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Nov 12 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM ANDERSON COUNTY
Court of Common Pleas
The Honorable R. Lawton McIntosh

Case No. 2020-CP-04-00085

Moats Construction, Inc. and Russell Moats,

Appellants,

v.

Anderson County, Rusty Burns, Matt Schell, and Holt Hopkins,

Respondents.

NOTICE OF APPEAL

Moats Construction, Inc. and Russell Moats (“Appellants”) appeal the Honorable R. Lawton McIntosh’s Order Granting New Trial, entered October 14, 2024, attached as **Exhibit 1**. On April 29, 2024, Respondents filed their Post Trial Motion for Judgment Notwithstanding the Verdict, or in the Alternative a New Trial Absolute or New Trial Pursuant to the “Thirteenth Juror Doctrine,” New Trial Nisi Additur or New Trial Nisi Remittitur. On July 23, 2024, Judge McIntosh issued a Form 4 indicating that Respondents’ Post-Trial Motions were under advisement. On October 14, 2024, Judge McIntosh granted Respondents a new trial. Appellants received notice of the entry of the Order Granting New Trial on October 14, 2024.

s/ David L. Paavola

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November 11, 2024

Other counsel of record:

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*Attorney for Respondents, Rusty Burns,
Matt Schell, and Holt Hopkins*

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PROOF OF SERVICE

I certify that I have served the Notice of Appeal on John W. Davidson, counsel for Respondent Anderson County by email sent to his primary e-mail address listed in the Attorney Information System, jdavidson@maynardnexsen.com and on James Victor McDade, counsel for Respondents, Rusty Burns, Matt Schell, and Holt Hopkins, by email sent to his primary e-mail address listed in the Attorney Information System, jvmcdade@dotmlaw.com, on November 11, 2024. See attached email.

The undersigned also certifies that I have filed the Notice of Appeal with the Clerk of Court for Anderson County Court of Common Pleas via electronic filing.

s/ David L. Paavola

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November 11, 2024


Moats Construction, Inc., et al v. Anderson County, et al (C/A No.: 2020-CP-04-00085)

From Angelia Shaw <shaw@conlaw.com>

Date Mon 11/11/2024 3:40 PM

To jdavidson@maynardnexsen.com <jdavidson@maynardnexsen.com>; jvmcdade@dotmlaw.com <jvmcdade@dotmlaw.com>

Cc David Paavola <paavola@conlaw.com>

 2 attachments (431 KB)

20241111_Notice of Appeal (COA).pdf; Ex 1_20241014_Order Granting New Trial.pdf;

Dear Counsel:

Attached please find a Notice of Appeal and Exhibit regarding Moats Construction, Inc., et al v. Anderson County, et al (C/A No.: 2020-CP-04-00085). We plan on filing this in Circuit Court and in the Court of Appeals shortly.

Sincerely,



Angelia Shaw

Paralegal

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