

**STATE OF SOUTH CAROLINA
IN THE
COURT OF APPEALS**

Appeal from the Court of Common Pleas
For Charleston County
Honorable J. C. Nicholson, Jr., Circuit Judge
Civil Action No.: 2011-CP-10-8840

72431

Frank Gordon, Jr., Individually and as Trustee
of the Dorothy S. Gordon (Deceased) Trust,

Respondent,

v.

Donald W. Lancaster,

Appellant.

NOTICE OF APPEAL

Stephen P. Groves, Sr., Esquire
NEXSEN PRUET, LLC
205 King Street, Suite 400
Charleston, South Carolina 29401
Telephone: 843.720.1725
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CISA & DODDS
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Mount Pleasant, South Carolina 29464
Telephone: 843.881.6530
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Attorneys for the Appellant

TO: THE HONORABLE JUDGES OF THE SOUTH CAROLINA COURT OF APPEALS:

COMES NOW the Appellant, Donald W. Lancaster ("Mr. Lancaster"), pursuant to Rule 203 of the South Carolina Appellate Court Rules, and respectfully serves notice that he is appealing the following orders and judgments:

- a. Order and Judgment of the Honorable J.C. Nicholson, Jr., Circuit Judge, dated 16 August 2013, and filed with the Clerk of Court for the Charleston County Court of Common Pleas on 19 August 2013, and received by Mr. Lancaster's counsel on 29 August 2013;
- b. SCRCP Form 4C Judgment In A Civil Case issued by the Honorable J.C. Nicholson, Jr., Circuit Judge, dated 16 August 2013, and filed with the Clerk of Court for the Charleston County Court of Common Pleas on 19 August 2013, and received by Mr. Lancaster's counsel on 29 August 2013;
- c. SCRCP Form 4C Judgment In A Civil Case denying post-trial motions issued by the Honorable J.C. Nicholson, Jr., Circuit Judge, dated 6 May 2014, and filed with the Clerk of Court for the Charleston County Court of Common Pleas on 9 May 2014, and received by Mr. Lancaster's counsel on 14 May 2014; and
- d. SCRCP Form 4C Judgment In A Civil Case denying post-trial motions issued by the Honorable J.C. Nicholson, Jr., Circuit Judge, dated 19 May 2014, and filed with the Clerk of Court for the Charleston County Court of Common Pleas on 21 May 2014, and received by Mr. Lancaster's counsel on 23 May 2014.

Copies of the referenced Circuit Court *Order & Judgment*, the SCRCP Form 4 Judgment In A Civil Case, and the SCRCP Form 4C Judgment In A Civil Case form orders are collectively attached hereto as Exhibit "A" and incorporated herein by reference.

Respectfully submitted:

NEXSEN PRUET, LLC

By: 
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Attorneys for the Appellant

Charleston, South Carolina

6 June 2014

OTHER COUNSEL OF RECORD

Justin O'Toole Lucey, Esquire
Stephanie L. Drawdy, Esquire
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Attorneys for the Respondent

STATE OF SOUTH CAROLINA
IN THE
COURT OF APPEALS

Appeal from the Court of Common Pleas
For Charleston County
Honorable J. C. Nicholson, Jr., Circuit Judge
Civil Action No.: 2011-CP-10-8840

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SC Court of Appeals

Frank Gordon, Jr., Individually and as Trustee
of the Dorothy S. Gordon (Deceased) Trust,

Respondent,

v.

Donald W. Lancaster,

Appellant.

PROOF OF SERVICE
For The
NOTICE OF APPEAL

Stephen P. Groves, Sr., Esquire
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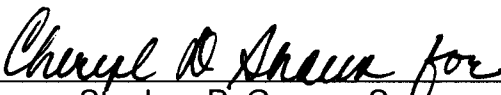
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Attorneys for the Appellant

I, Stephen P. Groves, Sr., Esquire, hereby certify that on 6 June 2014, I served a copy of the **Notice of Appeal** submitted by the Appellant, Donald W. Lancaster, on counsel for the Respondent via the United States Mail, postage pre-paid, and addressed as follows:

Justin O'Toole Lucey, Esquire
Stephanie L. Drawdy, Esquire
JUSTIN O'TOOLE LUCEY, P.A.
415 Mill Street
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sdrawdy@lucey-law.com

Attorneys for the Respondent

Signed:  for
Stephen P. Groves, Sr.

