

STATE OF SOUTH CAROLINA
In the Court of Appeals


APPEAL FROM RICHLAND COUNTY
Court of Common Pleas for the Third Judicial Circuit
G. Thomas Cooper, Circuit Court Judge
J. Ernest Kinard, Jr., Circuit Court Judge

Docket No. 2011-CP-40-6705

70879
RECEIVED

JAN 06 2014

SC Court of Appeals

 JOSEPH S. AZAR, FRANK J. CUMBERLAND, JR.,
AND MICHAEL A. LETTS, INDIVIDUALLY AND
AS CLASS REPRESENTATIVES,

Appellants,

vs.

CITY OF COLUMBIA,

Respondent.

NOTICE OF APPEAL

Joseph S. Azar, Frank J. Cumberland, Jr., and Michael A. Letts, Individually And As Class Representatives, appeal (1) the Order Denying Plaintiff's Motion for Class Action Certification of the Honorable J. Ernest Kinard, Jr., Circuit Court Judge, dated June 22, 2012 and filed June 26, 2012; (2) the Order Denying Plaintiff's Motion for Reconsideration of the Honorable J. Ernest Kinard, Jr., Circuit Court Judge, dated September 19, 2012 and filed September 20, 2012; (3) the Order Granting Defendant's Motion for Summary Judgment of the Honorable G. Thomas Cooper, Circuit Court Judge, dated September 26, 2013 and filed September 26, 2013; and, (4) the Order Denying Plaintiff's Motion for Reconsideration of the

PAGE 1 OF 2



Honorable G. Thomas Cooper, Circuit Court Judge, dated November 26, 2013 and filed November 27, 2013. Appellant received written notice of entry of the November 27, 2013 Order Denying Plaintiff's Motion for Reconsideration of the Honorable G. Thomas Cooper, Circuit Court Judge, on December 6, 2013.

Dated January 6, 2014 at Columbia, South Carolina.



C. Dixon Lee, III
McLaren & Lee
1508 Laurel Street
Post Office Box 11809
Columbia, SC 29211-1809
(803) 799-3074 (voice)
(803) 252-3548 (facsimile)
dlee@mclarenandlee.com

Gene M. Connell, Jr.
The Courtyard, Suite 209
1500 U. S. Highway 17 North
Post Office Drawer 14547
Surfside Beach, South Carolina 29587-4547
(843) 238-5648 (voice)
(843) 238-5050 (facsimile)
gconnell@classactlaw.net

Attorneys for Appellants

Other Counsel of Record:

Thomas E. Lydon, Esquire
M. McMullen Taylor, Esquire
McAngus Goudelock & Courie, LLC
P.O. Box 12519
Columbia, South Carolina 29211
(803) 799-2300 (voice)
(803) 748-0526 (facsimile)
tlydon@mgclaw.com
Mullen.Taylor@mgclaw.com

Attorneys for Respondent

STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

JAN 06 2014

SC Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas for the Third Judicial Circuit
G. Thomas Cooper, Circuit Court Judge
J. Ernest Kinard, Jr., Circuit Court Judge

Docket No. 2011-CP-40-6705

JOSEPH S. AZAR, FRANK J. CUMBERLAND, JR.,
AND MICHAEL A. LETTS, INDIVIDUALLY AND
AS CLASS REPRESENTATIVES,

Appellants,

vs.

CITY OF COLUMBIA,

Respondent.

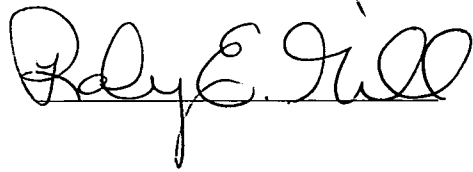
PROOF OF SERVICE

The undersigned hereby certifies that on the 6th day of January 2014 he/she did serve one (1) copy of the Appellants Joseph S. Azar, Frank J. Cumberland, Jr., and Michael A. Letts' Notice of Appeal on opposing counsel by depositing the same in the United States Mail, sufficient first class postage prepaid addressed as follows:

Thomas E. Lydon, Esquire
M. McMullen Taylor, Esquire
McAngus Goudelock & Courie, LLC

P.O. Box 12519
Columbia, South Carolina 29211

Dated this 6th day of January 2014 at Columbia, South Carolina.

