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70004

STATE OF SOUTH CAROLINA )  
COUNTY OF AIKEN )

IN THE COURT OF COMMONS PLEAS  
FOR THE SECOND JUDICIAL CIRCUIT

PRESCOTT & SONS CONSTRUCTION, )  
LLC, )

CASE No.: 2012-CP-02-2382

**RECEIVED**

MAY 22 2015

RESPONDENT,

SC Court of Appeals

(REVISED)

-vs-

NOTICE OF APPEAL  
**RECEIVED**

COPY ORIGINAL FILED

LARRY ROGERS AND MICHELLE  
ROGERS,

JUN 02 2015

MAY 11 2015 *SPD*

APPELLANTS.

SC Court of Appeals  
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 appeal is from the verdict rendered by Jury in the Court of Common Pleas 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](mailto: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](mailto:james@ervinandmcguire.com)

May 5, 2015  
Columbia, SC

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STATE OF SOUTH CAROLINA )

IN THE COURT OF COMMON PLEAS  
FOR THE SECOND JUDICIAL CIRCUIT

COUNTY OF AIKEN )

Prescott and Sons Construction, LLC )

Docket No. 2012-CP-02-2382

**RECEIVED**

JUN 02 2015

RESPONDENT,

vs.

SC Court of Appeals  
CERTIFICATE OF MAILING

Larry Rogers and Michelle Rogers, )

**RECEIVED**

MAY 22 2015

APPELLANTS: )

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 S. Eversmann*

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

May 15, 2015

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JUN 02 2015

THE ERVIN & McGUIRE LAW FIRM, LLC  
ATTORNEYS AT LAW

SC Court of Appeals

1824 BULL STREET  
COLUMBIA, SC 29201  
MATTHEW M. McGUIRE, ESQ.  
[matt@ervinandmcguire.com](mailto:matt@ervinandmcguire.com)

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

PO BOX 6276  
COLUMBIA, SC 29260  
JAMES M. ERVIN, ESQ.  
[james@ervinandmcguire.com](mailto: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.

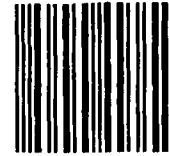
JME/2

CC: Larry and Michelle Rogers

Ervin & McGuire Law  
1824 Bull Street  
Columbia, SC 29201



1000



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Honorable Jenny Abbot Kitchings  
Court of Appeals of South Carolina  
Post Office Box 11629  
Columbia, SC 29211

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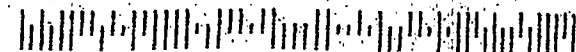
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SC Court of Appeals

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MAY 22 2015

SC Court of Appeals



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146 EAST MAIN STREET  
P.O. BOX 948 (29071)  
LEXINGTON, SC 29072  
(803) 785-7878

# JIRIS LAW

Jordan, Rauton & Scott, LLC

NANCY T. JORDAN  
NJORDAN@JRSLAWSC.COM

KATHRYN M. RAUTON  
KRAUTON@JRSLAWSC.COM

M. DAVID SCOTT  
DSCOTT@JRSLAWSC.COM

May 28, 2015

V. Claire Allen  
Deputy Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

RECEIVED  
JUN 02 2015  
SC Court of Appeals

Re: Prescott & Sons, LLC, Respondent v. Larry & Michelle Rodgers, Appellants  
C/A No.: 2012-CP-02-02382, Appellate Case No. 2015-001115

Dear Ms. Allen,

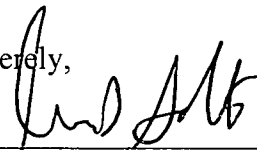
I am in receipt of your letter dated May 26, 2015, regarding deficiencies in the transcript request. Please find attached a letter to opposing counsel, as well as a letter to Court Administration, indicating that I have ordered the transcript of the post-trial hearing motions.

In addition, I am in receipt of another letter dated May 26, 2015, regarding the Notice of Appeal and the failure to designate which party is the Appellant and which party is the Respondent. I have enclosed a copy of the original Notice of Appeal wherein I have identified the parties as "Appellants" and "Respondent". I apologize for the oversight.

If you have any questions, please contact me at the number above.

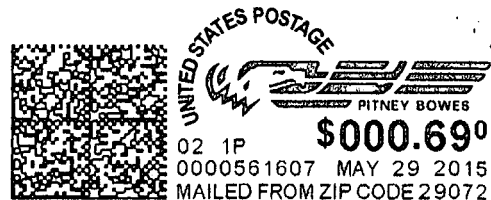
With warm personal regards,

Sincerely,

  
\_\_\_\_\_  
M. David Scott

cc: Lir Patrick Derieg, Esquire  
Office of Court Administration  
James McLeod Ervin, Esquire

Jordan, Rauton & Scott, LLC  
PO Box 948  
Lexington, SC 29071



V. Claire Allen  
Deputy Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

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