Charleston, South Carolina

6 June 2014

NPCHAR1:1313625.1-APL-(SPG) 053211-00001

Stephen P. Groves, Sr.
Member
Admitted in SC

6 June 2014

HAND DELIVERED

The Honorable Julie Armstrong
Clerk of Court
Charleston County Court of Common Pleas
100 Broad Street
Charleston, South Carolina 29201

Re: **Frank Gordon, Jr., Individually and as Trustee of the
Dorothy S. Gordon (Deceased) Trust v Donald W. Lancaster**
Appeal from the Charleston County
Court of Common Pleas
Case Action No.: 2011-CP-10-8840
NP File No.: 053211-00001

Charleston

- Charlotte
- Columbia
- Greensboro
- Greenville
- Hilton Head
- Myrtle Beach
- Raleigh

Dear Julie:

Enclosed please find two copies of a **Notice of Appeal** in the above-referenced appellate matter. I also enclose two copies of a **Proof of Service** indicating service of a copy of the **Notice of Appeal** upon Justin O'Toole Lucey, Esquire and Stephanie L. Drawdy, Esquire, counsel for the Respondent, Frank Gordon, Jr., Individually and as Trustee of the Dorothy S. Gordon (Deceased) Trust. This **Notice of Appeal** is contemporaneously being sent to the South Carolina Court of Appeals.

I would appreciate your filing the **Notice of Appeal**, as well as the **Proof of Service**, with the Charleston County Court of Common Pleas and returning one stamped copy of each to my attention by way of the courier who has brought this to your office.

If you need anything else or I otherwise may be of any assistance to you regarding this matter, please feel free to contact me at your convenience. My direct telephone number is 843.720.1725, direct telecopier is 843.414.8206, and the e-mail is sgroves@nexsenpruet.com.

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Attorneys and Counselors at Law

Honorable Julie Armstrong
Clerk of Court
6 June 2014
Page 2 of 2

Very truly yours,

A handwritten signature in black ink that reads "Cheryl D. Sheena for". The signature is written in a cursive, flowing style.

Stephen P. Groves, Sr.
SPGSr./spg
Enclosures

cc: Hon. Jenney Abbot Kitchings – Clerk of Court SCCOA
Justin O'Toole Lucey, Esquire
John J. Dodds, III, Esquire
Mr. Donald Lancaster

Stephen P. Groves, Sr.
Member
Admitted in SC

6 June 2014

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court Of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

Re: Frank Gordon, Jr., Individually and as Trustee of the
Dorothy S. Gordon (Deceased) Trust v Donald W. Lancaster
Appeal from the Charleston County
Court of Common Pleas
Case Action No.: 2011-CP-10-8840
Appellate Case Tracking No.: **2014-**_____
NP File No.: 053211-00001

Charleston

- Charlotte
- Columbia
- Greensboro
- Greenville
- Hilton Head
- Myrtle Beach
- Raleigh

Dear Ms. Kitchings:

Pursuant to Rules 203(a), (b), (d), SCACR, enclosed please the original and two copies of a Notice of Appeal in the above-referenced appellate matter. I also enclose the original and one copy of a Proof of Service indicating service of a copy of the Notice of Appeal upon Justin O'Toole Lucey, Esquire and Stephanie L. Drawdy, Esquire, counsel for the Respondent, Frank Gordon, Jr., Individually and as Trustee of the Dorothy S. Gordon (Deceased) Trust. Please note that copies of the appealed order and SCRCP Form 4C judgments/order are collectively attached to the Notice of Appeal as Exhibit "A" and incorporated therein by reference. I also enclose our firm check in the amount of \$100.00 as payment for the applicable filing fee set forth in Rule 203(d)(1)(B)(iii), SCACR.

I would appreciate your filing the Notice of Appeal, as well as the Proof of Service, with the Court of Appeals and returning one stamped copy of each to my attention in the enclosed self-addressed stamped envelope.

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Honorable Jenny Abbott Kitchings
Clerk of Court
6 June 2014
Page 2 of 2

If you need anything else or I otherwise may be of any assistance to you or to the Court of Appeals regarding this matter, please feel free to contact me at your convenience. My direct telephone number is 843.720.1725, direct telecopier is 843.414.8206, and the e-mail is sgroves@nexsenpruet.com.

Very truly yours,

Stephen P. Groves, Sr.

Stephen P. Groves, Sr.
SPGSr./spg
Enclosures

by Cheryl D. Shover

cc: Justin O'Toole Lucey, Esquire
John J. Dodds, III, Esquire
Mr. Donald Lancaster

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53211-1 spg

NEXSEN PR

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The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court Of Appeals
1015 Sumter Street
Columbia, South Carolina 29201