A handwritten signature in black ink, appearing to read "R. E. Will". The signature is written in a cursive style with a horizontal line underneath the letters.

McLAREN & LEE
ATTORNEYS AND COUNSELORS AT LAW
POST OFFICE BOX 11809 (29211)
1508 LAUREL STREET
COLUMBIA, SOUTH CAROLINA 29201

James T. McLaren**
C. Dixon Lee, III*~

Phone (803) 799-3074
Fax (803) 252-3548
www.mclarenandlee.com

jmclaren@mclarenandlee.com
dlee@mclarenandlee.com

-ALSO ADMITTED IN NC

January 6, 2014

VIA HAND DELIVERY

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

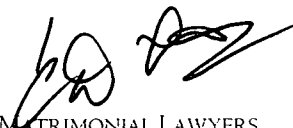
Re: *Joseph S. Azar, et. al. v. City of Columbia*
Docket No. 2011-CP-40-6705

RECEIVED
JAN 06 2014
SC Court of Appeals

Dear Mr. Kitchings:

Enclosed, I am having hand delivered to you for filing the following:

1. Original Notice of Appeal on behalf of Appellants Joseph S. Azar, Frank J. Cumberland, Jr., and Michael A. Letts.
2. Copies of the following Orders which are being appealed:
 - a. the Order Denying Plaintiff's Motion for Class Action Certification of the Honorable J. Ernest Kinard, Jr., Circuit Court Judge, dated June 22, 2012 and filed June 26, 2012;
 - b. the Order Denying Plaintiff's Motion for Reconsideration of the Honorable J. Ernest Kinard, Jr., Circuit Court Judge, dated September 19, 2012 and filed September 20, 2012;
 - c. the Order Granting Defendant's Motion for Summary Judgment of the Honorable G. Thomas Cooper, Circuit Court Judge, dated September 26, 2013 and filed September 26, 2013; and,
 - d. the Order Denying Plaintiff's Motion for Reconsideration of the Honorable G. Thomas Cooper, Circuit Court Judge, dated November 26, 2013 and filed November 27, 2013.
3. Original Proof of Service evidencing service of one (1) copy of the enclosed Notice of Appeal on opposing counsel.



The Honorable Jenny Abbott Kitchings
January 6, 2014
Page Two

4. A check payable to "Clerk, South Carolina Court of Appeals" in the amount of \$100.00, which is tendered as the filing fee for this appeal.

Also enclosed is (1) a copy of my letter of January 6, 2014 to Court Reporter Aminah Hardy requesting the transcript of the June 5, 2012 hearing in this case before Judge Kinard; (2) a copy of my letter of January 6, 2014 to Court Reporter Deborah M. McCurdy requesting the transcript of the September 13, 2012 hearing in this case before Judge Kinard; (3) a copy of my letter of January 6, 2014 to Court Reporter Karen E. Ambroziak requesting the transcript of the August 5, 2013 hearing in this case before Judge Cooper; and, (4) a copy of my letter of January 6, 2014 to Court Reporter Elizabeth B. Harris requesting the transcript of the September 13, 2013 hearing in this case before Judge Cooper.

I am mailing copies of this letter, the enclosed Notice of Appeal and the enclosed letters to Court Reporters Deborah M. McCurdy, Aminah Hardy, Karen E. Ambroziak, and Elizabeth B. Harris to S.C. Court Administration and to opposing counsel in compliance with Rule 207(a)(1), *SCACR*.

I am also mailing a copy of this letter and a copy of the enclosed Notice of Appeal to the Richland County Clerk of Court for filing in compliance with Rule 203(d)(1), *SCACR*.

Should you have any questions regarding this matter, please feel free to contact me.

Yours very truly,

A handwritten signature in black ink, appearing to read "C. Dixon Lee, III". The signature is fluid and cursive, with a large initial "C" and "L".

C. Dixon Lee, III

CDL,III/mms
enclosures

cc: South Carolina Court of Appeals
South Carolina Court Administration
Clerk of Court, Richland County, South Carolina
Thomas E. Lydon, Esquire
M. McMullen Taylor, Esquire
Gene McCain Connell Jr., Esquire