

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

The Honorable Robert E. Hood
Circuit Court Judge

Appellate Case No. 2025-
Circuit Court Case No. 2023-CP-40-05555

RECEIVED

Oct 29 2025

SC Court of Appeals

O. Stanley Smith, III; Acre Plus, LLC; and Constan Gervais Street
Car Wash, Inc.,..... Respondents,

v.

City of Columbia..... Appellant.

NOTICE OF APPEAL

Please take notice that the City of Columbia appeals the attached orders: (1) Denying the City of Columbia’s Post-Judgment Motions to Amend Judgment or for a New Trial, filed on October 6, 2025; (2) Granting Judgment in the Plaintiffs’ Favor, filed on July 28, 2025; and (3) Granting Plaintiffs’ Motion in Limine to Exclude June 14, 2025 Appraisal and Related Testimony of Elizabeth Keys, filed on June 25, 2025. Copies of these orders are attached.

The City states that, at present, there are no additional transcripts necessary for this appeal. The City further states that there remains pending before the circuit court a Motion Under Rules 52(b) and 59(e), SCRCF, to Clarify or Supplement Order, which was timely filed and served on October 15, 2025. Because of the pendency of a Rule 52/59 motion, the City anticipates that the Court may follow the procedure of *Hudson v. Hudson*, 290 S.C. 215, 349 S.E.2d 341 (1986). However, the City files this notice now to avoid “unwittingly forfeit[ing] the right to an appeal if an appellate court later determines the Rule 59(e) motion was unnecessary because he already had

raised the issue and obtained a ruling.” *Elam v. S.C. DOT*, 361 S.C. 9, 25, 602 S.E.2d 772, 780 (2004).

Respectfully submitted,

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October 29, 2025

PROOF OF SERVICE

I, the undersigned of the law offices of Womble Bond Dickinson (US) LLP, attorneys for Appellant City of Columbia, do hereby certify that I have served all parties to this appeal with a copy of the pleading(s) specific below by emailing them at the addresses below:

Pleading(s): Notice of Appeal

Parties Served:

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