

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
In the Court of Common Pleas for the Ninth Circuit

**RECEIVED**

Roger M. Young, Circuit Court Judge

AUG 24 2015

SC Court of Appeals

Case No. 2009-CP-10-7516

Skywaves I Corporation.....Appellant

v.

Branch Banking & Trust Company, successor in merger to  
Branch Banking and Trust Company of SC, a/k/a BB&T,  
and James Edahl..... Respondents

NOTICE OF APPEAL

Plaintiff/Appellant Skywaves I Corporation appeals the following orders:

- (a) ORDER GRANTING IN PART DEFENDANT BB&T'S MOTION FOR SUMMARY JUDGMENT; GRANTING DEFENDANT EDAHL'S MOTION MOTION (sic) FOR SUMMARY JUDGMENT[;] DENYING PLAINTIFF'S MOTION TO RECONSIDER; DENYING PLAINTIFF'S MOTION TO AMEND THE COMPLAINT; AND DENYING PLAINTIFF'S MOTION FOR COMMISSION OF (sic) ISSUANCE OF A SUBPOENA TO DEPOSE JOHN ALLISON, which the Honorable Roger M. Young signed and filed on or about July 23, 2015 in this matter (attached hereto as Exhibit A).
- (b) ORDER GRANTING DEFENDANT BB&T AND DEFENDANT EDHAL'S (sic) MOTION TO STRIKE PLAINTIFF'S DEMAND FOR JURY TRIAL, which the Honorable Roger M. Young signed and filed on or about February 9, 2015 in this matter (attached hereto as Exhibit B).
- (c) ORDER denying Plaintiff's Motion to Strike and granting Defendants' Motion to Amend Answers, which the Honorable Roger M. Young signed

on March 13, 2014 and filed on March 17, 2014 (attached hereto as Exhibit C).

Plaintiff/Appellant received written notice of entry of the most recent order appealed from on July 23, 2015.

August \_\_, 2015

BARNWELL WHALEY PATTERSON &  
HELMS, LLC

By: M. Dawes Cooke, Jr.

M. Dawes Cooke, Jr., Esq.  
John W. Fletcher, Esq.  
288 Meeting Street, Ste 200  
Charleston, SC 29401  
(843) 577-7700 Fax: (843) 577-7708

George J. Kefalos, Esq.  
George J. Kefalos, PA  
3 State Street  
Charleston, SC 29401  
(843) 722-6612 Fax: (843) 377-1310

Brian C. Duffy, Esq.  
John P. Linton, Esq.  
Duffy & Young, LLC  
96 Broad Street  
Charleston, SC 29401  
(843) 720-2044 Fax: (843) 720-2047

Andrew K. Epting, Jr., Esq.  
Andrew K. Epting, Jr., LLC  
46A State Street  
Charleston, SC 29401

**Other Counsel of Record:**

Molly Hughes Cherry, Esq.  
Nexsen Pruet, LLC  
P.O. Box 486  
Charleston, SC 29402  
(843) 720-1724 Fax: (843) 414-8209  
[MCherry@NexsenPruet.com](mailto:MCherry@NexsenPruet.com)

***Attorneys for Respondents Branch Banking & Trust Company, successor in merger to Branch Banking and Trust Company of SC, a/k/a BB&T, and James Edahl***

Julio E. Mendoza, Esq.  
Nexsen Pruet, LLC  
1230 Main St., Suite 700 (29201)  
Columbia, SC 29202

***Attorneys for Respondents Branch Banking & Trust Company, successor in merger to  
Branch Banking and Trust Company of SC, a/k/a BB&T, and James Edahl***

J.W. Nelson Chandler, Esq.  
Corrigan & Chandler, LLC  
PO Box 547  
Charleston, SC 29402

***Attorneys for Respondent James Edahl***

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
In the Court of Common Pleas for the Ninth Circuit

Roger M. Young, Circuit Court Judge

RECEIVED

AUG 24 2015

SC Court of Appeals

Case No. 2009-CP-10-7516

Skywaves I Corporation.....Appellant

v.

