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Workers' Compensation
Personal Injury
Criminal Law

February 5, 2025

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: *Franklin J. Boyles v. C and C Masonry, Inc., Juneau
Construction Company, LLC, and University of South
Carolina*
Civil Action Number: 2024-CP-40-05809
Date of Accident: September 13, 2022
Location of Accident: Richland County

Dear Ms. Kitchings:

Enclosed for filing is a Notice of Appeal in the above case. Also enclosed are the following:

- (1) Proof of service of the Notice of Appeal on the Respondents.
- (2) A copy of the Form 4 Order from the Court of Common Pleas which is to be challenged on appeal.
- (3) A filing fee of \$250.

If you should have any questions, please do not hesitate to contact our law office.

With best wishes and warmest regards, I am

Truly yours,

Lola S. Richey

Lola S. Richey
Attorney at Law
Enclosures

Copy:

Other Counsels of Record:

Christian Stegmaier

Maire Elizabeth Flynn

Cameron W. DeBoy

Molly Flynn

Collins and Lacy, P.C.

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Attorneys for C and C Masonry Inc.

Lake E. Summers

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339 Heyward Street

Columbia, South Carolina 29201

Attorney for University of South Carolina

NOTICE OF APPEAL IN A CIVIL CASE

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Jocelyn Newman, Circuit Court Judge

Case No. 2024-CP-40-0580

Franklin J. Boyles,

Appellant,

vs.

C and C Masonry, Inc.,
Juneau Construction Company, LLC., and
University of South Carolina,

Respondents.

NOTICE OF APPEAL

Franklin J. Boyles appeals the improper granting and order of the Honorable Jocelyn Newman dated February 3, 2025. The Appellant received written notice of entry of this order on February 4, 2025, improperly granting the University of South Carolina's 12(b)(6) Motion of Dismissal on a legal issue and question of law.

Date: Wednesday, February 5, 2025

Respectfully submitted,
s/ Lola Stradford Richey
Lola Stradford Richey
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Franklin J Boyles et al
PLAINTIFF(S)

C And C Masonry Inc et al
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:

Following a hearing on February 3, 2025, Defendant University of South Carolina's Motion to Dismiss (filed on 10/31/24) is GRANTED. Defense counsel shall efile proposed order within 20 days.

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 02/04/2025 .

Island Masonry Construction
Island Masonry Construction
John Doe Llc
Juneau Construction Company Llc

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), SCRCF.



Richland Common Pleas

Case Caption: Franklin J Boyles vs C And C Masonry Inc , defendant, et al
Case Number: 2024CP4005809
Type: Order/Electronic Form 4

So Ordered

Jocelyn Newman



Lola Richey <lawfirm@richeyandrichey.com>

Courtesy NEF RE: 2024CP4005809

1 message

efiledonotreply@sccourts.org <efiledonotreply@sccourts.org>

Tue, Feb 4, 2025 at 6:46 PM

To: lolarichey@bellsouth.net

Cc: lawfirm@richeyandrichey.com

***** IMPORTANT NOTICE - READ THIS INFORMATION *****

NOTICE OF ELECTRONIC FILING [NEF]

A filing has been submitted to the court RE: 2024CP4005809

Official File Stamp: 02-04-2025 06:46:15 PM

Court: CIRCUIT COURT
Common Pleas
Richland

Case Caption: Franklin J Boyles vs C And C Masonry Inc , defendant, et al

Document(s) Submitted: Form 4 Following a hearing on February 3, 2025, Defendant Un Form 4 Following a hearing on February 3, 2025, Defendant University of South Carolina's Motion to Dismiss (filed on 10/31/24) is GRANTED. Defense counsel shall efile proposed order wi...

Filed by or on behalf of: Jocelyn Newman

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

The following people were served electronically:

- Cameron W. DeBoy for Juneau Construction Company Llc
- Lake Eric Summers for University Of South Carolina
- Christian Stegmaier for Juneau Construction Company Llc
- Robert Trippett Boineau, III for C And C Masonry Inc
- Maire Elizabeth Flynn for Juneau Construction Company Llc
- Hugh Michael Gallagher, IV for C And C Masonry Inc
- Lola Stradford Richey for Franklin J Boyles

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

- Island Masonry Construction
- Island Masonry Construction
- John Doe Llc
- Juneau Construction Company Llc

ELECTRONICALLY FILED - 2025 Feb 05 4:19 PM - RICHLAND - COMMON PLEAS - CASE#2024CP4005809

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ELECTRONICALLY FILED - 2025 Feb 05 4:19 PM - RICHLAND - COMMON PLEAS - CASE#2024CP4005809

**PROOF OF SERVICE OF A NOTICE OF APPEAL**

NOTICE OF APPEAL IN A CIVIL CASE

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

Jocelyn Newman, Circuit Court Judge

Case No. 2024-CP-40-0580

Franklin J. Boyles,

Appellant,

vs.

C and C Masonry, Inc.,  
Juneau Construction Company, LLC., and  
University of South Carolina,

Respondents.

PROOF OF SERVICE

I certify that our law office has served the Notice of Appeal on the counsels of record via email on February 5, 2025, addressed to the counsel of record as follows:

Lake Summers [summers@mtsolaw.com](mailto:summers@mtsolaw.com)

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Respectfully submitted,

By: s/ *Lola Stradford Richey*

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Dated: Wednesday, February 5, 2025