

PM 4/26/2012
Pos 4/26/2012

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM AIKEN COUNTY

Honorable Doyet A. Early, III, Chief Administration Judge, 2th Judicial Circuit
Case No.: 2009-CP-02-2460

Julie Tuten,

Respondent,

v.

David Charles Joel, individually, and doing
business as Joel & Associates, P.A. and/or
Joel & Associates; and Heather Glover

Defendants,

of whom

David Charles Joel, individually, and doing
business as Joel & Associates, P.A. and/or
Joel & Associates, are

Appellants.

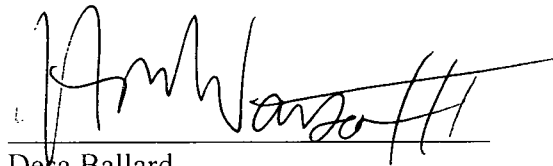
NOTICE OF APPEAL

Appellants David Charles Joel, individually, and doing business as Joel & Associates, P.A. and/or Joel & Associates appeal the Order Denying Appellants' Post Trial Motions, signed by the Honorable Doyet A. Early, III, Chief Administration Judge, 2th Judicial Circuit, filed April 10, 2012, and Judgment in favor of Plaintiff, filed on January 25, 2012. A copy of the order on appeal and the judgment are attached hereto and incorporated by reference.

RECEIVED

APR 30 2012 of 2

SC Court of Appeals



Desa Ballard
Harvey M. Watson III

Ballard Watson Weissenstein
P.O. Box 6338
West Columbia, South Carolina 29169
Telephone 803.796.9299
Facsimile 803.796.1066
Emails: desab@desaballard.com
harvey@desaballard.com

April 26, 2012

ATTORNEYS FOR APPELLANTS

Other counsel of record:

Tom G. Woodruff, Jr., Esquire
Woodruff Law Offices, LLC
P.O. Box 2783
Aiken, South Carolina 29802

Attorney for Respondent

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM AIKEN COUNTY

Honorable Doyet A. Early, III, Chief Administration Judge, 2th Judicial Circuit
Case No.: 2009-CP-02-2460

Julie Tuten,

Respondent,

v.

David Charles Joel, individually, and doing
business as Joel & Associates, P.A. and/or
Joel & Associates; and Heather Glover

Defendants,

of whom

David Charles Joel, individually, and doing
business as Joel & Associates, P.A. and/or
Joel & Associates, are

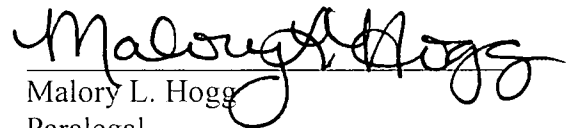
Appellants.

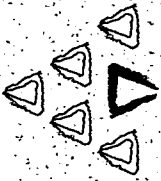
CERTIFICATE OF SERVICE

I, Malory L. Hogg, an employee with the Law Offices of Ballard Watson Weissenstein, do hereby certify that on April 26, 2012, I served a copy of the **Notice of Appeal** in the above-captioned case on the following individuals by United States Mail, with sufficient first-class postage affixed, addressed as follows:

Tom G. Woodruff, Jr., Esquire
Woodruff Law Offices, LLC
P.O. Box 2783
Aiken, South Carolina 29802

April 26, 2012
West Columbia, South Carolina


Malory L. Hogg
Paralegal



**Ballard
Watson Weissenstein**
PERSISTENT · UNWAVERING

Desa Ballard
Harvey M. Watson III
Stephanie Weissenstein
Attorneys at Law

Post Office Box 6338 | West Columbia, SC 29171
226 State Street | West Columbia, SC 29169 | ph 803.796.9299 | fx 803.796.1066 | desaballard.com

April 26, 2012

Via U.S. Mail

Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
1015 Sumter Street
Post Office Box 11629
Columbia, South Carolina 29211

Re: Appeal Related to Tuten v. David Joel, et al.
Case No: 2009-CP-02-2460

Dear Ms. Kitchings:

Enclosed please find an original and one copy of a Notice of Appeal for the above-referenced matter and a check for \$100.00 for the filing fee. I request the copy of the pleading be clocked and returned to our office in the self addressed stamped envelope I have provided.

Thank you for your assistance with this matter. With warm personal regards, I am,

Sincerely yours,

Malory L. Hogg, Paralegal
malory@desaballard.com

c: Tom Woodruff, Esquire (via mail)
David Joel, Esquire (via email)

RECEIVED

APR 30 2012

SC Court of Appeals



UNITED STATES POSTAGE
PITNEY BOWES
02 1P \$ 001.50⁰⁰
0003865486 APR 26 2012
MAILED FROM ZIP CODE 29170

COLUMBIA SC 292
THU 26 APR 2012 1PM



Law Offices of Desa Ballard

226 State Street
West Columbia, SC 29169

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

Julie Tuten

Versus

David Charles Joel, individually, and doing business as Joel & Associates, P.A. and/or Joel & Associates, David C. Joel, Attorney at Law, P.C., doing business as Joel and Associates and Heather A. Glover,

Plaintiff

Defendant

CHECK ONE:

- JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and the verdict has been rendered.
- DECISION BY 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: _____

IT IS ORDERED AND ADJUDGED: See attached order; Statement of Judgment by Court

After carefully reviewing all evidence before me, I hereby DENY all of the Defendant David Charles Joel's post-trial motions.

Dated at Aiken, South Carolina, Date April 2, 2012 Judge [Signature]

This judgment was entered on the 10 Day of April, 2012, and a copy mailed this 10 Day of April, 2012, to attorneys of record or to parties as follows:

Attorney(s) for Plaintiff
Tom Woodruff

Attorney for Defendant
Desa Ballard

4.10.12
[Signature]
S.C.C.P. & G.S.
[Signature]
Deputy Clerk

[Signature]
Clerk of Court

STATE OF SOUTH CAROLINA)

COUNTY OF AIKEN)

JULIE TUTEN,)

Plaintiff)

vs.)

DAVID CHARLES JOEL, individually)
and doing business as Joel & Associates)
P.A., and/or Joel & Associates, and)

Heather Glover)

Defendant(s))

IN THE COURT OF COMMON PLEAS)
FOR THE SECOND JUDICIAL CIRCUIT)

Case No.: 2009-CP-02-2460)

VERDICT FORM

In the legal malpractice matter of Julie Tuten v. David Charles Joel, individually and doing business as Joel & Associates P.A., and/or Joel & Associates, and Heather Glover we, the Jury, find in favor of Julie Tuten

in the amount of \$ ~~Two hundred Fifty thousand~~ ^{Two hundred-Seventy five Thousand} ~~00/100~~ ^{00/100} MST actual damages. ~~00/100~~ ^{00/100} 275,000.00

January 24, 2012

Alpina S. Taylor
FOREPERSON

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
I, Liz Hedard, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office this

JAN 25 2012

Liz Hedard
C.C.P. & G.S., Aiken County, S.C.
Deputy Clerk

1-24-12
Liz Hedard
C.C.P. & G.S.
Cherise J. Galloway
Deputy Clerk 419