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THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

**RECEIVED**

DEC 19 2017

SC Court of Appeals

APPEAL FROM LEXINGTON COUNTY  
Court of Common Pleas

R. Knox McMahon, Circuit Court Judge

Case No. 2016-CP-32-02419

Hawi Kebede, Mekilit A. Lemu, and Shewangiz K. Moses ..... Respondents.

v.

Amick Farms, LLC and OSI Group ..... Appellants,

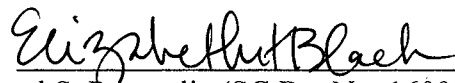
**NOTICE OF APPEAL**

Pursuant to S.C. Code Ann. § 14-3-330, Amick Farms, LLC and OSI Group (collectively, “Amick Farms”) appeal the Order in this matter filed on December 15, 2017, based on the Circuit Court’s determination on the merits that judicial estoppel bars Amick Farms from asserting a defense that this action is barred by the exclusivity provision of the South Carolina Workers’ Compensation Act. *See Cooke v. Palmetto Health All.*, 367 S.C. 167, 173–74, 624 S.E.2d 439, 442 (Ct. App. 2005). In the Order, the Circuit Court ruled, *inter alia*: “Defendants are judicially estopped from asserting that they are the employer of the Plaintiffs, statutory or otherwise;” and: “[t]his Court will not allow the Defendants to change their position regarding the Plaintiffs’ employment in an effort to avoid liability.” Therefore, the Circuit Court’s Order “finally determined a substantial matter forming a part of [Amick Farms’] defense, and thus, the order is appealable.” *Id.*, 367 S.C. at 174, 624 S.E.2d at 442. Amick Farms received written notice of

the entry of the Order on December 15, 2017. A copy of the Order is attached to this Notice as Exhibit A.

Pursuant to Rule 214, SCACR, Amick Farms further asks that this appeal be consolidated with its appeal in the related case of *Tizezew Tadese v. Amick Farms, LLC and OSI Group* (Lexington County Court of Common Pleas, Case No. 2016-CP-32-02397) as the two appeals arise from the same facts and raise the same questions.

**HAYNSWORTH SINKLER BOYD, P.A.**

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December 19, 2017

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THE STATE OF SOUTH CAROLINA  
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**PROOF OF SERVICE**

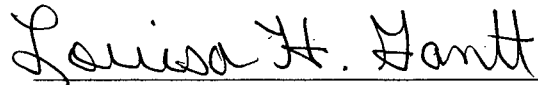
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I, the undersigned employee of Haynsworth Sinkler Boyd, P.A., do hereby certify that I have this 19th day of December, 2017, caused the forgoing *Notice of Appeal* to be served via U.S. mail, postage prepaid, on counsel of record at the addresses shown below:

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*Attorneys for Appellants Amick Farms, LLC and OSI Group*

A handwritten signature in cursive script that reads "Louisa H. Gantt". The signature is written in black ink and is positioned above a horizontal line.

Louisa H. Gantt  
Haynsworth Sinkler Boyd, P.A.

Haynsworth  
Sinkler Boyd, P.A.

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SC Court of Appeals

**HAND DELIVERED**

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

Re: *Hawi Kebede, Mekilit A. Lemu, and Shewangiz K. Moses v. Amick Farms, LLC and OSI Group*  
C.A. No.: 2016-CP-32-02419  
HSB File No.: 03019.7005

Dear Ms. Kitchings:

Enclosed for filing is a Notice of Appeal in the above case. The Notice is being electronically filed with the Lexington County Clerk of Court contemporaneously with this letter. Also enclosed are the following:

- (1) Proof of service of the Notice of Appeal on the Respondents,
- (2) A copy of the order on appeal, and
- (3) A filing fee of \$100.

The transcript in this matter has been received, therefore, we have calendared 30 days from today's date as our filing deadline for our initial brief and designation. Please return the clocked copies to me via my courier.

With kind regards, I am,

Sincerely yours,



Elizabeth H. Black

EHB/jmb

Enclosures

cc: Garryl L. Deas, Esq.  
H. Cooper Wilson, III, Esq.  
Steven H. Gistenson, Esq.  
Michael F. Derksen, Esq.,  
Tonnya Kohn, Esq., Interim Dir.  
SC Court Administration