

20047

**STATE OF SOUTH CAROLINA  
IN THE  
COURT OF APPEALS**

Appeal from the Court of Common Pleas  
For Beaufort County  
Honorable Roger L. Couch, Circuit Judge  
Civil Action No.: 2008-CP-07-3018

**RECEIVED**

OCT 11 2013

**SC Court of Appeals**  
Respondent,

Dockside Incorporated of Port Royal, a/k/a Dockside  
of Port Royal, Inc., a South Carolina Corporation,

*Wm. Chase McNair*

v.

The South Carolina State Ports Authority, an Agency  
and/or Political Subdivision of the State of South  
Carolina; Tommy Oliva and Teri Oliva,

Defendants,

OF WHOM The South Carolina State Ports Authority,  
an Agency and/or Political Subdivision of the State of  
South Carolina is the

Appellant.

**NOTICE OF APPEAL**

Stephen P. Groves, Esquire  
Cheryl D. Shoun, Esquire  
Wm. Chase McNair, Esquire  
*NEXSEN PRUET, LLC*  
205 King Street, Suite 400  
Charleston, South Carolina 29401  
Telephone: 843.720.1725  
Telecopier: 843.414.8206

*Attorneys for the Appellant,  
The South Carolina State Ports Authority*

TO: THE HONORABLE JUDGES OF THE SOUTH CAROLINA COURT OF APPEALS:

The Appellant, The South Carolina State Ports Authority, an Agency and/or Political Subdivision of the State of South Carolina (the "SCSPA"), pursuant to Rule 203 of the South Carolina Appellate Court Rules, respectfully hereby serves its Notice of Appeal showing the SCSPA is appealing the following:

- a. **Form 4C, SCRCP, Judgment In A Civil Case** form, dated 15 February 2013, and filed on 20 February 2013:
- b. **Order Denying Defendant's Motion for Judgment Notwithstanding the Verdict; or in the Alternative, Motion for a New Trial** issued by the of the Honorable Roger L. Couch, Circuit Judge, on 6 September 2013, and filed 11 September 2013.

The Appellant's counsel received a written copy of the **Form 4C, SCRCP, Judgment In A Civil Case** form on 15 March 2013. A copy of the **Form 4C, SCRCP, Judgment In A Civil Case** form is attached hereto as **Exhibit "A"** and are incorporated herein by reference. Similarly, the Appellant's counsel received a written copy of the **Order Denying Defendant's Motion for Judgment Notwithstanding the Verdict; or in the Alternative, Motion for a New Trial** on 11 September 2013. A copy of the **Order Denying Defendant's Motion for Judgment Notwithstanding the Verdict; or in the Alternative, Motion for a New Trial** is attached hereto as **Exhibit "B"** and are incorporated herein by reference.

Respectfully submitted:

NEXSEN PRUET, LLC

By: \_\_\_\_\_

Stephen P. Groves, Esquire  
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*Attorneys for the Appellant,  
The South Carolina State Ports Authority*

Charleston, South Carolina

9 October 2013

**OTHER COUNSEL OF RECORD:**

Ralph E. Tupper, Esquire  
Katherine G. Ferguson, Esquire  
TUPPER, GRIMSLEY & DEAN, P.A.  
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*Attorneys for the Respondent,  
Dockside Incorporated of Port Royal, a/k/a Dockside  
of Port Royal, Inc., a South Carolina Corporation,*

**STATE OF SOUTH CAROLINA  
IN THE  
COURT OF APPEALS**

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Appeal from the Court of Common Pleas  
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Defendants,

OF WHOM The South Carolina State Ports Authority,  
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South Carolina is the

Appellant.

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**PROOF OF SERVICE FOR THE  
NOTICE OF APPEAL**

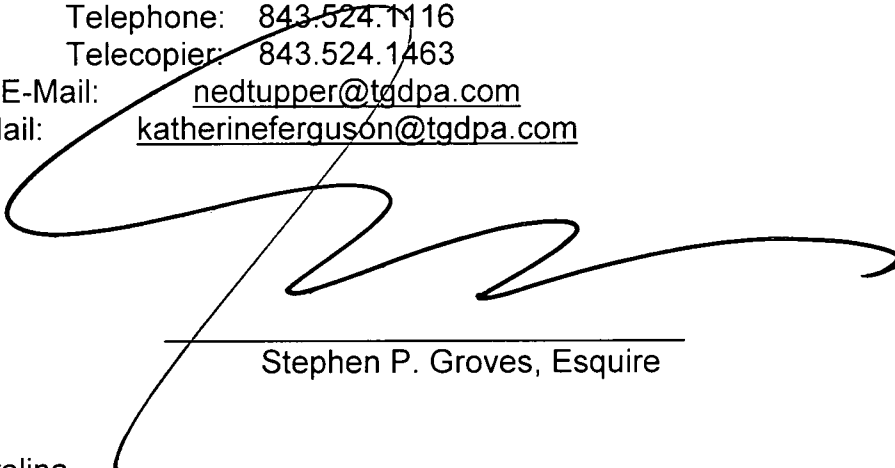
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Stephen P. Groves, Esquire  
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Charleston, South Carolina 29401  
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*Attorneys for the Appellant,  
The South Carolina State Ports Authority*

