

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY  
Court of Common Pleas

Frank R. Addy, Jr., Circuit Court Judge

Case No. 2012-CP-42-5017

RECEIVED

DEC 17 2013

SC Court of Appeals

170700

Gretchen A. Rogers, as Guardian *ad litem*  
for Mark A. Malloy. . . . . Appellant,

vs.

Kenneth E. Lee and  
LAW OFFICES OF LEE & SMITH, P.A. . . . . Respondents.

**NOTICE OF APPEAL**

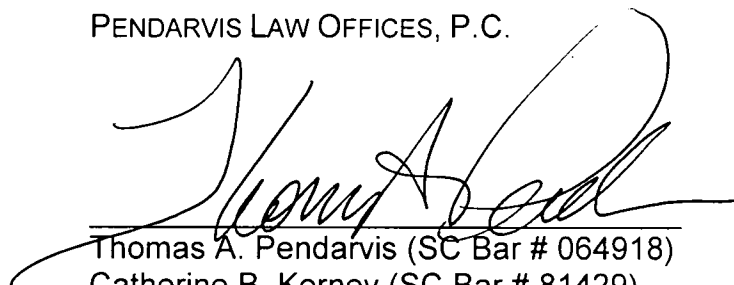
Appellant, Gretchen A. Rogers, as Guardian *ad litem* for Mark A. Malloy, appeals  
the following orders:

1. ORDER GRANTING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT, dated September 17, 2013, a copy of which is attached as Exhibit 1.
2. ORDER denying Plaintiff's Motion to Alter or Amend Order Granting Summary Judgment to Defendants, dated November 26, 2013, received by counsel for Appellant on December 11, 2013, a copy of which is attached as Exhibit 2.

Both Orders were issued by the Honorable Frank R. Addy, Jr.

Respectfully submitted,

PENDARVIS LAW OFFICES, P.C.



Thomas A. Pendarvis (SC Bar # 064918)

Catherine B. Kerney (SC Bar # 81429)

500 Carteret St Ste A

Beaufort, SC 29902-5066

843.524.9500 Tel.

[Thomas@PendarvisLaw.com](mailto:Thomas@PendarvisLaw.com)

[Carey@PendarvisLaw.com](mailto:Carey@PendarvisLaw.com)

Brent P. Stewart

THE STEWART LAW OFFICES, LLC

P.O. Box 570

Rock Hill, SC 29731

803.328.5600 Tel.

[BPStewart@hotmail.com](mailto:BPStewart@hotmail.com)

Counsel for Appellant

Beaufort, South Carolina

December 12, 2013

OTHER COUNSEL OF RECORD:

David W. Overstreet, J.D.

Michael B. McCall, J.D.

CARLOCK, COPELAND & STAIR, LLP

40 Calhoun Street, Suite 400

Charleston, SC 29401

843.727.0307

[doverstreet@carlockcopeland.com](mailto:doverstreet@carlockcopeland.com)

[mmccall@carlockcopeland.com](mailto:mmccall@carlockcopeland.com)

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY  
Court of Common Pleas

Frank R. Addy, Jr., Circuit Court Judge

DEC 17 2013  
COURT OF APPEALS

Case No. 2012-CP-42-5017

Gretchen A. Rogers, as Guardian *ad litem*  
for Mark A. Malloy. . . . . Appellant,

vs.

Kenneth E. Lee and  
LAW OFFICES OF LEE & SMITH, P.A. . . . . Respondents.

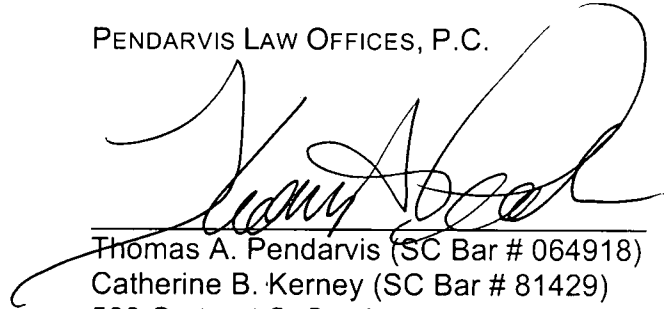
**PROOF OF SERVICE**

I, Thomas A. Pendarvis, a lawyer with PNDARVIS LAW OFFICES, P.C., certify that I have served one (1) copy of the NOTICE OF APPEAL on counsel for Respondents, by depositing a copy of the same in the United States Mail, postage prepaid, on the 12<sup>th</sup> day of December, 2013 addressed to:

David W. Overstreet, J.D.  
Michael B. McCall, J.D.  
CARLOCK, COPELAND & STAIR, LLP  
40 Calhoun Street, Suite 400  
Charleston, SC 29401

Respectfully submitted,

PENDARVIS LAW OFFICES, P.C.