Branch Banking & Trust Company, successor in merger to  
Branch Banking and Trust Company of SC, a/k/a BB&T,  
and James Edahl..... Respondents

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on the above-referenced Respondents by depositing a copy of it in the United States Mail, postage prepaid, on April 21<sup>st</sup>, 2015, addressed to their attorneys of record:

Molly Hughes Cherry, Esq.  
Nexsen Pruet, LLC  
P.O. Box 486  
Charleston, SC 29402  
(843) 720-1724 Fax: (843) 414-8209  
[MCherry@NexsenPruet.com](mailto:MCherry@NexsenPruet.com)

***Attorneys for Respondents Branch Banking & Trust Company, successor in merger to Branch Banking and Trust Company of SC, a/k/a BB&T, and James Edahl***

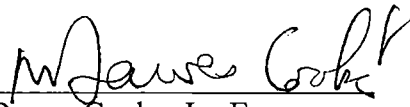
Julio E. Mendoza, Esq.  
Nexsen Pruet, LLC  
1230 Main St., Suite 700 (29201)  
Columbia, SC 29202

***Attorneys for Respondents Branch Banking & Trust Company, successor in merger to Branch Banking and Trust Company of SC, a/k/a BB&T, and James Edahl***

J.W. Nelson Chandler, Esq.  
Corrigan & Chandler, LLC  
PO Box 547  
Charleston, SC 29402

***Attorneys for Respondent James Edahl***

BARNWELL WHALEY PATTERSON &  
HELMS, LLC

By:   
M. Dawes Cooke, Jr., Esq.  
John W. Fletcher, Esq.  
288 Meeting Street, Ste 200  
Charleston, SC 29401  
(843) 577-7700 Fax: (843) 577-7708

George J. Kefalos, Esq.  
George J. Kefalos, PA  
3 State Street  
Charleston, SC 29401  
(843) 722-6612 Fax: (843) 377-1310

Brian C. Duffy, Esq.  
John P. Linton, Esq.  
Duffy & Young, LLC  
96 Broad Street  
Charleston, SC 29401  
(843) 720-2044 Fax: (843) 720-2047

Andrew K. Epting, Jr., Esq.  
Andrew K. Epting, Jr., LLC  
46A State Street  
Charleston, SC 29401



John W. Fletcher, Esquire  
jfletcher@barnwell-whaley.com

**RECEIVED**

AUG 24 2015

SC Court of Appeals

August 21, 2015

**VIA U.S. MAIL**

The Honorable Julie J. Armstrong  
Charleston County Clerk of Court  
100 Broad Street, Suite 106  
Charleston, SC 29401

RE: Skywaves I Corporation vs. Branch Banking and Trust Company, Successor in merger to Branch Banking and Trust Company of SC, a/ka BB&T, and James Edahl  
C/A No.: 2009-CP-10-7516  
BWPB File No.: 3496.001

Dear Ms. Armstrong,

Enclosed for filing is a Notice of Appeal in the above-referenced matter.

Sincerely,

A handwritten signature in black ink that reads "M. Dawes Cooke, Jr." with a stylized flourish at the end.

M. Dawes Cooke, Jr.  
John W. Fletcher

MDCjr/JWF/jgc  
Enclosure

cc: Molly Hughes Cherry, Esquire  
Julio E. Mendoza, Esquire  
J.W. Nelson Chandler, Esquire  
The Honorable Jenny Abbott Kitchings

0  
M. Dawes Cooke, Jr.  
B.C. Killough\*  
Randell C. Stoney, Jr.  
Phillip S. Ferderigos  
K. Michael Barfield  
David S. Cox

William C. Helms, III\*  
\* Registered patent attorney  
\* Retired

Ernest B. Lipscomb, III\*  
J. Gail Rahn  
Todd M. Musheff  
John A. Jones  
Lucinda D. Gardner  
John W. Fletcher

Alissa D. Fleming  
Barbara J. Wagner, Ph.D.  
Jeremy E. Bowers  
D. Summers Clarke, II  
Jeffrey M. Bogdan  
Bradley B. Banias

**BARNWELL  
WHALEY**

PATTERSON & HELMS LLC

**75**  
YEARS ■  
1938-2013

Attorneys for businesses & professionals since 1938

**John W. Fletcher, Esquire**  
jfletcher@barnwell-whaley.com

August 21, 2015

**RECEIVED**

**AUG 24 2015**

**SC Court of Appeals**

**VIA FEDERAL EXPRESS**

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
1220 Senate Street  
Columbia, South Carolina 29201

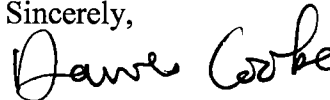
RE: Skywaves I Corporation vs. Branch Banking and Trust Company, Successor in merger to Branch Banking and Trust Company of SC, a/ka BB&T, and James Edahl  
C/A No.: 2009-CP-10-7516  
BWPH File No.: 3496.001

