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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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SC Court of Appeals

APPEAL FROM THE HAMPTON COUNTY
Court of Common Pleas

Jean Hoefler Toal, Circuit Court Judge

Case No. 2016-CP-25-0440

James Calvin Sizemore Respondent,

v.

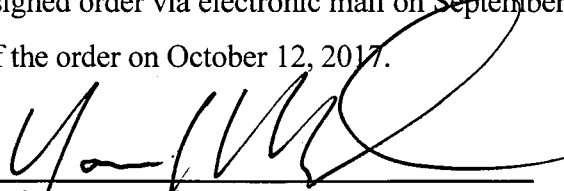
Bowater Paper Mill, E.I. Du Pont De Nemours and Company, Foster Wheeler Energy Corporation, Daniel International Corporation, Resolute FP US Inc., CBS Corporation, Cleaver Brooks Inc., Conway Construction Incorporated, Covil Corporation, Fluor Constructors International, Fluor Constructors International, Inc., Fluor Daniel Services Corporation, Fluor Enterprises, Inc., General Electric Company, Genuine Parts Company, Georgia-Pacific LLC, Honeywell International, Inc., Scana Corporation, Riley Power Inc., and Waste Management of South Carolina, Inc., Defendants,

Of which, Waste Management of South Carolina, Inc. is Appellant.

NOTICE OF APPEAL

Appellant, Waste Management of South Carolina, Inc., appeals the Order of the Honorable Jean Hoefler Toal dated September 21, 2017 and electronically filed October 12, 2017, denying Appellant's Motion to Transfer Venue pursuant to sections 15-7-30 and 15-7-100 of the South Carolina Code. Appellant received a copy of the signed order via electronic mail on September 21, 2017 and received Notice of electronic filing of the order on October 12, 2017.

October 17, 2017



Timothy W. Bouch (Bar No.: 782)
Yancey A. McLeod III (Bar No.: 80911) -

LEATH BOUCH & SEEKINGS, LLP
PO Box 59
Charleston SC 29402

*Attorneys for Appellant Waste Management of
South Carolina, Inc.*

OTHER COUNSEL OF RECORD:

<p>William P. Early PIERCE, HERNS, SLOAN & WILSON, LLC 321 East Bay Street (29401) P.O. Box 22437 Charleston, SC 29413 (843) 722-7733 <i>Attorneys for Riley Power Inc.</i></p>	<p>Jennifer Techman Andrew Rogers EVERT WEATHERSBY HOUFF 3455 Peachtree Road NE, Suite 1550 Atlanta, GA 30326 (678) 651-1200 <i>Attorney for Foster Wheeler Energy Corporation</i></p>
<p>Dell P. Chappell NELSON MULLINS RILEY & SCARBOROUGH LLP 1320 Main Street/ 17th Floor Post Office Box 11070 (29211-1070) Charleston, SC 29402-0747 (843) 853-5200 <i>Attorney for E I Dupont De Nemours and Co.</i></p>	<p>William A. Coates ROE CASSIDY COATES & PRICE PA P.O. Box 10529 (1052 North Church Street, 29601) Greenville, SC 29603 (864) 349-2600 <i>Attorney for Genuine Parts Company</i></p>
<p>Jonathan Holder DEAN OMAR BRANHAM, LLP 302 N. Market Street Suite 300 Dallas, Texas 75202 (214) 722-5990 <i>Attorney for James Calvin Sizemore</i></p>	<p>Theile B. McVey KASSEL McVEY P.O. Box 1476 Columbia, SC 29202-1746 (803) 256-4242 <i>Attorney for James Calvin Sizemore</i></p>

<p>Robert O. Meriwether David G. Traylor, Jr. James B. Glenn NELSON MULLINS RILEY & SCARBOROUGH LLP 1320 Main Street / 17th Floor Post Office Box 11070 (29211-1070) Columbia, SC 29201 (803) 799-2000 <i>Attorney for Georgia Pacific Consumer Products LP and Georgia Pacific LLC</i></p>	<p>Steven J. Pugh Joseph E. Thoensen RICHARDSON PLOWDEN & ROBINSON, P.A. 1900 Barnwell Street (29201) Post Office Drawer 7788 Columbia, SC 29202 (843) 805-6550 <i>Attorneys for Cleaver Brooks Inc.</i></p>
<p>Steven W. Ouzts TURNER PADGET GRAHAM AND LANEY PA 1901 Main Street, 17th Floor Columbia, SC 29201 (843) 576-2800 <i>Attorney for Resolute FP US Inc.</i></p>	<p>Moffatt G. McDonald W. David Conner Scott E. Frick HAYNSWORTH SINKLER BOYD, P.A. Post Office Box 2048 Greenville, SC 29602 (864) 240-3200 <i>Attorneys for Daniel International Corporation, f/k/a Daniel Construction Company, Inc.</i></p>
<p>Breon Walker GALLIVAN, WHITE & BOYD 1201 Main Street Suite 1200 Columbia, SC 29201 (803) 779-1833 <i>Attorney for Scana Corporation</i></p>	<p>Daniel B. White Ronald Tate, Allyson Twilley GALLIVAN, WHITE & BOYD One Liberty Square 55 Beattie Place, Suite 1200 Greenville, SC 29601 (864) 271-9580 <i>Attorneys for Covil Corporation</i></p>

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APPEAL FROM THE HAMPTON COUNTY
Court of Common Pleas

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Case No. 2016-CP-25-0440

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James Calvin Sizemore.....Respondent,

v.