Thomas A. Pendarvis (SC Bar # 064918)

Catherine B. Kerney (SC Bar # 81429)

500 Carteret St Ste A

Beaufort, SC 29902-5066

843.524.9500 Tel.

[Thomas@PendarvisLaw.com](mailto:Thomas@PendarvisLaw.com)

[Carey@PendarvisLaw.com](mailto:Carey@PendarvisLaw.com)

Brent P. Stewart

THE STEWART LAW OFFICES, LLC

P.O. Box 570

Rock Hill, SC 29731

803.328.5600 Tel.

[BPStewart@hotmail.com](mailto:BPStewart@hotmail.com)

Counsel for Appellant

Beaufort, South Carolina

December 12, 2013

PENDARVIS LAW OFFICES, PC



December 12, 2013

RECEIVED  
DEC 17 2013

SC Court of Appeals

Jenny Abbott Kitchings, Clerk of Court  
COURT OF APPEALS FOR THE STATE OF SOUTH CAROLINA  
PO Box 11629  
Columbia, SC 29211

**Re: Gretchen A. Rogers, as Guardian *ad litem* for Mark A. Malloy v.  
Kenneth E. Lee and LAW OFFICES OF LEE & SMITH, P.A.**

Dear Ms. Kitchings:

Enclosed for filing please find the original and one copy of the NOTICE OF APPEAL and PROOF OF SERVICE in regard to the above-referenced matter. Also enclosed is our firm check in the amount of \$100.00 representing the filing fee.

Please return the clocked copies in the stamped, self-addressed return envelope enclosed for your convenience.

With kind regards, I remain

Sincerely,

PENDARVIS LAW OFFICES, P.C.

Thomas A. Pendarvis

TAP/lat

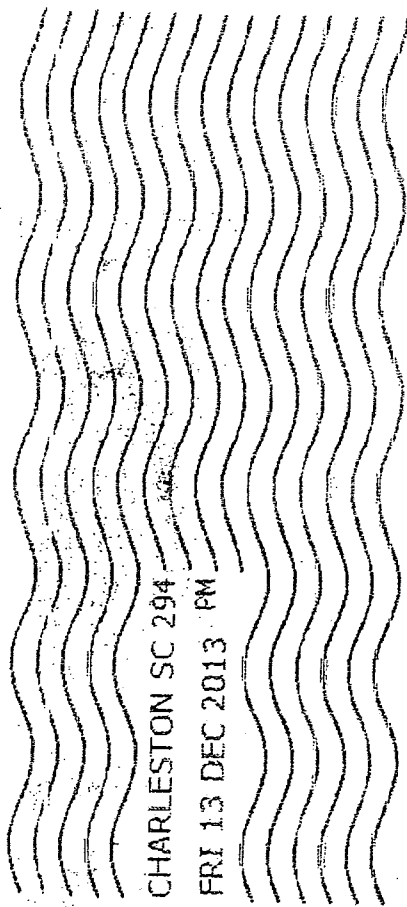
Enclosures

cc w/encls: Honorable Frank R. Addy, Jr.  
David W. Overstreet, J.D.  
Michael B. McCall, J.D.  
ec w/encls: Brent P. Stewart, J.D.  
Gretchen A. Rogers, J.D.

THOMAS A. PENDARVIS, J.D.  
ADMITTED IN SC AND GA  
[Thomas@PendarvisLaw.com](mailto:Thomas@PendarvisLaw.com)  
Board Certified by the American Board of  
Professional Liability Attorneys in  
Legal Malpractice

500 CARTERET ST., SUITE A  
BEAUFORT, SC 29902-5066  
[www.PendarvisLaw.com](http://www.PendarvisLaw.com)  
T 843.524.9500  
F 843.524.9501

CATHERINE B. KERNEY, J.D.  
ADMITTED IN SC, VA AND DC  
[Carey@PendarvisLaw.com](mailto:Carey@PendarvisLaw.com)



CHARLESTON SC 294  
FRI 13 DEC 2013 PM

1

\$1.72

US POSTAGE FIRST-CLASS MAIL

062S0005283391  
FROM 29906



stamps.com

12/12/2013

**USPS FIRST CLASS MAIL®**

Thomas A. Pendarvis  
500 Carteret Street  
Beaufort SC 29902

SHIP TO: Jenny Abbott Kitchings, Clerk of Court  
COURT OF APPEALS  
PO Box 11629  
Columbia SC 29211-1629



**RECEIVED**

DEC 17 2013

**SC Court of Appeals**