

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY

Court of Common Pleas

Robert J. Bonds, Circuit Court Judge

Case No. 2023-CP-10-01790

Jerome B. Crites Jr., Trustee of The BAC Trust U/A Dated April 9, 2021, _____ Respondent,

v.

Lawrence E. Miller, _____ Appellant.

NOTICE OF APPEAL

Lawrence E. Miller appeals the Orders of the Honorable Robert J. Bonds Granting Respondent's Motion for Judgment on the Pleadings, dated February 2, 2024, and Denying Appellant's Motion to Reconsider, Alter, or Amend, dated February 20, 2024.¹ Appellant received written notice of entry of the above-referenced Orders on February 2, 2024 and February 20, 2024, respectively.

¹ Appellant filed his Motion to Reconsider, Alter, or Amend on February 12, 2024 and provided a filed copy of the Motion to the Judge the following day. *See* Rule 59(e), (g), SCRCF.

s/E. Gordon Hay, VI

E. Gordon Hay, VI, Esq. Bar No.: 103641

John H. Guerry, Esq., Bar No.: 101219

Jerry N. Theos, Esq., Bar No.: 5518

Theos Law Firm, LLC

11 State Street

Charleston, South Carolina 29401

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ATTORNEYS FOR APPELLANT

March 1, 2024

Other Counsel of Record:

Nicholas P. Tierney, Esq. (SC Bar 102381)

Lindsey W. Cooper Jr., Esq. (SC Bar 75712)

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ATTORNEYS FOR RESPONDENT

FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2023CP1001790

Jerome B Crites, Jr et al
PLAINTIFF(S)

Lawrence E Miller
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:

This matter came before the Court on February 1, 2024. After careful consideration, the Court granted the Plaintiff's Motion on Judgment on the Pleadings.

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 02/02/2024 .

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), SCRPC.



Charleston Common Pleas

Case Caption: Jerome B Crites Jr , plaintiff, et al VS Lawrence E Miller
Case Number: 2023CP1001790
Type: Order/Electronic Form 4

So Ordered

s/ Robert Bonds, 2770

FORM 4

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

JUDGMENT IN A CIVIL CASE
CASE NO. 2023CP1001790

Jerome B Crites, Jr et al
PLAINTIFF(S)

Lawrence E Miller
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

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- 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 matter came before the Court on February 1, 2024. The Court granted the Plaintiff's Motion for Judgment on the Pleadings. On February 13, the Defendant petitioned the Court to reconsider the Court's February 2, 2024, Order granting the Plaintiff's Motion for Judgment on the Pleadings. After careful consideration, the Defendant's Motion is respectfully, 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 02/20/2024

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

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Charleston Common Pleas

Case Caption: Jerome B Crites Jr , plaintiff, et al VS Lawrence E Miller
Case Number: 2023CP1001790
Type: Order/Electronic Form 4

So Ordered

s/ Robert Bonds, 2770

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY

Court of Common Pleas

Robert J. Bonds, Circuit Court Judge

Case No. 2023-CP-10-01790

Jerome B. Crites Jr., Trustee of The BAC Trust U/A Dated April 9, 2021, _____ Respondent,

v.

Lawrence E. Miller, _____ Appellant.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal by e-filing a copy with the Charleston County Court of Common Pleas, by emailing a copy to Respondent's counsel of record, and by depositing a copy of it in the United States Mail, postage prepaid, on March 1, 2024, addressed to his counsel of record.

Nicholas P. Tierney, Esq. (SC Bar 102381)
Lindsey W. Cooper Jr., Esq. (SC Bar 75712)
M. Linsay Boyce, Esq. (SC Bar 100532)
Tyler M. Vaccarella, Esq. (SC Bar 105874)
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March 1, 2024

s/E. Gordon Hay, VI
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John H. Guerry, Esq., Bar No.: 101219
Jerry N. Theos, Esq., Bar No.: 5518
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ATTORNEYS FOR APPELLANT

Gordon Hay

From: Gordon Hay
Sent: Friday, March 1, 2024 12:54 PM
To: 'djp@lwcooper.com'; 'Nick Tierney'; 'lwc@lwcooper.com'; 'Linsay Boyce'; 'tyler@lwcooper.com'
Cc: John Guerry; Janet
Subject: Crites v. Miller, Case No. 2023-CP-10-01790 - Notice of Appeal
Attachments: Crites v. Miller, Letter Encl D's Notice of Appeal (3.1.24).pdf

All,

Please find attached for service a copy of Defendant's Notice of Appeal in the above referenced case. A hard copy has been mailed to your office.

Thank you. Please disregard my prior email.

Sincerely,

E. Gordon Hay, VI Esquire



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