  Statement of Judgment by the Court: **The Jury found in favor of the Plaintiffs in the amount of \$196,000.00 in actual damages; Attorneys fees and costs are hereby awarded in the amount of \$21,382.95, bringing the total judgment to \$217.382.95.**

ORDER INFORMATION

This order  ends  does not end the case.  
Additional Information for the Clerk: \_\_\_\_\_

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
Andrey Gergel and Sonya M. Wyatt	Alexander Opoulous III and Tina B Opoulous	\$217,382.95

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk.

Note: Title abstractors and researchers should refer to the official court order for judgment details.

E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.



ELECTRONICALLY FILED--2022 May 06 12:00 PM - DORCHESTER - COMMON PLEAS - CASE#2019CP1800980

5/3/2022

Maite' Murphy, Circuit Court Judge

Judge Code

Date

**For Clerk of Court Office Use Only**

This judgment was entered on 5/\_\_\_/2022, and a copy mailed first class or placed in the appropriate attorney's box on 5/\_\_\_/2022, to attorneys of record or to parties (when appearing pro se) as follows:

**George Hamlin O'Kelley III** 652 Coleman Blvd., Ste.200  
Mt. Pleasant, SC 29464

**Alexander Opoulous III** 709 Market Street Cheraw, SC  
29209  
**Tina B Opoulous** 709 Market Street Cheraw, SC 29209

\_\_\_\_\_  
ATTORNEY(S) FOR THE PLAINTIFF(S)

\_\_\_\_\_  
ATTORNEY(S) FOR THE DEFENDANT(S)

\_\_\_\_\_  
Court Reporter

\_\_\_\_\_  
Cheryl Graham - Clerk of Court

**Court Reporter: Johnny Shaw**

**E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.**

**ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.**

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Dorchester Common Pleas

**Case Caption:** Andrey Gergel , plaintiff, et al VS Alexander Opoulous III ,  
defendant, et al  
**Case Number:** 2019CP1800980  
**Type:** Order/Jury Verdict

So Ordered

s/ Maite Murphy 2166

STATE OF SOUTH CAROLINA  
COUNTY OF Dorchester  
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2019CP1800980

Andrey Gergel et al  
PLAINTIFF(S)

Alexander Opoulous, III et al  
DEFENDANT(S)

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 Other
- ACTION STRICKEN (CHECK REASON):**  Rule 40(j), SCRPC;  Bankruptcy;  
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  
 Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
 Affirmed;  Reversed;  Remanded;  
 Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

**IT IS ORDERED AND ADJUDGED:**  See attached order (formal order to follow)  Statement of Judgment by the Court:

This case comes before the Court on Defendants' Motion to Reconsider on the grounds that the trial took place prior to mediation. Under Rule 10(b), SCADR, courts may impose sanctions for parties' failure to comply with the mediation requirement. However, this rule is permissive rather than mandatory, and the Court declines to impose sanctions in this case where the matter has already been properly decided before an impartial jury. Therefore, Defendants' Motion is DENIED. Defendant also submitted a Motion for Stay of Execution of Judgment, pending the outcome of the Motion to Reconsider. The Motion for Stay is also DENIED.

**ORDER INFORMATION**

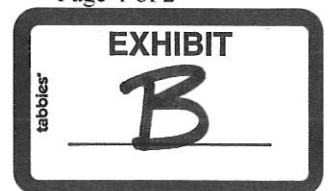
This order  ends  does not end the case.  See Page 2 for additional information.

**For Clerk of Court Office Use Only**

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 10/17/2023 .

Tina B Opoulous for Tina B Opoulous  
Alexander Opoulous, III for Alexander Opoulous, III  
Tina B Opoulous for Tina B Opoulous  
Alexander Opoulous, III for Alexander Opoulous, III

**NAMES OF TRADITIONAL FILERS SERVED BY MAIL**



**Court Reporter:**

**E-Filing Note:** The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

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Dorchester Common Pleas

**Case Caption:** Andrey Gergel , plaintiff, et al VS Alexander Opoulous III ,  
defendant, et al  
**Case Number:** 2019CP1800980  
**Type:** Order/Electronic Form 4

So Ordered

s/ Maite Murphy 2166