

IN THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM HORRY COUNTY  
Court of Common Pleas

Honorable Steven H. John, Circuit Court Judge

Civil Action No.: 2011-CP-26-2722

**RECEIVED**

MAR 26 2014

**SC Court of Appeals**

Nichols Holding, LLC and J. Wade Nichols .....Respondents

vs.

Divine Capital Group, LLC, John S. Divine, IV.  
Nathan Anderson and Divine Dining Group, Inc. ....Appellants

NOTICE OF APPEAL

Appellants Divine Capital Group, LLC, John S. Divine, IV, Nathan Anderson and Divine Dining Group, Inc., appeal the Orders of the Honorable Steven H. John, dated January 6, 2014 (Order Compelling Settlement, Exhibit A) and February 26, 2014 (Order Denying Defendants' Motion to Alter/Amend, Exhibit B). Appellants received written notice of entry of the January 6, 2014, Order Compelling Settlement on January 7, 2014, and Appellants filed a Motion to Alter or Amend Order Pursuant to Rule 59(e) SCRCP on January 15, 2014. Appellants received written notice of entry of the Order Denying Defendants' Motion to Alter/Amend Order on February 27, 2014.

March 26, 2014

Respectfully submitted,



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*Attorneys for the Appellants*

Other Counsel of Record:

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Kelaher, Connell & Connor, P.C.  
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*Attorney for Cres-Com Bank (Intervenor)*

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Civil Action No.: 2011-CP-26-2722

Nichols Holding, LLC and J. Wade Nichols .....Respondents

vs.

Divine Capital Group, LLC, John S. Divine, IV,  
Nathan Anderson and Divine Dining Group, Inc. ....Appellants

PROOF OF SERVICE

I certify that I have served the Notice of Appeal by depositing a copy of it in the United States mail, postage prepaid, on March 26, 2014, addressed to the following attorneys of record:

Julio E. Mendoza, Jr., Esquire  
Nexsen Pruet, LLC  
Post Office Drawer 2426  
Columbia, South Carolina 29202

Gene M. Connell, Jr., Esquire  
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**THOMAS & BRITTAIN, P.A.**

ATTORNEYS AT LAW

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\*CERTIFIED EMPLOYMENT  
& LABOR LAW SPECIALIST

March 26, 2014

**RECEIVED**  
MAR 26 2014  
**SC Court of Appeals**

Via U.S. Mail and Fax Transmission

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

Re: Nichols Holding, LLC and J. Wade Nichols v. Divine Capital Group, LLC, John S. Divine, IV; Nathan Anderson; and Divine Dining Group, Inc.  
Civil Action No.: 2011-CP-26-2722

Dear Ms. Kitchings:

Our firm represents the Defendants Divine Capital Group, LLC, John S. Divine, IV, Nathan Anderson and Divine Dining Group in the above-referenced matter. Please find enclosed for filing the Notice of Appeal in this case. Also enclosed are the following:

1. Proof of service of the Notice of Appeal on the Respondent
2. A copy of the Orders which are attached as Exhibit A and B to the Notice of Appeal
3. A filing fee in the amount of \$100.00

Other counsel of record in this case are: co-counsel Julio E. Mendoza, Jr., Esquire and Frederick Miles Adler, Esquire who represent Divine Capital Group, LLC, John S. Divine, IV, Nathan Anderson and Divine Dining Group; Gene M. Connell, Jr., Esquire, who represents Nichols Holding, LLC and J. Wade Nichols; and W. W. DesChamps, Jr., Esquire who represented the Intervenor Cres-Com Bank. Please do not hesitate to contact our office if you have any questions or require additional information.

Sincerely yours,

THOMAS & BRITTAIN, P.A.

Emma Ruth Brittain

The Honorable Jenny Abbott Kitchings  
March 26, 2014  
Page Two

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Enclosures

cc: Julio E. Mendoza, Jr., Esquire  
Gene M. Connell, Jr., Esquire  
Frederick Miles Adler, Esquire  
W. W. DesChamps, Jr., Esquire  
Melanie Huggins-Ward, Horry County Clerk of Court

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MAR 26 2014

**SC Court of Appeals**

*FROM THE OFFICE OF EMMA RUTH BRITTAIN:*

DATE: March 26, 2014  
TO: S.C. Court of Appeals  
FAX: (803) 734-1839  
RE: Nichols Holding, LLC and J. Wade Nichols vs. Divine Capital Group, LLC, John S. Divine, IV, Nathan Anderson, and Divine Dining Group, Inc.  
Civil Action No.: 2011-CP-26-2722

Pages:   16   (including cover sheet)

MESSAGE:

Attached is the Notice of Appeal in the above-referenced matter.

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