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Mar 04 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM MARION COUNTY  
Court of Common Pleas

William H. Seals, Circuit Court Judge

Appellate Case No. 2024-000257

Garden Alley, Inc. d/b/a Garden Alley Restaurant  
and Joseph W. George, Owner,

Respondents,

v.

Albert Leonard,

Appellant.

AMENDED NOTICE OF APPEAL

Albert Leonard appeals the Order of Honorable William H. Seals dated February 16, 2024. Appellant received written notice of Entry of this Order on February 16, 2024.

March 4, 2024

s/ Arianna V. Rodriguez

Arianna V. Rodriguez, Esq. (SC Bar No.105847)

Warren R. Lokey, Esq. (SC Bar No.: 101792)

The Lokey Law Firm, LLC

3955 Faber Pl. Dr. Suite 103

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ATTORNEYS FOR APPELLANT

Other Counsel of Record:

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Alan G. Jones, Esq. (SC Bar No. 100141)

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alan.jones@mgclaw.com

ATTORNEYS FOR RESPONDENTS

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and Joseph W. George, Owner

Respondent,

v.

Albert Leonard,

Appellant.

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PROOF OF SERVICE

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I certify that I have served the Amended Notice of Appeal on opposing counsel Dominic A. Starr, Esq. and Alan G. Jones, Esq. by depositing copies of it in the United States Mail, postage prepaid, on March 4, 2024, addressed as follows:

Dominic A. Starr, Esq. (SC Bar No. 66231)  
Alan G. Jones, Esq. (SC Bar No. 100141)  
McAngus, Goudelock, & Courie, LLC  
P.O. Box 1349  
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Myrtle Beach, SC 29578  
Tel: (843) 848-6000  
Fax: (843) 449-2306  
Email: dominic.starr@mgclaw.com  
alan.jones@mgclaw.com

s/ Arianna V. Rodriguez

Arianna V. Rodriguez, Esq. (SC Bar No.105847)  
The Lokey Law Firm, LLC  
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Tel: (843) 202-0675  
Fax: (843) 589-1042  
Email: arodriguez@lokeylawfirm.com

Albert Leonard  
PLAINTIFF(S)

Garden Alley Restaurant et al  
DEFENDANT(S)

**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.
- 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:

After careful and deliberate consideration of the law and rules, Judge Seals hereby denies Plaintiff's Motion to Reconsider. Judge Seals has carefully reviewed both the Weston Case and the Lincoln Case, which were cited at the hearing. Based on the case law, Plaintiff's Motion and the arguments presented at the hearing, the Court finds the statute of limitations was not tolled for eight months upon the Plaintiff's death and the case was properly dismissed.

Formal Order by Dominic Starr forthcoming.

**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 02/16/2024 .

Jane Doe  
John Doe Corporation  
Jane Doe Corporation  
Linda Schiavo  
Dayna Schiavo  
Garden Alley Lgs, Llc  
John Doe

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**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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Marion Common Pleas

**Case Caption:** Albert Leonard VS Garden Alley Restaurant , defendant, et al

**Case Number:** 2021CP3300464

**Type:** Order/Electronic Form 4

IT IS SO ORDERED

s/ The Honorable William H. Seals Jr. #2157

# THE LOKEY LAW FIRM

A LIMITED LIABILITY COMPANY

March 4, 2024

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

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**Mar 04 2024**  
**SC Court of Appeals**

**RE:    *Albert Leonard v. Garden Alley Restaurant, et al.***  
**Appellate Court Case No.: 2024-000257**

Dear Ms. Kitchings:

Enclosed for filing is the Amended Notice of Appeal to be stamped and returned regarding the above-referenced matter. Also, enclosed for filing are the following:


- 1) Notice of Appeal (initial)
- 2) Proof of Service for the Notice of Appeal (initial)
- 3) Proof of Service for the Notice of Appeal (Amended)
- 4) Copy of the Order which is to be challenged on appeal.

By copy hereof, the Marion County Clerk of Court and all counsel of record are being served with the above.

Thank you for your assistance, and should you have any questions, please do not hesitate to contact me.

With kind regards, I am

Sincerely,

  
Arianna V. Rodriguez Esq.  
[arodriguez@lokeylawfirm.com](mailto:arodriguez@lokeylawfirm.com)

Enclosures: (As Stated)

cc: Marion County Clerk of Court  
Other Counsel of Record:  
Dominic A. Starr, Esq.  
Alan G. Jones, Esq.  
P.O. Box 1349  
Myrtle Beach, SC 29578  
ATTORNEYS FOR RESPONDENTS

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