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Dec 27 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Jean Hoefer Toal, Circuit Court Judge

Common Pleas No. 2023-CP-40-04072

Michael L. Perry and Lonnie L. Long, Plaintiffs/Respondents,

v.

American International Industries; Atlas Turner Inc.; Avon Products, Inc.; Barretts Minerals Inc.; BlockDrug Company, Inc.; Brenntag North America, Inc.; Brenntag Specialties, LLC; Bristol-Myers Squibb Company; Buy-Low General Merchandise, Inc.; C&S Wholesale Grocers, LLC ; Calvin Klein Inc.; Chanel Inc.; Charles B. Chrystal Company, Inc.; Chattem, Inc.; Colgate-Palmolive Company; Color Techniques, Inc.; Cosmetic Specialties, Inc.; Coty Inc.; CVS Health Corporation; CVS Pharmacy, Inc.; EDC Drug Stores, Inc.; Estee Lauder Inc.; Estee Lauder International, Inc.; The Estee Lauder Companies Inc.; Food Lion, LLC; Genuine Parts Company ; Glamour Industries Co.; Himmel Management Co. LLC; Himmel Media LLC; Honeywell International, Inc.; Idelle Labs, Ltd.; IMI Fabi (Diana) LLC; IMI Fabi (USA) Inc.; IMI Fabi, LLC; Janssen Pharmaceuticals, Inc.; Johnson & Johnson; Johnson & Johnson Holdco (NA) Inc.; Kenvue Inc.; L’Oreal USA, Inc.; L’Oreal USA Products, Inc.; LLT Management LLC; Long’s Drugstores of South Carolina, Inc.; LTL Management LLC; Minerals Technologies Inc.; The Neslemur Company; Piggly Wiggly, LLC; Pneumo Abex LLC; Presperse Corporation; The Procter & Gamble Company; PTI Royston, LLC; PTI Union LLC; Ralph Lauren Corporation ; Rite Aid of South Carolina, Inc.; Shulton, Inc.; Specialty Minerals Inc.; Sumitomo Corporation of Americas; Union Carbide Corporation; Vi-Jon, LLC; Walgreen Co.; Walmart Inc. Defendants

Of which American International Industries is the Appellant.

Appellate Case No. 2024-001550

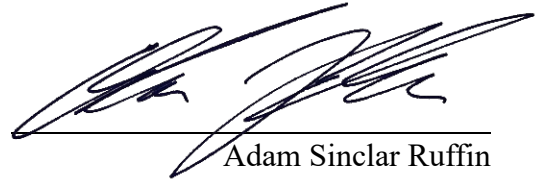
AMENDED NOTICE OF APPEAL

American International Industries (A-I-I) filed its initial notice of appeal on September 13, 2024. At the same time, A-I-I filed a motion to hold the appeal in abeyance because several post-trial motions remained pending in the trial court. The reason A-I-I filed its initial notice of appeal prior to the resolution of its post-trial motions was because some of those post-trial motions were filed pursuant to Rules 60 and 62 of the South Carolina Rules of Civil Procedure and such motions do not stay the timelines to file the notice of appeal under Rule 203(b)(1) of the South Carolina Appellate Court Rules. This Court granted the motion to hold the appeal in abeyance. The trial court has now ruled on all post-trial motions.

A-I-I files this amended notice of appeal, appealing from the jury verdict rendered against it on August 15, 2024, the entry of judgment by the trial court on August 19, 2024, the trial court's denial of A-I-I's post-trial motions on December 11, 2024, along with the following orders: Order granting default against A-I-I filed on October 3, 2023; Order denying A-I-I's motion to lift default filed on November 2, 2023; Order granting Plaintiffs' motion for protective order from A-I-I's expert discovery filed on May 29, 2024; and the trial court's denial of A-I-I's motion to stay pending consideration of its writ of certiorari to the Supreme Court of South Carolina on July 30, 2024.

A-I-I received written notice of entry of the order denying its post-trial motions on December 11, 2024. The verdict form, judgment, and orders under appeal are attached.

(signature page follows)



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