I, Stephen P. Groves, Esquire, hereby certify that on 9 October 2013, I served a copy of the **Notice of Appeal** submitted by the Appellant, The South Carolina State Ports Authority, an Agency and/or Political Subdivision of the State of South Carolina, on counsel for the Respondent via United States Mail, postage pre-paid, and addressed, as well as, via e-mail as follows:

Ralph E. Tupper, Esquire  
Katherine G. Ferguson, Esquire  
*TUPPER, GRIMSLEY & DEAN, P.A.*  
Post Office Box 2055  
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Telecopier: 843.524.1463  
E-Mail: [nedtupper@tgdpa.com](mailto:nedtupper@tgdpa.com)  
E-Mail: [katherineferguson@tgdpa.com](mailto:katherineferguson@tgdpa.com)



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Stephen P. Groves, Esquire

Charleston, South Carolina  
9 October 2013

NPCHAR1:1225645.1-APL-(SPG) 024000-00235

9 October 2013

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

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OCT 11 2013

SC Court of Appeals

Re: **Dockside Incorporated of Port Royal, a/k/a Dockside of Port Royal, Inc., a South Carolina Corporation v. The South Carolina State Ports Authority, an Agency and/or Political Subdivision of the State of South Carolina**

Appeal from the Beaufort County Court of Common Pleas

Case Action No.: 2008-CP-07-3018

COA Case Tracking No.: **2013-**\_\_\_\_\_

NP File No.: 024000-00235

Charleston

Charlotte

Columbia

Greensboro

Greenville

Hilton Head

Myrtle Beach

Dear Ms. Kitchings:

Pursuant to Rules 203(a), (b), (d), SCACR, enclosed please the original and two copies of a **Notice of Appeal** in the above-referenced appellate matter filed on behalf of the Appellant, The South Carolina State Ports Authority, an Agency and/or Political Subdivision of the State of South Carolina. I also enclose the original and one copy of a **Proof of Service** indicating service of a copy of the **Notice of Appeal** upon Ralph E. Tupper, Esquire and Katherine G. Ferguson, Esquire, as counsel for the Respondent, Dockside Incorporated of Port Royal, a/k/a Dockside of Port Royal, Inc., a South Carolina Corporation. Please note that a copy of the appealed Form 4C, SCRCP, Judgment and post-trial order are attached to the **Notice of Appeal** as Exhibits "A" and "B", respectively, are incorporated therein by reference. Finally, I also enclose our firm check in the amount of \$100.00 as payment for the applicable filing fee set forth in Rule 203(d)(1)(B)(iii), SCACR.

I would appreciate your filing the **Notice of Appeal**, as well as the **Proof of Service**, with the Court of Appeals and returning one stamped copy of each to my attention in the enclosed self-addressed stamped envelope. By copy of this letter, I am serving the Respondent's counsel with the same.

NEXSEN PRUET

Hon. Jenny Abbott Kitchings  
Clerk of Court  
9 October 2013  
Page 2

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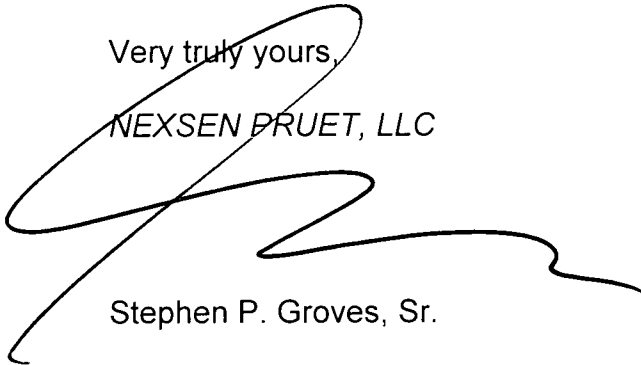
SC Court of Appeals

If you need anything else or I otherwise may be of any assistance to you regarding this matter, please feel free to contact me at your convenience. My direct telephone number is 843.720.1725, direct telecopier is 843.414.8206, and the e-mail is [sgroves@nexsenpruet.com](mailto:sgroves@nexsenpruet.com).

With kindest regards, I remain

Very truly yours,

NEXSEN PRUET, LLC



Stephen P. Groves, Sr.

SPGsr:spg

Enclosures

CCE

Ralph E. Tupper, Esquire, Esquire  
*(via e-mail and regular U.S. Mail)*

Katherine G. Ferguson, Esquire  
*(via e-mail and regular U.S. Mail)*

Philip L. Lawrence, Esquire (SCSPA – General Counsel)

CC: Hon. Jerri Ann Roseneau (Clerk of Beaufort County CCP)

NPCHAR1:1225717.1-LT-(SPG) 024000-00235