

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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DEC 16 2014

**SC Court of Appeals**

74492

APPEAL FROM GREENVILLE COUNTY  
In the Court of Common Pleas

Edward W. Miller, Circuit Court Judge

Case No. 2011-CP-23-8578

Francis P. Maybank, ..... Respondent-Appellant,

v.

BB&T Corporation, Branch Banking and Trust Company,  
*Successor in merger to Branch Banking and Trust Company of SC,*  
and Sterling Capital Management, LLC, *Successor in merger to*  
BB&T Asset Management, LLC, ..... Appellants-Respondents.

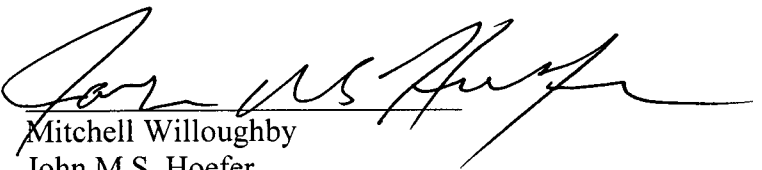
**NOTICE OF CROSS-APPEAL**

Pursuant to Rule 203(c) of the South Carolina Appellate Court Rules, Respondent-Appellant Francis P. Maybank cross-appeals from the order of the Honorable Edward W. Miller in the above-referenced case on the sole issue of the denial of Respondent-Appellant's post-trial motion for the award of prejudgment interest. The Circuit Court's Order and Final Judgment was entered on November 10, 2014. Appellants-Respondents filed a motion to alter or amend the Order and Final Judgment pursuant to Rule 59(e) of the South Carolina Rules of Civil Procedure on November 20, 2014. Thereafter, the Circuit Court entered an Order denying Appellants-Respondents' motion to alter or amend on December 4, 2014. On or about December

9, 2014, Appellants-Respondents mailed a Notice of Appeal to this Court and to the undersigned that was received by Respondent-Appellant's counsel on December 11, 2014. The Order from which Respondent-Appellant appeals is attached as Exhibit A.<sup>1</sup>

Respectfully submitted,

Bruce W. Bannister  
**BANNISTER, WYATT & STALVEY, LLC**  
P. O. Box 10007 (29603)  
401 Pettigru Street (29601)  
Greenville, South Carolina  
(864) 298-0084



Mitchell Willoughby  
John M.S. Hoefler  
Tracey C. Green  
Chad N. Johnston  
**WILLOUGHBY & HOEFER, P.A.**  
930 Richland Street  
Post Office Box 8416  
Columbia, SC 29202-8416  
(803) 252-3300

**Attorneys for Respondent-Appellant**  
**Francis P. Maybank**

December 16, 2014  
Columbia, South Carolina

---

<sup>1</sup> The Order also is attached as Exhibit C to Appellants-Respondents' Notice of Appeal.

Other Counsel of Record:

C. Mitchell Brown

D. Larry Kristinik

Michael J. Anzelmo

Kristen E. Horne

**NELSON MULLINS RILEY &  
SCARBOROUGH, LLP**

1320 Main Street / 17<sup>th</sup> Floor

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William S. Brown

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104 South Main Street / 9<sup>th</sup> Floor

Post Office Box 10084 (29603-10084)

Greenville, South Carolina 29601

(864) 250-2300

**Attorneys for Appellants-Respondents**

**BB&T Corporation, Branch**

**Banking and Trust Company, and**

**Sterling Capital Management, LLC**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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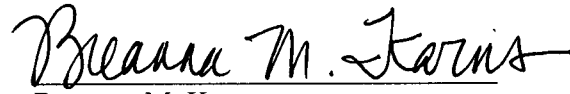
**PROOF OF SERVICE**

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This is to certify that I, a paralegal with the law firm Willoughby & Hoefler, P.A., have caused to be served this day one (1) copy of the **Respondent-Appellant Francis P. Maybank's Notice of Cross-Appeal** via hand-delivery and by placing same in the care and custody of the United States Postal Service with first class postage affixed thereto and addressed as follows:

D. Larry Kristinik, Esquire  
C. Mitchell Brown, Esquire  
Michael J. Anzelmo, Esquire  
Kristen E. Horne, Esquire  
**Nelson Mullins Riley & Scarborough LLP**  
1320 Main Street, 17<sup>th</sup> Floor  
Columbia, SC 29201  
*(Via hand-delivery)*

William S. Brown, Esquire  
**Nelson Mullins Riley & Scarborough LLP**  
P.O. Box 10084  
Greenville, SC 29603-0084  
*(Via U.S. Mail)*

  
Breanna M. Karns

Columbia, South Carolina  
This 16<sup>th</sup> day of December, 2014.

