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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

Danniel Hall, Circuit Court Judge

Appellate Case No. 2024-001311

Ina Shtukar,

Appellant,

v.

Erie Insurance Group,

Respondent.

**AMENDED NOTICE OF APPEAL
OR IN THE ALTERNATIVE SECOND NOTICE OF APPEAL**

Ina Shtukar “Steinberg” appeals the Honorable Dan Hall’s Form 4 Order issued on August 6, 2024, which denied Plaintiff’s Motion for Entry of Default and granted Defendant’s Motion to Dismiss, as well as his Memorandum of Decision issued on September 16, 2024, which elaborated on the trial court’s August 6, 2024 Form 4 Order, and the Form 4 Order issued on August 29, 2024, which denied Plaintiff’s Rule 59(e) Motion to Reconsider, issued subsequently to the original Notice of Appeal. The orders are enclosed.

September 20, 2024

s/ Ina Shtukar “Steinberg”
Ina Shtukar “Steinberg” Esquire
SC Bar No.105916
1687 Saybrook Court
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ATTORNEY FOR APPELLANT

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing Amended Notice of Appeal was served on all counsel of record by electronic mail and depositing a copy of the same with the United States Postal Service, postage prepaid, addressed as follows:

Elizabeth A. Martineau
MARTINEAU KING PLLC
PO BOX 241268
Charlotte, NC 28224

September 20, 2024

s/ Ina Shtukar "Steinberg"
Ina Shtukar "Steinberg" Esquire
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September 20, 2024

VIA EMAIL to ctappfilings@sccourts.org
South Carolina Court of Appeals
1220 Senate St
Columbia, SC 29201

Re: *Ina Shtukar v. Erie Insurance Group/ Appellate Case No. 2024-001311*

Dear Clerk of the Court of Appeals:

Please allow this correspondence to serve as Appellant's Letter filed contemporaneously with the Amended Notice of Appeal or in the alternative a Second Notice of Appeal, which the undersigned believes became necessary in light of the trial court's denial of the Rule 59(e) Motion. While the merger doctrine generally states that interlocutory orders merge into the final order, Rule 59 motions may be subject to an exception, especially when they address issues first raised in the trial court's memorandum of decision. Because the South Carolina Rules of Appellate Procedure do not address whether an amended notice of appeal is required to include in the scope of appellate review a denial of a Rule 59 motion issued after the original notice of appeal was filed, the undersigned is uncertain as to whether an amended or a second notice of appeal is proper way to handle the order. However, since the federal rules do require either an amended or a second notice of appeal, the undersigned leaves it to the Court to determine whether to treat the present Notice of Appeal as an amended notice or a second notice, which could potentially require another filing fee. The undersigned will wait for further guidance and promptly comply with the Court's directive. Appellant's Return to Appellee's Motion to Dismiss will further explain the undersigned's reasoning for filing this Amended Notice of Appeal.

Respectfully submitted,
/s/ *Ina S. Steinberg*
Ina Shtukar "Steinberg" Esq.