

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas
Carmen Mullen, Circuit Court Judge

174084

Case No. 2013-CP-07-1567

James Piotrowski, deceased, by and through his
Personal Representative Tracey L. Piotrowski,
and Tracey L. Piotrowski, Individually.....Respondents,

v.

Richard K. Santee and Carolyn Santee,
Brays Island Plantation Colony, Inc.,

Of Whom

Brays Island Plantation Colony is theAppellant,

and

Richard K. Santee and Carolyn Santee are.....Respondents.

NOTICE OF APPEAL

RECEIVED

NOV 06 2014

SC Court of Appeals

TO: WILLIAM E. APPLGATE, IV, ESQUIRE, DOUGLAS E. JENNINGS, ESQUIRE, ANDREW J. SAVAGE, III, AND DONALD L. McCUNE, JR., COUNSEL TO RESPONDENTS JAMES PIOTROWSKI, DECEASED, BY AND THROUGH HIS PERSONAL REPRESENTATIVE TRACEY L. PIOTROWSKI, AND TRACEY L. PIOTROWSKI, INDIVIDUALLY, AND DAVID C. CLEVELAND, ESQUIRE, COUNSEL TO RICHARD K. SANTEE AND CAROLYN SANTEE :

Brays Island Plantation Colony, Inc. appeals the following orders of the

Circuit Court:

- Order approving settlement of Respondents James Piotrowski, deceased, by and through his Personal Representative Tracey L. Piotrowski, and Tracey L. Piotrowski, Individually's survival action and wrongful death against Respondents Richard K. Santee and Carolyn Santee, which all Respondents maintain operated to dismiss the Santee Respondents as defendants in the instant litigation (filed June 17, 2014 and received on June 25, 2014);¹ and

¹ Respondents James Piotrowski, deceased, by and through his Personal Representative Tracey L. Piotrowski, and Tracey L. Piotrowski, Individually did not file a petition for approval of settlement or other related materials pertaining to the settlement with Respondents Richard K. Santee and Carolyn Santee in the instant case with the Beaufort County Clerk of Court, nor did the Piotrowski Respondents serve any of the materials reportedly handed up or otherwise transmitted to the Court (but not filed) upon counsel to Appellant. A settlement hearing in open court and on the record was held without notice to Appellant, which obviously precluded Appellant's ability to appear and participate in the proceedings. Appellant received a copy of the June 17, 2014, Order via email from counsel to the Santee Respondents on June 25, 2014. Appellant thereafter filed and served a timely Rule 59, SCRCF Motion to Alter or Amend the June 17, 2014, Order.

Because of the arguable ambiguities or errors contained within the materials reported to have been presented to the Circuit Court for review in

- Order Granting in Part and Denying in Part Appellant’s Rule 59, SCRCF Motion to Alter or Amend (filed October 8, 2014 and received October 8, 2014).²

Counsel for Brays Island Plantation Colony received written notice of the entry of the Order Granting in Part and Denying in Part Appellant’s Rule 59, SCRCF Motion to Alter or Amend via email from the Beaufort County Clerk of Court on October 8, 2014. The Clerk of Court did not transmit the October 8, 2014, Order separately via the United States Mails.

[SIGNATURE PAGE ATTACHED]

connection with the settlement agreement, as well as the June 17, 2014, Order ultimately executed by the Circuit Court, an ancillary question exists whether the Piotrowski Respondents’ wrongful death claim was technically/appropriately dismissed.

² Following a September 16, 2014, hearing on Appellant’s Rule 59, SCRCF Motion to Alter or Amend, the Circuit Court issued a October 8, 2014, Order, which required the Piotrowski Respondents to provide (under confidentiality order) the unfiled petition for settlement (which did not contain a certificate of service) to Appellant, but denied Appellant’s motion to disapprove the settlement or require the Santee Respondents to remain in the litigation as parties and defendants. Appellant received the unfiled petition for settlement on October 27, 2014. Appellant appeals the Circuit Court’s judgments concerning approval of the settlement and dismissal of the Santee Respondents as “defendants” and “parties” from the instant case. See S.C. Code Ann. § 15-38-15.

Respectfully submitted,
COLLINS & LACY, P.C.



By:

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November 6, 2014
Columbia, South Carolina

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Richard K. Santee and Carolyn Santee,
Brays Island Plantation Colony, Inc.,

Of Whom

Brays Island Plantation Colony is theAppellant,

and

Richard K. Santee and Carolyn Santee are.....Respondents.

PROOF OF SERVICE

I hereby certify that I served the Notice of Appeal upon all parties, by placing a copy in the United States mail, postage prepaid, to all counsel of record on November 6, 2014, addressed to the following:

COUNSEL SERVED:

Douglas E. Jennings, Esquire
William E. Applegate, IV, Esquire
Yarborough Applegate, LLC
291 East Bay Street, 2nd Floor
Charleston, South Carolina 29401

David C. Cleveland, Esquire
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126 Seven Farms Drive, Suite 200
Charleston, South Carolina 29492

Andrew J. Savage, III, Esquire
Donald L. McCune, Jr., Esquire
Savage Law Firm
15 Prioleau Street
Charleston, SC 29401

OTHERS SERVED:

The Honorable Jerri Ann Roseneau
Beaufort County Court Clerk of Court
Post Office Box 1128
Beaufort, South Carolina 29901-1128

[SIGNATURE PAGE TO FOLLOW]

Respectfully submitted,

COLLINS & LACY, P.C.



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**PROOF OF SERVICE – NOTICE OF
APPEAL**

November 6, 2014
Columbia, South Carolina

November 6, 2014

VIA HAND-DELIVERY

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

Re: James Piotrowski, deceased, by and through his Personal Representative Tracey L. Piotrowski, and Tracey L. Piotrowski Individually v. Richard K. Santee, Carolyn Santee, and Brays Island Plantation Colony, Inc.

Civil Action No.: 2013-CP-07-1567

C&L File No.: 961-1004

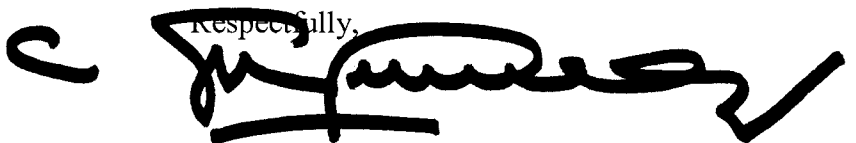
Dear Ms. Kitchings:

Please find enclosed for filing the original and one (1) copy of Brays Island Plantation Colony's Notice of Appeal in the above-referenced matter. I am also enclosing a copy of the orders that are the basis for the appeal and a check in the amount of \$100.00 for the required filing fee. Please return a filed, stamped copy of the Notice of Appeal to me via my courier.

By copy of this letter, a copy of same is being forwarded to The Honorable Jerri Ann Roseneau, Beaufort County Clerk of Court, for filing and a copy is also being forwarded for service upon all counsel.

Thank you for your time and attention. Should you have any questions, please do not hesitate to contact me.

Respectfully,



Christian Stegmaier

CBS:lcc

Enclosures

cc: The Honorable Jerri Ann Roseneau
William E. Applegate, IV, Esquire
Douglas E. Jennings, Esquire
Andrew J. Savage, III, Esquire
Donald L. McCune, Jr., Esquire
David C. Cleveland, Esquire

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