

76004

STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)

IN THE COURT OF COMMONS PLEAS
FOR THE SECOND JUDICIAL CIRCUIT

PRESCOTT & SONS CONSTRUCTION,)
LLC,)
)
Plaintiffs,)

CASE No.: 2012-CP-02-2382

RECEIVED

MAY 22 2015

SC Court of Appeals

-vs-

NOTICE OF APPEAL

COPY ORIGINAL FILED

MAY 11 2015 *gdl*

LARRY ROGERS AND MICHELLE)
ROGERS,)
)
Defendants.)

AIKEN COUNTY CLERK OF COURT

WHEREAS Defendant's motion for a New Trial was made after judgment for Plaintiff was entered on January 21, 2015, for the case captioned above, and came before this court on March 16, 2015 wherein arguments were made on behalf of the Defendants by James Ervin, Esquire, and on behalf of Plaintiff by Lir Derieg, Esquire. That motion has been denied and a formal and complete order denying the same is forthcoming. Defendants submit to the court now this NOTICE OF APPEAL.

1. This is appeal is from the verdict rendered by Jury in the Court of Common Please for Aiken County, the Honorable Judge Early presiding.
2. The Docket number of the case to be appealed is 2012-CP-02-2382.
3. Defendants seek to appeal the jury verdict rendered on January 21, 2015 in the amount of \$18,166.03 and an attorney's fee award of \$10,469.13.
4. Defendants timely filed post trial motions for JNOV and New Trial, both of which have been denied and the final and complete order denying motion for New Trial is forthcoming, therefore this Notice of Appeal is timely filed.
5. Defendants Larry Rogers and Michelle Rogers will be taking the Appeal.

6. Defendants attorney at trial was James McLeod Ervin of the Ervin and McGuire Law Firm, LLC located at 1824 Bull Street, Columbia, SC 29201, phone number (803) 708-8471; fax (803) 708-4771; email james@ervinandmcguire.com.
7. Plaintiffs were represented at trial by Lir Patrick Derieg whose office is located at 1924 Barnwell Street, Columbia, SC 29201; phone (803) 658-0298.

RESPECTFULLY SUBMITTED:



James McLeod Ervin, Esq. (SC Bar 72551)
1824 Bull Street
Columbia, SC 29201
(803) 708-8471; fax (803) 708-4771
james@ervinandmcguire.com

May 5, 2015
Columbia, SC

STATE OF SOUTH CAROLINA)
)
)
COUNTY OF AIKEN)
)
)
Prescott and Sons Construction, LLC)
)
)
Plaintiff,)
)
)
vs.)
)
)
Larry Rogers and Michelle Rogers,)
)
)
Defendants.)
_____)

IN THE COURT OF COMMON PLEAS
FOR THE SECOND JUDICIAL CIRCUIT

Docket No. 2012-CP-02-2382

CERTIFICATE OF MAILING

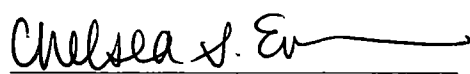
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MAY 22 2015

SC Court of Appeals

The undersigned hereby certifies that she mailed the clocked Notice of Appeal and cover letter to the below listed party on May 15, 2015, via US Mail, first-class, and return-address clearly marked to the party's respective address.

Derieg Law Firm, LLC
Attorney Lir Patrick Derieg
Post Office Box 5479
Columbia, SC 29250


Chelsea Eversmann
Ervin & McGuire Law Firm, LLC
1824 Bull Street
Columbia, SC 29201
803-708-8471

May 15, 2015

THE ERVIN & McGUIRE LAW FIRM, LLC
ATTORNEYS AT LAW

1824 BULL STREET
COLUMBIA, SC 29201
MATTHEW M. McGUIRE, ESQ.
matt@ervinandmcguire.com

PHONE: (803) 708-8471
FAX: (803) 708-4771

PO BOX 6276
COLUMBIA, SC 29260
JAMES M. ERVIN, ESQ.
james@ervinandmcguire.com

May 20, 2015

The Honorable Jenny Abbott Kitchings
Clerk of Court for the
Court of Appeals of South Carolina
PO Box 11629
Columbia, SC 29211

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MAY 22 2015

SC Court of Appeals

RE: Larry Rogers and Michelle Rogers, Appellants v. Prescott & Sons Construction, LLC, Respondent.


Dear Madam Clerk:

Enclosed please find an original and copy of the following:

1. Notice of Appeal
2. Certificate of Service of Notice of Appeal on Respondent's Attorney
3. Order Denying Motion for New Trial
4. Verdict
5. Order Granting Attorney's fees for Plaintiff
6. \$100 filing fee

Please file the original and return the clocked copy in the envelope provided. I greatly appreciate your assistance and consideration. Please do not hesitate to contact me if you have any questions or concerns. I am,

Yours truly,

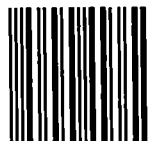

James Ervin, Esq.

JME/2
CC: Larry and Michelle Rogers

Ervin & McGuire Law
1824 Bull Street
Columbia, SC 29201



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Honorable Jenny Abbot Kitchings
Court of Appeals of South Carolina
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