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IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
COURT OF COMMON PLEAS

Jocelyn Newman, Circuit Court Judge

Case No. 14- CP-40-04661

Appellate Case No. 2016-000986

RECEIVED
MAY 16 2016
SC Court of Appeals

Porthemos CurryRespondent

v.

Carolina Insurance Group of SC, Inc. and Maurice Derrick.....Appellants

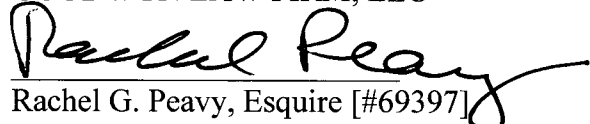
NOTICE OF APPEAL

The Respondent, Porthemos Curry, appeals the order from the bench of the Honorable Jocelyn Newman granting Defendants' Motion to Amend their answer to assert the affirmative defense of release. Respondents received verbal notice of this ruling on April 18, 2016, the same day the motion to amend was filed by the Appellants.

While generally the granting of a motion to amend is interlocutory in nature and not immediately appealable, the Respondent submits that because the appeal of the Order granting Respondent's Motion for Summary Judgment as to the affirmative defense of release is before the Court, it is proper for the Court to determine the issue of whether the granting of the motion to amend to assert this defense was proper. "Courts have made a practice of accepting appeals . . .

of interlocutory orders not ordinarily appealable when these appeals are companion to issues that are reviewable.” Brown v. County of Berkeley, 366 S.C. 354, 622 S.E.2d 533 (2005); See also Tanner v. Florence City-County Bldg. Comm'n, 333 S.C. 549, 511 S.E.2d 369 (Ct. App. 1999); Hedgepath v. American Tel. & Tel. Co., 348 S.C. 340, 559 S.E.2d 327 (Ct. App. 2001).

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Dated: May 16, 2016

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Attorneys for Appellants

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Honorable Jocelyn Newman, Circuit Court Judge

Case No.: 2014-CP-40-04661

Appellate Case No.: 2016-000986

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SC Court of Appeals

Porthemos Curry.....Respondent,

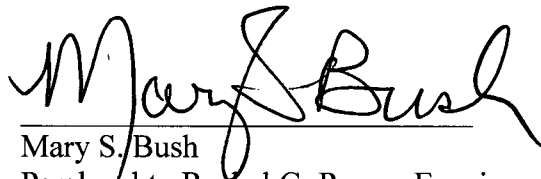
v.

Carolina Insurance Group of SC, Inc. and Maurice Derrick.....Appellants.

PROOF OF SERVICE

I certify that I have served the **Notice of Appeal** on Wesley D. Peel, Counsel for the Appellants at the address below by depositing a copy of same in the United States Mail, postage prepaid, on May 16, 2016.

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May 16, 2016

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May 16, 2016

VIA HAND DELIVERY

The Honorable Jenny Abbott Kitchings
Clerk of Court, South Carolina Court of Appeals
1015 Sumter Street
Columbia, SC 29201

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MAY 16 2016

SC Court of Appeals

RE: *Porthemos Curry v. Carolina Insurance Group of SC, Inc. and Maurice Derrick*

Appellate Case No.: 2016-000986

Case No.: 2014-CP-40-04661

Our File No.: 3000-0106

Dear Ms. Kitchings:

Enclosed for filing, please find the original and two (2) copies of the Respondent's Notice of Appeal and Proof of Service in regard to the above referenced matter. Please have your office file the original and return the filed, stamped copies to me via my carrier. Also, enclosed is a check in the amount of \$100.00 representing the filing fees for same.

As evidenced in the Proof of Service, I have served Wesley D. Peel, Esquire, counsel for the Appellants and the Richland County Clerk of Court's office, with a copy of this Notice of Appeal.

Thank you for your attention to this matter and should you have any questions, please do not hesitate to contact me.

Very truly yours,


Rachel G. Peavy

RGP/msb
Enclosures

cc: Wesley D. Peel, Esquire (w/encl.)
Richland County Clerk of Court (w/encl.)
Porthemos Curry