

**RECEIVED**

**Oct 04 2024**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM SUMTER COUNTY  
George M. McFaddin, Jr., Circuit Court Judge

---

Case No. 2019-CP-43-1021

---

Kimberly Welch, as Personal Representative of the  
Estate of Judy Ann Haselden, ..... Respondent,

v.

Michael D. Smoak and Murray Sand Co., Inc., ..... Appellants.

---

**NOTICE OF APPEAL**

---

The Appellants Michael D. Smoak and Murray Sand Co., Inc. hereby appeal  
the following Orders issued by Circuit Court George M. McFaddin, Jr.:

1. Order Striking Defendants’ Answer filed February 12, 2024;
2. Form 4 Order Denying Defendants’ Reconsideration filed September 8, 2024; and
3. Order Granting Motion to Compel filed August 27, 2020.

The Appellants’ counsel received written notice of entry of the Form 4 Order  
Denying Defendants’ Reconsideration filed September 8, 2024, on that same date.

LINDEMANN LAW FIRM, P.A.

BY: s/ Andrew F. Lindemann

ANDREW F. LINDEMANN #13030  
5 Calendar Court, Suite 202  
Post Office Box 6923  
Columbia, South Carolina 29260  
(803) 881-8920

JEFFREY T. AMMONS #12419  
SARAH RAND-MCDANIEL #101340  
S. WALLACE CARNWATH, III #81297  
WALKER ALLEN, L.L.P.  
496 Bramson Court, Suite 200  
Post Office Box 1068  
Mount Pleasant, South Carolina 29465  
(854) 529-0595

*Counsel for Appellants*

October 4, 2024

**Other Counsel of Record:**

E. HOOD TEMPLE #12962  
ALEXANDER S. HOGSETTE #101244  
HATFIELD TEMPLE LAW, LLC  
170 Courthouse Square  
Post Office Box 1770  
Florence, South Carolina 29503-1770  
(843) 662-5000

G. MURRELL SMITH, JR. #66263  
FREDERICK N. HANNA JR. #104659  
SMITH ROBINSON HOLLER DUBOSE  
AND MORGAN, LLC  
Post Office Box 580  
Sumter, South Carolina 29151-0580  
(803) 778-2471

*Counsel for Respondent*

PRESTON B. DAWKINS, JR. #72431  
WELDON L. COATES #105156  
AIKEN, BRIDGES, ELLIOTT,  
TYLER & SALEEBY, P.A.  
Post Office Box 1931  
Florence, South Carolina 29503  
(843) 669-8787

*Counsel for Auto Owners Insurance Company,  
Plaintiff's UIM Carrier*

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM SUMTER COUNTY  
George M. McFaddin, Jr., Circuit Court Judge

---

Case No. 2019-CP-43-1021

---

Judy Haselden, .....

Respondent,

v.

Michael D. Smoak and Murray Sand Co., Inc., .....

Appellants.

---

**CERTIFICATE OF SERVICE**

---

Pursuant to Section (d)(1) of the Supreme Court’s Order Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules (As Amended April 24, 2024), the undersigned employee of Lindemann Law Firm, P.A., counsel for the Appellants Michael D. Smoak and Murray Sand Co., Inc., does hereby certify that service of the **Notice of Appeal** in the above-captioned matter was made upon all counsel of record by email only this the 4th day of October 2024, as follows:

E. Hood Temple, Esquire  
Alexander S. Hogsette, Esquire  
Hatfield Temple Law, LLC  
Email: [eh temple@htlawsc.com](mailto:eh temple@htlawsc.com)  
Email: [ashogsette@htlawsc.com](mailto:ashogsette@htlawsc.com)

G. Murrell Smith, Jr., Esquire  
Frederick N. Hanna Jr., Esquire  
Smith Robinson Holler Dubose & Morgan, LLC  
Email: [murrell@smithrobinsonlaw.com](mailto:murrell@smithrobinsonlaw.com)  
Email: [fred.hanna@smithrobinsonlaw.com](mailto:fred.hanna@smithrobinsonlaw.com)

Preston B. Dawkins, Jr., Esquire  
Weldon L. Coates, Esquire  
Aiken, Bridges, Elliott, Tyler & Saleeby, P.A.  
Email: [pbd@aikenbridges.com](mailto:pbd@aikenbridges.com)  
Email: [wlc@aikenbridges.com](mailto:wlc@aikenbridges.com)

Jeffrey T. Ammons, Esquire  
Sarah Rand-McDaniel, Esquire  
S. Wallace Carnwath, III, Esquire  
Walker Allen, L.L.P.  
Email: [jeff@walkerallenlaw.com](mailto:jeff@walkerallenlaw.com)  
Email: [sarah@walkerallenlaw.com](mailto:sarah@walkerallenlaw.com)  
Email: [wallace@walkerallenlaw.com](mailto:wallace@walkerallenlaw.com)

*s/ Andrew F. Lindemann*

---



Telephone (803) 881-8920  
Facsimile (803) 862-1181

5 Calendar Court, Suite 202 (29206)  
Post Office Box 6923  
Columbia, South Carolina 29260

**ANDREW F. LINDEMANN\***  
Direct Dial: (803) 881-8921  
Email: [andrew@ldlawsc.com](mailto:andrew@ldlawsc.com)

*\*Also Admitted in North Carolina*

October 4, 2024

**Via Email Only**

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
Email: [ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)

RE: Kimberly Welch, as Personal Representative of the Estate of Judy Ann Haselden v.  
Michael D. Smoak and Murray Sand Co., Inc.  
Civil Action Number: 2019-CP-43-1021  
Our File Number: 79.20769

Dear Ms. Kitchings:

Pursuant to Section (b)(2) of the Supreme Court's Order RE: Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules (as Amended April 24, 2024), please find enclosed for filing the **Notice of Appeal** with regard to the above referenced matter. By copy of this letter, I am serving copies on all counsel of record by email only pursuant to Section (d)(1) of the same Supreme Court Order.

My firm's check for the \$250 filing fee will be placed in today's U.S. Mail. If you have any questions, please advise.

Thank you for your assistance.

Sincerely,

LINDEMANN LAW FIRM, P.A.

A handwritten signature in blue ink, appearing to read 'A. Lindemann', is written over a horizontal line.

Andrew F. Lindemann

AFL/jmb  
Enclosure

The Honorable Jenny Abbott Kitchings  
October 4, 2024  
Page Two

---

cc: E. Hood Temple, Esquire (*w/ Enclosure, Via Email Only*)  
Alexander S. Hogsette, Esquire (*w/ Enclosure, Via Email Only*)  
G. Murrell Smith, Jr., Esquire (*w/ Enclosure, Via Email Only*)  
Frederick N. Hanna Jr., Esquire (*w/ Enclosure, Via Email Only*)  
Preston B. Dawkins, Jr., Esquire (*w/ Enclosure, Via Email Only*)  
Weldon L. Coates, Esquire (*w/ Enclosure, Via Email Only*)  
Jeffrey T. Ammons, Esquire (*w/ Enclosure, Via Email Only*)  
Sarah Rand-McDaniel, Esquire (*w/ Enclosure, Via Email Only*)  
S. Wallace Carnwath, III, Esquire (*w/ Enclosure, Via Email Only*)