Bowater Paper Mill, E.I. Du Pont De Nemours and Company, Foster Wheeler Energy Corporation, Daniel International Corporation, Resolute FP US Inc., CBS Corporation, Cleaver Brooks Inc., Conway Construction Incorporated, Covil Corporation, Fluor Constructors International, Fluor Constructors International, Inc., Fluor Daniel Services Corporation, Fluor Enterprises, Inc., General Electric Company, Genuine Parts Company, Georgia-Pacific LLC, Honeywell International, Inc., Scana Corporation, Riley Power Inc., and Waste Management of South Carolina, Inc., Defendants,

Of which, Waste Management of South Carolina, Inc. isAppellant.

PROOF OF SERVICE


I hereby certify that on October 17, 2017, I served the Notice of Appeal on the Respondent and Defendants by depositing a copy of it in the United States Mail, postage prepaid, addressed as follows:

<p>William P. Early PIERCE, HERNS, SLOAN & WILSON, LLC 321 East Bay Street (29401) P.O. Box 22437 Charleston, SC 29413 <i>Attorneys for Riley Power Inc.</i></p>	<p>Jennifer Techman Andrew Rogers EVERT WEATHERSBY HOUFF 3455 Peachtree Road NE, Suite 1550 Atlanta, GA 30326 <i>Attorney for Foster Wheeler Energy Corporation</i></p>
<p>Dell P. Chappell NELSON MULLINS RILEY & SCARBOROUGH LLP 1320 Main Street/ 17th Floor Post Office Box 11070 (29211-1070) Charleston, SC 29402-0747 <i>Attorney for E I Dupont De Nemours and Co.</i></p>	<p>William A. Coates ROE CASSIDY COATES & PRICE PA P.O. Box 10529 (1052 North Church Street, 29601) Greenville, SC 29603 <i>Attorney for Genuine Parts Company</i></p>
<p>Jonathan Holder DEAN OMAR BRANHAM, LLP 302 N. Market Street Suite 300 Dallas, Texas 75202 <i>Attorney for James Calvin Sizemore</i></p>	<p>Theile B. McVey KASSEL McVEY P.O. Box 1476 Columbia, SC 29202-1746 <i>Attorney for James Calvin Sizemore</i></p>
<p>Robert O. Meriwether David G. Traylor, Jr. James B. Glenn NELSON MULLINS RILEY & SCARBOROUGH LLP 1320 Main Street / 17th Floor Post Office Box 11070 (29211-1070) Columbia, SC 29201 <i>Attorney for Georgia Pacific Consumer Products LP and Georgia Pacific LLC</i></p>	<p>Steven J. Pugh Joseph E. Thoensen RICHARDSON PLOWDEN & ROBINSON, P.A. 1900 Barnwell Street (29201) Post Office Drawer 7788 Columbia, SC 29202 <i>Attorneys for Cleaver Brooks Inc.</i></p>
<p>Steven W. Ouzts TURNER PADGET GRAHAM AND LANEY PA</p>	<p>Moffatt G. McDonald W. David Conner Scott E. Frick</p>

<p>1901 Main Street, 17th Floor Columbia, SC 29201 <i>Attorney for Resolute FP US Inc.</i></p>	<p>HAYNSWORTH SINKLER BOYD, P.A. Post Office Box 2048 Greenville, SC 29602 <i>Attorneys for Daniel International Corporation, f/k/a Daniel Construction Company, Inc.</i></p>
<p>Breon Walker GALLIVAN, WHITE & BOYD 1201 Main Street Suite 1200 Columbia, SC 29201 <i>Attorney for Scana Corporation</i></p>	<p>Daniel B. White Ronald Tate Allyson Twilley GALLIVAN, WHITE & BOYD One Liberty Square 55 Beattie Place, Suite 1200 Greenville, SC 29601 <i>Attorneys for Covil Corporation</i></p>

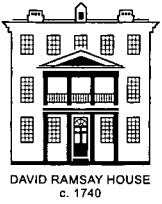
This the 17th day of October, 2017.

LEATH, BOUCH & SEEKINGS, LLP



Timothy W. Bouch
Yancey A. McLeod III
92 Broad Street
Charleston, South Carolina 29401
(843) 937-8811

Attorneys for Appellant Waste Management of South Carolina, Inc.



LEATH, BOUCH & SEEKINGS, LLP

COMMERCIAL LITIGATION • CONSTRUCTION • ENVIRONMENTAL

October 18, 2017

VIA REGULAR MAIL

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

RECEIVED
OCT 20 2017
SC Court of Appeals

Re: *James Calvin Sizemore v. Bowater Paper Mill, et al.*
2016-CP-25-00440

Dear Ms. Kitchings:

Pursuant to Rule 203(d)(1)(B), enclosed for filing please find Appellant Waste Management of South Carolina, Inc.'s Notice of Appeal, Proof of Service, a copy of the Order to be challenged on appeal. I am likewise enclosing a check in the amount of \$100.00 for the filing fee.

Thank you and with best regards I am,

Very truly yours,

LEATH, BOUCH & SEEKINGS, LLP

Yancey A. McLeod, III

YAM/saw

Enclosures: as stated

Cc: All Counsel of Record via regular mail

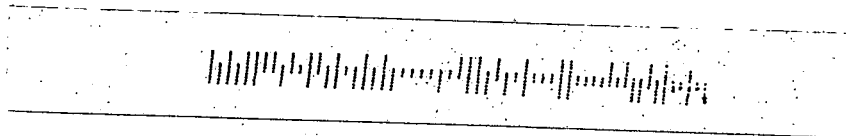


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92 BROAD STREET
CHARLESTON, SC 29401

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