

69905

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM Horry COUNTY  
Court of Common Pleas

Larry B. Hyman, Circuit Court Judge

Case No. 2010-CP-26-10502

Stephanie A. Smith on behalf of herself and all others similarly situated..... Appellant

v.

Progressive Halcyon  
Insurance Company, n/k/a  
Progressive Direct Insurance Co.,  
Progressive Max and Progressive  
Casualty Company ..... Respondents.

FILED  
HORRY COUNTY  
2013 SEP 26 AM 10:55  
MELANIE HUGGINS-WARD  
CLERK OF COURT

NOTICE OF APPEAL

Stephanie A. Smith, on behalf of herself and all others similarly situated appeals the Order of the Honorable Larry B. Hyman dated August 20, 2013 in its entirety. Appellant received written notice of the Order on August 28, 2013.

September 26, 2013

NATE FATA, P.A.

*Nate Fata*

Nate Fata  
Post Office Box 16620  
Surfside Beach, SC 29587  
843-238-2676  
Attorney for Appellant

RECEIVED

SEP 27 2013

SC Court of Appeals

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF HORRY )

IN THE COURT OF COMMON PLEAS  
FIFTEENTH JUDICIAL CIRCUIT  
CIVIL ACTION NO.: 2010-CP-26-10502

STEPHANIE A. SMITH on behalf of )  
herself and all others similarly situated, )  
 )  
Plaintiff, )

-vs-

PROGRESSIVE HALCYON )  
INSURANCE COMPANY, n/k/a )  
PROGRESSIVE DIRECT INSURANCE )  
CO., PROGRESSIVE MAX and )  
PROGRESSIVE CASUALTY )  
INSURANCE COMPANY, )  
 )  
Defendants. )

CERTIFICATE OF SERVICE

FILED  
HORRY COUNTY  
2013 SEP 26 AM 10:55  
MELANIE HUGGINS-WARD  
CLERK OF COURT

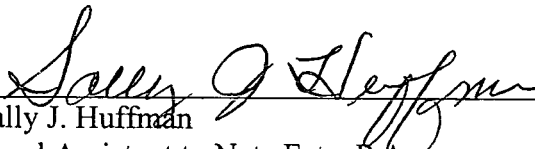
I, Sally J. Huffman legal assistant to Nate Fata, counsel for Plaintiff, do hereby certify that Stephanie A. Smith on behalf of herself and all others similarly situated has served a copy of the Notice of Appeal upon counsel of record via U.S. Mail on September 26, 2013.

Thomas C. Brittain, Esq.  
Andrew Preston Brittain, Esq.  
The Brittain Law Firm, P.A.  
4614 Oleander Drive  
Myrtle Beach, SC 29577  
Counsel for Respondents

Charles V. Leonard, Esq.  
Harris & Leonard, P.A.  
4615 Oleander Drive, Suite 202  
Myrtle Beach SC 29577  
Counsel for Appellant

Jeffrey S. Cashdan, Esq.  
King & Spalding, LLP  
1180 Peachtree Street, N.E.  
Atlanta, GA 30309  
Counsel for Respondents

RECEIVED  
SEP 27 2013  
SC Court of Appeals

  
Sally J. Huffman  
Legal Assistant to Nate Fata, P.A.

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM Horry County  
Court of Common Pleas

Larry B. Hyman, Circuit Court Judge

Case No. 2010-CP-26-10502

RECEIVED  
SEP 27 2013  
COURT OF APPEALS

Stephanie A. Smith on behalf of herself and all others similarly situated..... Appellant,

v.

Progressive Halcyon  
Insurance Company, n/k/a  
Progressive Direct Insurance Co.,  
Progressive Max and Progressive  
Casualty Company ..... Respondents.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Progressive Halcyon Insurance Company n/k/a Progressive Direct Insurance Co., Progressive Max and Progressive Casualty Company by depositing a copy of same in the United States Mail, postage prepaid, on September 26, 2013, addressed to their attorneys of record Thomas C. Brittain, Esq., A. Preston Brittain, Esq., The Brittain Law Firm, P.A., 4614 Oleander Drive, Myrtle Beach, SC 29577 and Jeffrey S. Cashdan, Esq., King & Spalding, LLP, 1180 Peachtree Street, N.E., Atlanta, GA 30309.

September 26, 2013



Nate Fata  
Nate Fata, P.A.  
Post Office Box 16620  
Surfside Beach, SC 29587  
(843) 238-2676  
Attorney for Appellant

**NATE FATA, P.A.**  
ATTORNEY AT LAW

P.O. Box 16620  
THE COURTYARD, SUITE 215  
SURFSIDE BEACH, SOUTH CAROLINA 29587  
TELEPHONE (843) 238-2676  
TELECOPIER (843) 238-0240  
[NFATA@FATALAW.COM](mailto:NFATA@FATALAW.COM)

VIA FACSIMILE AND U.S. MAIL

**RECEIVED**

SEP 27 2013

September 26, 2013

**SC Court of Appeals**

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
1015 Sumter Street  
Columbia, South Carolina 29201

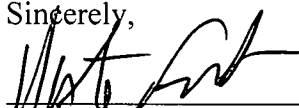
Re: Stephanie A. Smith, Individually and as Class Representative on behalf of those similarly situated, vs. Progressive Halcyon Insurance Company, n/k/a Progressive Direct Insurance Co., Progressive Max, and Progressive Casualty Insurance Company  
Civil Action: 2010-CP-26-10502

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 Order which is to be challenged on appeal; and
- (3) A filing fee of \$100.00.

Sincerely,



Nate Fata  
Nate Fata, P.A.  
Post Office Box 16620  
Surfside Beach, SC 29587  
(843) 238-2676  
Attorney for Appellant

Enclosures

cc: Thomas C. Brittain, Esq.  
Andrew Preston Brittain, Esq.  
The Brittain Law Firm, P.A.  
4614 Oleander Drive  
Myrtle Beach, SC 29577

And

Jeffrey S. Cashdan, Esq.  
Zachary A. McEntyre, Esq.  
King & Spalding, LLP  
1180 Peachtree Street, N.E.  
Atlanta, GA 30309

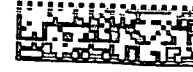
Co-Counsel for Respondents

Charles V. Leonard, Esq.  
Harris & Leonard, P.A.  
4615 Oleander Drive, Suite 202  
Myrtle Beach SC 29577  
Co-Counsel for Appellant

neopost<sup>SM</sup>  
09/26/2013  
US POSTAGE

FIRST-CLASS MAIL

\$03.12<sup>0</sup>



ZIP 29587  
041L10216034

# First Class Mail

Nate Fata, Esq.  
P.O. Box 16620  
Surfside Beach, SC 29587

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



