

Certificate of Electronic Notification

Recipients

Scott Mongillo - Notification transmitted on 12-09-2024 10:27:50 AM.

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Dec 09 2024

SC Court of Appeals

***** IMPORTANT NOTICE - READ THIS INFORMATION *****
NOTICE OF ELECTRONIC FILING [NEF]

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A filing has been submitted to the court RE: 2023CP4003052

Official File Stamp: 12-09-2024 10:27:31 AM
Court: CIRCUIT COURT
Common Pleas
Richland
Case Caption: Portundo M Kimble , plaintiff, et al vs Jays Bar
And Grill Llc
Document(s) Submitted: Appeal/Notice of Appeal to Court of Appeals
Service/Certificate Of Service
Filed by or on behalf of: Ronald L. Richter, Jr.

This notice was automatically generated by the Court's auto-notification system.

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The following people were served electronically:

John R. Alphin for Jays Bar And Grill Llc
Ryan C. Holt for Jays Bar And Grill Llc
Brian Lincoln Craven for Jays Bar And Grill Llc
Ronald L. Richter, Jr. for Portundo M Kimble
Scott Michael Mongillo for Portundo M Kimble
Eric Steven Bland for Portundo M Kimble

The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:

The Estate Of Devon Enrique Kimble

IN THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Thomas W. McGee, III, Circuit Court Judge

Case No. 2023-CP-40-03052

Portundo M. Kimble, as Personal Representative
of the Estate of Devon Enrique Kimble, DeceasedAppellant

v.

Jays Bar and Grill, LLCRespondent

NOTICE OF APPEAL

Please take notice that Portundo M. Kimble, as Personal Representative of the Estate of Devon Enrique Kimble, Deceased (“Appellant”) hereby appeals the Order dated December 6, 2024, denying Plaintiff’s Motion to Alter or Amend the 10/29/2024 Order Denying Plaintiff’s Motion for Damages (attached hereto as **Exhibit A**).

Appellants received written notice of the entry of the Order on December 6, 2024.

December 9, 2024

BLAND RICHTER, LLP

Attorneys for Appellant

s/Ronald L. Richter, Jr.

Ronald L. Richter, Jr. (SC Bar No. 66377)

s/Scott M. Mongillo

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Other Counsel of Record

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Attorneys for Respondent

EXHIBIT A

Case No. 2023-CP-40-03052

Order Dated December 6, 2024, denying
Plaintiff's Motion to Alter or Amend the 10/29/2024
Order Denying Plaintiff's Motion for Damages

Portundo M Kimble et al
PLAINTIFF(S)

Jays Bar And Grill Llc
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:

Plaintiff timely filed a Rule 59 Motion to Alter or Amend the Court's Order of 10/29/24. After reviewing the briefing by both parties, the earlier submissions by the parties on the underlying motion, applicable statutes and case law, and all other matters properly before the Court, Plaintiff's Motion to Alter or Amend the 10/29/24 Order 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 12/06/2024 .

The Estate Of Devon Enrique Kimble

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), SCRCP.

ELLECTRONICALLY FILED -- 2024 Dec 08 03:27 PM -- RICHLAND -- COMMON PLEAS -- CASE#2223CP4003352



Richland Common Pleas

Case Caption: Portundo M Kimble , plaintiff, et al vs Jays Bar And Grill Llc

Case Number: 2023CP4003052

Type: Order/Electronic Form 4

So Ordered

s/ Thomas W. McGee III, Judge Code 2786

Electronically signed on 2024-12-06 11:41:10 page 3 of 3

IN THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Thomas W. McGee, III, Circuit Court Judge

Case No. 2023-CP-40-03052

Portundo M. Kimble, as Personal Representative
of the Estate of Devon Enrique Kimble, DeceasedAppellant


v.

Jays Bar and Grill, LLCRespondent

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Jays Bar and Grill, LLC by depositing a copy of it in the United States Mail, postage prepaid, on December 9, 2024, addressed to their attorneys of record, John R. Alphin of Strom Law Firm, LLC, 6923 N. Trenholm Rd., Columbia, SC 29206; Ryan C. Holt of Sweeny Wingate & Barrow, PA, PO Box 12129, Columbia SC 29211; and Brian Lincoln Craven of Sweeny Wingate & Barrow, PA, 1515 Lady Street, Columbia SC 29201.

December 9, 2024


Bland Richter, LLP
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843.573.9900
Attorneys for Appellant