**WILLOUGHBY & HOEFER, P.A.**

ATTORNEYS & COUNSELORS AT LAW

930 RICHLAND STREET

P.O. BOX 8416

COLUMBIA, SOUTH CAROLINA 29202-8416

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TELEPHONE 252-3300  
TELECOPIER 256-8062

\*ALSO ADMITTED IN TX

\*\*ALSO ADMITTED IN THE DISTRICT OF COLUMBIA

December 16, 2014

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**SC Court of Appeals**

**VIA HAND DELIVERY**

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

RE: Francis P. Maybank v. BB&T Corporation et al.; C/A No. 2011-CP-23-8578  
Notice of Cross-Appeal

Dear Ms. Kitchings:

Enclosed for filing please find the original and one (1) copy of a **Notice of Cross-Appeal** on behalf of Respondent Francis P. Maybank in the above-referenced matter.

By copy of this letter to counsel, I am serving Appellants BB&T Corporation, Branch Banking and Trust Company, and Sterling Capital Management, LLC with a copy of this Notice and enclose a proof of service to that effect. By separate letter, I have also filed this Notice of Cross-Appeal with the Clerk of Court for Greenville County and enclose a copy of same for your records. Also enclosed, please find a check in the amount of \$100 for the filing fee.

I would appreciate your acknowledging receipt of this Notice of Cross-Appeal by file stamping the extra copy of the Notice and returning it to me via our courier.

Honorable Jenny Abbott Kitchings

December 16, 2014

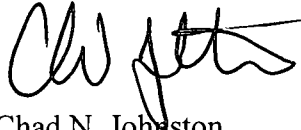
Page 2

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If you have any questions, or require additional information, please do not hesitate to contact me. With best regards, I am,

Respectfully,

**WILLOUGHBY & HOEFER, P.A.**



Chad N. Johnston

Enclosures

cc: D. Larry Kristinik, Esquire (via Hand Delivery with enclosures)  
C. Mitchell Brown, Esquire (via Hand Delivery with enclosures)  
Michael J. Anzelmo, Esquire (via Hand Delivery w/o enclosures)  
Kristen E. Horne, Esquire (via Hand Delivery w/o enclosures)  
William S. Brown, Esquire (via U.S. Mail with enclosures)  
Bruce W. Bannister, Esquire (via U.S. Mail with enclosures)

**WILLOUGHBY & HOEFER, P.A.**

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930 RICHLAND STREET

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December 16, 2014

**VIA U.S. MAIL**

Honorable Paul B. Wickensimer  
**Greenville County Clerk of Court**  
305 E. North Street  
Greenville, SC 29601-2121

RE: Francis P. Maybank v. BB&T Corporation et al.; C/A No. 2011-CP-23-8578  
Notice of Cross-Appeal

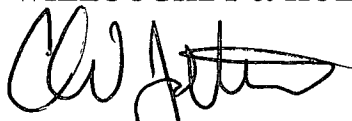
Dear Mr. Wickensimer:

Enclosed for filing please find the original and one (1) copy of a **Notice of Cross-Appeal** on behalf of Respondent Francis P. Maybank in the above-referenced matter. I would appreciate your acknowledging receipt of this Notice of Cross-Appeal by file stamping the extra copy of the Notice and returning it to me via the enclosed envelope.

If you have any questions, or require additional information, please do not hesitate to contact me. With best regards, I am,

Respectfully,

**WILLOUGHBY & HOEFER, P.A.**



Chad N. Johnston

Honorable Paul B. Wickensimer

December 16, 2014

Page 2

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cc: The Honorable Jenny Abbott Kitchings (via Hand Delivery w/o enclosures)  
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