

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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APPEAL FROM HAMPTON COUNTY  
Court of Common Pleas

THE HONORABLE R. LAWTON MCINTOSH  
CIRCUIT COURT JUDGE

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CIVIL ACTION NO.: 2022-CP-25-00154

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Charles Bright..... Plaintiff -Respondent,

v.

Joseph Brown and Ferguson Forest Products, Inc. .... Defendants -Appellants.

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**NOTICE OF APPEAL**

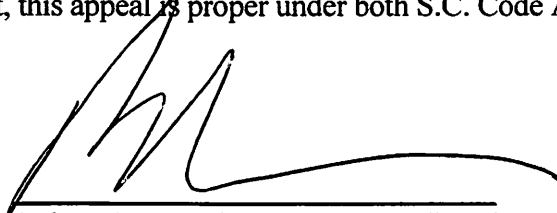
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NOW COME Joseph Brown and Ferguson Forest Products, Inc. (“Appellants”), by and through their undersigned counsel, and appeal the Amended Order of the Honorable R. Lawton McIntosh of the Hampton County Court of Common Pleas, dated March 7, 2024. Appellants received written notice of this Order on March 7, 2024, filed a Motion to Alter or Amend the Amended Order on March 13, 2024, and received notice of the denial of the Motion to Alter or Amend on March 21, 2024. A copy of the Amended Order of March 7, 2024, is attached hereto as Exhibit A, and a copy of the March 21, 2024, Order Denying the Motion to Alter or Amend is attached hereto as Exhibit B.

Appellants timely file this notice pursuant to S.C. Code Ann. § 14-3-330, under which an order granting partial summary judgment is immediately appealable where it “involves the merits” of the underlying action or “affects a substantial right” of a party. *See Link v. Sch. Dist. of Pickens Cty.*,

302 S.C. 1, 6, 393 S.E.2d 176, 178-79 (1990) (holding an order granting partial summary judgment may be appealable under either category); *see also Thornton v. S.C. Elec. & Gas Corp.*, 391 S.C. 297, 306, 705 S.E.2d 475, 480 (Ct. App. 2011) (holding the same).

In its Amended Order of March 7, 2024, the trial court granted summary judgment, in part, in favor of the Respondent, finding that “[t]here is no genuine issue of material fact that Defendant is in violation of SC Code Ann. § 38-77-340.” This finding relates to the Respondent’s causes of action for negligent hiring and retention and is a factual finding by the Court related to evidence of insurance. Therefore, the ruling involves the merits of the case. Moreover, the ruling affects the substantial rights of the Appellants inasmuch as the finding relates to evidence of whether the Defendants were insured at the time of the subject collision. As a result, this appeal is proper under both S.C. Code Ann. § 14-3-330(1) and § 14-3-330(2).



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April 16, 2024

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THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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THE HONORABLE R. LAWTON MCINTOSH  
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CIVIL ACTION NO.: 2022-CP-25-00154

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**PROOF OF SERVICE**

The undersigned certifies that on the 16th day of April, 2024, he caused to be served the Notice of Appeal on counsel for Plaintiff-Respondent, on counsel for USAA General Indemnity Insurance Company, and on the Hampton County Clerk of Court by emailing a copy to each attorney listed below using their primary email addresses listed in the Attorney Information System and by depositing a copy in the United States Mail, postage prepaid, copies of the same addressed to:

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RECEIVED

Apr 16 2024

SC Court of Appeals



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April 16, 2024

**VIA U.S. MAIL AND VIA ELECTRONIC MAIL: ctappfilings@sccourts.org**

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

**Re: C.A. No.: 2022-CP-25-00154**  
***Charles Bright, Respondent v. Joseph Brown and Ferguson Forest Products, Inc., Appellants***

Dear Ms. Kitchings:

Enclosed for filing is a Notice of Appeal in the above-referenced matter along with the following:

- (1) Proof of service of the Notice of Appeal on the respondent and on underinsured motorist carrier USAA General Indemnity Company;
- (2) A copy of the Circuit Court's Amended Order of March 7, 2024, which is to be challenged on appeal and is attached to the Notice of Appeal as **Exhibit A**;
- (3) A copy of the Circuit Court's Order of March 21, 2024, denying the Defendants'/Appellants' Rule 59(e) Motion to Alter or Amend the Amended Order of March 7, 2024, which is attached to the Notice of Appeal as **Exhibit B**; and
- (4) A filing fee of \$250.

Please do not hesitate to contact my office should you have any questions or concerns.

[SIGNATURE ON FOLLOWING PAGE]

The Honorable Jenny Abbott Kitchings  
April 16, 2024  
Page 2

With best regards, I am,

Sincerely,

s/Robert D. Moseley, Jr.  
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