

70822

IN THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY

Court of Common Pleas

RECEIVED
DEC 23 2013
SC Court of Appeals

Edward W. Miller, Circuit Court Judge

Case No. 2008-CP-23-05739

Andrew P. (Andy) Ballard, Respondent,

v.

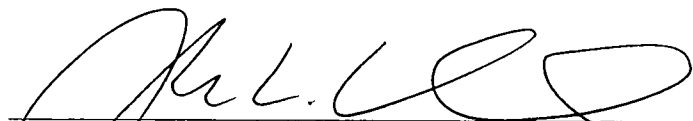
Tim Roberson, Rick Thoennes, Rick Thoennes III,
and Warpath Development, Inc. Appellants.

NOTICE OF APPEAL

Appellants Tim Roberson, Rick Thoennes, Rick Thoennes, III, and Warpath Development, Inc. hereby appeal the following orders and judgment of the Honorable Edward W. Miller:

1. The Court's October 3, 2013, Order of Judgment. A motion for Reconsideration and/or for a New Trial or Hearing of the Court's Order of Judgment was timely brought on October 11, 2013.
2. The Court's November 8, 2013, Order denying Appellants' Motion for Reconsideration and/or for New Trial or Hearing made pursuant to Rule 59, SCRPC.

Appellants were made aware of and provided a copy of the Court's November 8, 2013, Order denying Appellant's Motion for Reconsideration and/or for a New Trial or Hearing by email from Plaintiff's counsel on December 19, 2013. There was no previous correspondence received regarding this decision. Appellants did not receive notification of the issuance of the November 8, 2013 Order from the Clerk of Court. As such, Appellants having received written notice on December 19, 2013 of the Court's denial, this notice is timely in accordance with Rule 203 of the South Carolina Rules of Appellate Practice.



Joshua L. Howard, S.C. Bar # 70260
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(864) 240-3200

Attorneys for Appellants

Dated: December 20, 2013
Greenville, South Carolina

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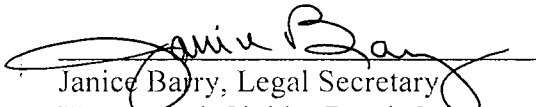
v.

Tim Roberson, Rick Thoennes, Rick Thoennes III,
and Warpath Development, Inc. Appellants.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of DEFENDANTS' NOTICE OF APPEAL was served upon all counsel of record on this the 20th day of December, 2013, by U.S. Mail, postage prepaid, to the following:

Wallace K. Lightsey, Esquire
WYCHE, PA
P.O. Box 728
Greenville, SC 29602-0728


Janice Barry, Legal Secretary
Haynsworth Sinkler Boyd, P.A.
ONE North Main Street, 2nd Floor (29601)
P.O. Box 2048
Greenville, SC 29602
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GREENVILLE

CHARLESTON

COLUMBIA

FLORENCE

Haynsworth
Sinkler Boyd, P.A.

ATTORNEYS AND COUNSELORS AT LAW

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December 20, 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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DEC 23 2013
SC Court of Appeals

Re: Andrew P. (Andy) Ballard v. Tim Roberson, Rick Thoennes, Rick Thoennes III, and
Warpath Development, Inc..
C.A. No.: 2008-CP-23-5739

Dear Ms. Kitchings:

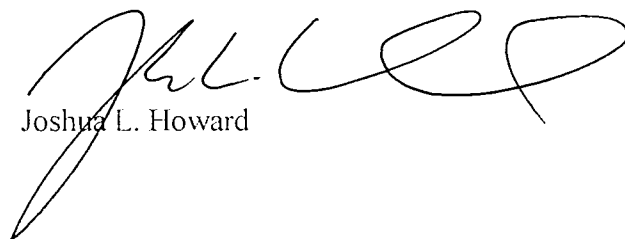
Please find enclosed for filing in the above-referenced case, a Notice of Appeal, Certificate of Service showing service of the Notice of Appeal on the Respondent, and a filing fee of \$100. In accordance with Rule 203(d)(1)(A), SCACR, we have also filed the Notice of Appeal with the Greenville County Clerk of Court. We have enclosed an additional copy of the Notice of Appeal to be filed-stamped and returned to us in the enclosed self-addressed stamped envelope.

Please contact me if you have any questions. Thank you for your assistance in this matter.

With kind personal regards, I am

Very truly yours,

HAYNSWORTH SINKLER BOYD, P.A.


Joshua L. Howard

JLH:jmb
Enclosures

cc: The Honorable Paul B. Wickensimer
Wallace Lightsey, Esquire

Haymsworth
Sinkler Boyd, P.A.

ATTORNEYS AND COUNSELORS AT LAW

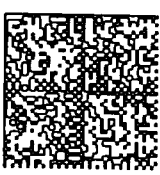
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