

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

RECEIVED  
MAR 31 2014  
SC Court of Appeals

APPEAL FROM HORRY COUNTY  
Court of Common Pleas

The Honorable Steven H. John

71750

CASE NO. 2011-CP-26-2722

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

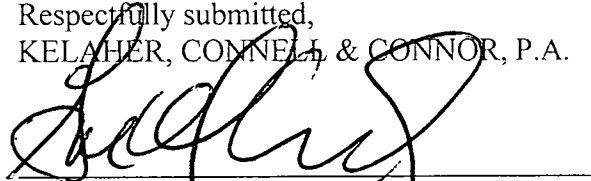
vs.

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

NOTICE OF APPEAL

The Appellants, Nichols Holding, LLC and J. Wade Nichols, appeal the Order Compelling Settlement filed January 6, 2014 and the subsequent Order Denying Plaintiff's Motion for Reconsideration filed February 25, 2014. Appellants received a clocked copy of the signed Order on February 26, 2014.

Respectfully submitted,  
KELAHER, CONNELL & CONNOR, P.A.



Gene M. Connell, Jr. (S.C. Bar No. 1358)  
The Courtyard, Suite 209  
1500 U. S. Highway 17 North  
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Surfside Beach, South Carolina 29587-4547  
(843) 238-5648 (phone)  
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**Attorney for Appellant**

March 27, 2014  
Surfside Beach, South Carolina

Other Counsel of Record:

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Thomas & Brittain, P.A.  
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Attorney for Respondents

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Attorneys for Respondents

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Post Office Box 4743  
Pawleys Island, SC 29585  
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Attorneys for Respondents

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1357 21<sup>st</sup> Avenue North, Suite 102  
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Fax: 843-448-3308  
Attorney for Cres-Com Bank (Intervenor)

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vs.

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

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PROOF OF SERVICE

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PERSONALLY appeared before me, Lynn C. Benton, who being duly sworn, deposes and says that she is an employee of KELAHER, CONNELL & CONNOR, P.C., Attorneys at Law, and that she has served a **Notice of Appeal** on the Respondent, through its attorney of record, by depositing a copy of same in the United States Mail, postage prepaid, to:

Emma Ruth Brittain, Esquire  
Thomas & Brittain, P.A.  
Post Office Box 1290  
Myrtle Beach, South Carolina 29578

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

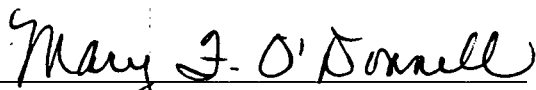
Frederick Miles Adler, Esquire  
Post Office Box 4743  
Pawleys Island, SC 29585

W. W. DesChamps, Jr., Esquire  
1357 21<sup>st</sup> Avenue North, Suite 102  
Myrtle Beach, South Carolina 29577

DATE OF MAILING: March 27, 2014

  
\_\_\_\_\_  
Lynn C. Benton

SWORN AND SUBSCRIBED before me,  
this 27<sup>th</sup> day of March, 2014

  
\_\_\_\_\_  
Notary Public for South Carolina  
My Commission Expires: 6/1/16

KELAHER, CONNELL & CONNOR, P.C.

ATTORNEYS AT LAW

SUITE 209

THE COURTYARD

1500 U.S. HIGHWAY 17 NORTH

P.O. DRAWER 14547

SURFSIDE BEACH, SOUTH CAROLINA 29587

EDWARD T. KELAHER\*  
GENE M. CONNELL, JR.  
L. SIDNEY CONNOR, IV  
LISA POE DAVIS

\* OF COUNSEL

AREA CODE 843

238-5648

FAX: 238-5050

March 27, 2014

The Honorable Jenny Abbot Kitchings  
Clerk of Court  
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.*  
C/A No. 2011-CP-26-2722  
Our File No. 2011-0037C

Dear Ms. Kitchings:

Enclosed for filing is a Notice of Appeal in the above-captioned case. Also enclosed are the following:

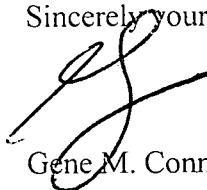
1. Proof of Service of the Notice of Appeal on the Respondents.
2. Copies of the Orders which are to be challenged on Appeal.
2. Our check for the \$100.00 filing fee.

Please return a clocked copy to us in the self-addressed, stamped envelope provided.

By copy of this letter, I hereby serve the Respondent, through counsel of record, with the Notice of Appeal.

Thank you for your kind assistance in this matter.

Sincerely yours,

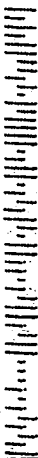


Gene M. Connell, Jr.

GMC,Jr.:sm  
Enclosures  
cc w/enc.:

Emma Ruth Brittain, Esquire  
Julio E. Mendoza, Jr., Esquire  
Frederick Miles Adler, Esquire  
W. W. DesChamps, Jr., Esquire

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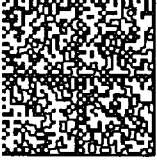
PITNEY BOWES

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MAILED FROM ZIP CODE 29575



**KELAHER, CONNELL & CONNOR, P.C.**

ATTORNEYS AT LAW

P. O. DRAWER 14547

SURFSIDE BEACH, SOUTH CAROLINA 29587

The Honorable Jenny Abbot Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
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Columbia, South Carolina 29211