

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

78810

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Appeal from Charleston County
Court of Common Pleas

FEB 29 2016

SC Court of Appeals

J.C. Nicholson, Jr., Circuit Judge

Case No. 2013-CP-10-3251

Rosemary Connelly,

Respondent,

v.

Winsor Custom Homes, LLC,

Appellant.

NOTICE OF APPEAL

YOUNG CLEMENT RIVERS, LLP

Stephen L. Brown (SC Bar No. 66468)

Russell G. Hines (SC Bar No. 72100)

P.O. Box 993

Charleston, SC 29402

(843) 720-5488

Attorneys for Appellant

Winsor Custom Homes, LLC

Other Counsel of Record:

GRUENLOH LAW FIRM
Wm. M. Gruenloh, Esquire
Patrick Aulton Chisum, Esquire
Brian R. Holmes, Esquire
(843) 577-0027
192 East Bay Street, Suite 202
Charleston, SC 29401
Attorneys for Respondent
Rosemary Connelly

Defendant Winsor Custom Homes, LLC, hereinafter “Appellant,” hereby appeals (1) all adverse rulings by the trial court, the Honorable J.C. Nicholson, Jr., presiding, in the pre-trial and trial proceedings in this matter¹ as well as (2) the jury’s verdict dated August 28, 2015; (3) the Form 4 order/judgment of the trial court filed September 3, 2015; and (4) the trial court’s denial of its post-trial motions, including all adverse rulings announced by the trial court on the record at the post-trial motions hearing held November 11, 2015, and the trial court’s written (Form 4) post-trial motions order filed January 28, 2016.

¹ The trial of this matter, including pre-trial proceedings, was conducted from August 24th to 28th, 2015. The adverse rulings in these proceedings that Appellant now appeals include, without limitation, (a) the trial court’s denial of Appellant’s motion to exclude testimony from experts for Plaintiff Rosemary Connelly, hereinafter “Respondent,” on the issue of causation, (b) the trial court’s denial of Appellant’s motions for a mistrial, (c) the trial court’s *sua sponte* curative instruction regarding liability insurance, (d) the trial court’s denial of Appellant’s motion to withdraw a response to a request for admission, (e) the trial court’s denial of Appellant’s request for it to take judicial notice of the purpose of a silt fence, (f) the trial court’s denial of Appellant’s motion for a directed verdict at the close of Respondent’s evidence, (g) the trial court’s grant of a partial directed verdict in favor of Respondent on the issues of duty and breach with respect to Respondent’s purported cause of action for negligent silt fence maintenance, (h) the trial court’s denial of Appellant’s renewed motion for a directed verdict at the close of all evidence, (i) the trial court’s submission of the case to the jury on Respondent’s purported cause of action for negligent silt fence maintenance, (j) the trial court’s refusal to charge the jury on premises liability and limitation on liability for known or obvious activities or conditions found in Restatement (Second) Torts § 343A, and (k) the trial court’s charging the jury about liability insurance over Appellant’s objection.

Copies of the Form 4 order/judgment and verdict form and post-trial motions order are attached hereto. Appellant received written notice of entry of the last of these, i.e., the trial court's post-trial motions order, on February 1, 2016, via electronic notification from the court to Appellant's counsel.

Respectfully submitted,

YOUNG CLEMENT RIVERS, LLP

By: 

Stephen L. Brown (SC Bar No. 66468)

Russell G. Hines (SC Bar No. 72100)

P.O. Box 993

Charleston, SC 29402

(843) 720-5488

Attorneys for Appellant

Winsor Custom Homes, LLC

Charleston, South Carolina

Dated: 2/26/16

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Case No. 2013-CP-10-3251

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PROOF OF SERVICE

YOUNG CLEMENT RIVERS, LLP
Stephen L. Brown (SC Bar No. 66468)
Russell G. Hines (SC Bar No. 72100)
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Charleston, SC 29402
(843) 720-5488
Attorneys for Appellant
Winsor Custom Homes, LLC

I, Russell G. Hines, of Young Clement Rivers, LLP, counsel for Appellant Winsor Custom Homes, LLC, hereby certify that a copy of Appellant's **NOTICE OF APPEAL** was served on Respondent Rosemary Connelly on February 26, 2016, by hand delivery of a copy of the same to Respondent's attorneys:

**Gruenloh Law Firm
Wm. M. Gruenloh, Esquire
Patrick Aulton Chisum, Esquire
Brian R. Holmes, Esquire
192 East Bay Street, Suite 202
Charleston, SC 29401**

And, on this same date, February 26, 2016, a copy of Appellant's **NOTICE OF APPEAL** was also served on Respondent by depositing a copy of the same in the United States Mail, with sufficient postage, addressed as indicated above to her counsel; moreover, a copy of Appellant's **NOTICE OF APPEAL** was sent to Respondent's counsel via email addressed to Wm. M. Gruenloh, Esquire (Mike@Gruenlohlaw.com); Patrick Aulton Chisum, Esquire (Patrick@Gruenlohlaw.com); and Brian R. Holmes, Esquire (Brian@Gruenlohlaw.com).

Additionally, I certify that, on February 26, 2016, a copy of Appellant's **NOTICE OF APPEAL** was hand delivered to the **Clerk of Court for Charleston County** for filing.

Respectfully submitted,

YOUNG CLEMENT RIVERS, LLP

By: 

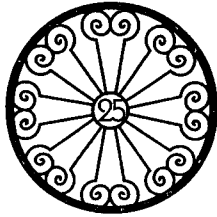
Russell G. Hines (SC Bar No. 72100)

Attorneys for Appellant

Winsor Custom Homes, LLC

Charleston, South Carolina

Dated: 2/26/16



YCR LAW

Young Clement Rivers, LLP

CELEBRATING 50 YEARS OF LEGAL SERVICE

50 YEARS

Russell G. Hines
Partner

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February 26, 2016

VIA U.S. MAIL

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

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FEB 29 2016

SC Court of Appeals

Re: Rosemary Connelly v. Winsor Custom Homes, LLC
Case No.: 2013-CP-10-3251
Claim No.: CPP001009129
YCR File: 10857-20130494

Dear Ms. Kitchings:

Please find enclosed for filing the original and two (2) copies of Winsor Custom Homes, LLC's **Notice of Appeal** in this case and **Proof of Service** of the same as well as our firm's check in the amount of \$100.00 to cover the filing fee. Kindly send me the additional stamped copies of the filed documents in the return envelope that is also enclosed.

By copy of this correspondence, I am serving this Notice of Appeal on counsel for Rosemary Connelly and also providing a copy to the Clerk of the trial court for filing.

With best wishes and kindest regards, I am

Sincerely,

YOUNG CLEMENT RIVERS, LLP



Russell G. Hines

/rgh

Enclosures

cc: Wm. M. Gruenloh, Esquire (via hand delivery, U.S. Mail, and email)
Patrick Aulton Chisum, Esquire (via hand delivery, U.S. Mail, and email)
Brian R. Holmes, Esquire (via hand delivery, U.S. Mail, and email)
The Honorable Julie J. Armstrong, Charleston County Clerk of Court (via hand delivery)

FIRST-CLASS MAIL

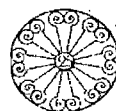
02/26/2016

US POSTAGE \$002.30⁰



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Jenny Abbott Kitchings, Clerk of
Court
South Carolina Court of Appeals
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