Dear Ms. Kitchings,

Enclosed for filing is a Notice of Appeal in the above-referenced matter. Also enclosed are the following:

- (1) Proof of Service of the Notice of Appeal on the Respondents;
- (2) A copy of the Order Granting in Part Defendant BB&T's Motion for Summary Judgment; Granting Defendant Edahl's Motion Motion (sic) for Summary Judgment[;] Denying Plaintiff's Motion to Reconsider; Denying Plaintiff's Motion to Amend the Complaint; and Denying Plaintiff's Motion for Commission of (sic) Issuance of a Subpoena to Depose John Allison;
- (3) Order Granting Defendant BB&T and Defendant Edhal's (sic) Motion to Strike Plaintiff's Demand for Jury Trial;
- (4) Order denying Plaintiff's Motion to Strike and granting Defendants' Motion to Amend Answers; and,
- (3) A filing fee of \$100.00.

Sincerely,



M. Dawes Cooke, Jr.  
John W. Fletcher

MDCjr/JWF/jgc  
Enclosures

M. Dawes Cooke, Jr.  
B.C. Killough\*  
Randell C. Stoney, Jr.  
Phillip S. Ferderigos  
K. Michael Barfield  
David S. Cox

William C. Helms, III\*

\* Registered patent attorney  
\* Retired

Ernest B. Lipscomb, III\*  
J. Gail Rahn  
Todd M. Musheff  
John A. Jones  
Lucinda D. Gardner  
John W. Fletcher

Alissa D. Fleming  
Barbara J. Wagner, Ph.D.  
Jeremy E. Bowers  
D. Summers Clarke, II  
Jeffrey M. Bogdan  
Bradley B. Banias

288 Meeting Street, Suite 200, Charleston, SC 29401

Mail: P.O. Drawer H, Charleston, SC 29402 P 843.577.7700 F 843.577.7708

www.barnwell-whaley.com

The Honorable Jenny Abbott Kitchings

August 21, 2015

Page

cc: Molly Hughes Cherry, Esquire  
Julio E. Mendoza, Esquire  
J.W. Nelson Chandler, Esquire

30130

30152

**FedEx** Package Express **US Airbill**

FedEx Tracking Number

8057 5796 5600

Form ID No. 0215

Receipts Copy

1 From [Redacted] Date 8.21.15

Sender's Name JOHN W. FLETCHER Esq. Phone 843 577-7700

Company BARNWELL WHALEY PATENT

Address 288 MEETING ST STE 200

City CHARLESTON State SC ZIP 29401-1584

RECEIVED

AUG 24 2015 Dept./Floor/Suite/Room

2 Your Internal Billing Reference 3496 004

3 To Recipients Name THE HONORABLE JENNY ABBOTT KITCHINGS Phone 803 734-1890

Company CLERK, SC COURT OF APPEALS

Address 1220 SENATE ST. Dept./Floor/Suite/Room

Address Use this line for the HOLD location address or for continuation of your shipping address.

City COLUMBIA State SC ZIP 29201

0114649472



8057 5796 5600

4 Express Package Service \*To most locations. NOTE: Service order has changed. Please select carefully. Packages up to 150 lbs. For packages over 150 lbs., use the FedEx Express Freight US Airbill.

Next Business Day: FedEx First Overnight, FedEx Priority Overnight, FedEx Standard Overnight. 2 or 3 Business Days: FedEx 2Day A.M., FedEx 2Day, FedEx Express Saver.

5 Packaging \*Declared value limit \$500. FedEx Envelope\*, FedEx Pak\*, FedEx Box, FedEx Tube, Other.

6 Special Handling and Delivery Signature Options. SATURDAY Delivery. No Signature Required, Direct Signature, Indirect Signature.

Does this shipment contain dangerous goods? One box must be checked. No, Yes, Dry Ice, Cargo Aircraft Only.

7 Payment Bill to: Sender, Recipient, Third Party, Credit Card, Cash/Check.

Total Packages, Total Weight, Credit Card Auth.

\*Our liability is limited to US\$100 unless you declare a higher value. See the current FedEx Service Guide for details.

611

fedex.com 1.800.GoFedEx 1.800.463.3339

fedex.com 1.800.GoFedEx 1.800.463.3339