

86736

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas
The Honorable Roger M. Young, Sr., Circuit Court Judge

RECEIVED

MAY 15 2018

Case No. 2013-CP-10-7107

SC Court of Appeals

Sea Island Food Group, LLC d/b/a Squeeze.....Respondent,

v.

Yaschik Development Company, Inc., d/b/a Yaschik Enterprises, Charleston Capital Corporation, Thomas M. Ervin, Hilton Smith, East Bay Company, LTD., and Michael J. Quillen Family Limited Partnership..... Defendants,

Of whom Yaschik Development Company, Inc., d/b/a Yaschik Enterprises is the..... Appellant,

Of whom Hilton Smith and East Bay Company, LTD. are the..... Respondent.

Michael J. Quillen Family Limited Partnership..... Respondent,

v.

Top of the Bay, Inc. d/b/a Club Light, Yaschik Development Company, Inc., d/b/a Yaschik Enterprises, Hilton Smith, East Bay Company, LTD., and Michael J. Quillen Family Limited Partnership Defendants,

Of whom Yaschik Development Company, Inc., d/b/a Yaschik Enterprises is the..... Appellant.

Michael J. Quillen Family Limited Partnership..... Third-Party Plaintiff,

v.

Top of the Bay, Inc. d/b/a Club Light..... Third-Party Defendant.

Top of the Bay, Inc. d/b/a Club Light.....Respondent,

v.

Yaschik Development Company, Inc., d/b/a Yaschik EnterprisesAppellant.

NOTICE OF APPEAL

Yaschik Development Company, Inc., d/b/a Yaschik Enterprises (“Appellant”) appeals the following:

(1) Order of the Honorable R. Markley Dennis, Jr. dated November 6, 2017, and filed November 8, 2017, vacating Previous Order Filed July 14, 2015;


(2) Jury Verdict dated February 2, 2018, and filed on February 5, 2018;

(3) Order of the Honorable Roger M. Young, Sr., dated and filed May 7, 2018, (the “Post-trial Order”) denying Appellant’s Motion for JNOV, Motion for New Trial Absolute, Motion for New Trial *Nisi Remittitur* and granting, in part, and denying, in part, Appellant’s Motion for Setoff; and

(4) Rulings of the Honorable Roger M. Young, Sr. on matters of the admissibility of evidence and jury instructions made during the trial, which began on January 22, 2018, and ended on February 2, 2017.¹

On February 12, 2018, Appellant timely filed the Motion for JNOV, Motion for New Trial Absolute, Motion for New Trial *Nisi Remittitur*, and Motion for Setoff. Appellant received written notice of the entry of the Post-Trial Order on May 8, 2018.

¹ Copies of the Order Vacating Previous Order, Jury Verdict Form, and Post-Trial Order, are attached hereto, as required by South Carolina Appellate Court Rule 203(d)(1)(B).



Robert E. Sumner, IV (S.C. Bar No. 71728)
E. Brandon Gaskins (S.C. Bar No. 72374)
Charles R. Scarminach (S.C. Bar No. 101582)
Moore & Van Allen PLLC
78 Wentworth Street
Charleston, SC 29401
PH. (843) 579-7018
FAX (843) 579-8743
E-mail: robertsumner@mvalaw.com
brandongaskins@mvalaw.com
charlesscarminach@mvalaw.com

*Attorneys for Appellant Yaschik Development
Company, Inc., d/b/a Yaschik Enterprises*

May 11, 2018
Charleston, SC

Other Counsel of Record:

Lindsey W. Cooper, Jr., Esquire
Margarete Linsay Allio, Esquire
The Law Offices of L.W. Cooper Jr.
36 Broad Street
Charleston, SC 29401
843-375-6622

Attorneys for Respondent Sea Island Food Group, LLC d/b/a Squeeze

John T. Lay, Esquire
Curtis L. Ott, Esquire
Jessica A. Waller, Esquire
Shelley Sunderman Montague, Esquire
Gallivan, White & Boyd, P.A.
1201 Main Street, Suite 1200
P. O. Box 7368
Columbia, South Carolina 29202
803-724-1800

Attorneys for Respondent Michael Quillen Family Limited Partnership

William K. Swope, Esquire
The Swope Law Firm, PA

1525 Sam Rittenburg Blvd., Ste. 208
Charleston, SC 29407
843-852-4925

W. Tracy Brown, Esquire
The Brown Law Firm
110 N. Main Street
Summerville, SC 29483
843-376-0932

Attorneys for Respondent Top of the Bay d/b/a Club Light

Charles J. Baker III
Womble Bond Dickinson
5 Exchange St, Charleston, SC 29401
843-720-4619

Attorneys for Respondents Hilton Smith and East Bay Company, LTD.

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas
The Honorable Roger M. Young, Sr., Circuit Court Judge

Case No. 2013-CP-10-7107

RECEIVED
MAY 15 2018
SC Court of Appeals

Sea Island Food Group, LLC d/b/a Squeeze.....Respondent,

v.

Yaschik Development Company, Inc., d/b/a Yaschik Enterprises, Charleston Capital Corporation, Thomas M. Ervin, Hilton Smith, East Bay Company, LTD., and Michael J. Quillen Family Limited Partnership..... Defendants,

Of whom Yaschik Development Company, Inc., d/b/a Yaschik Enterprises is the..... Appellant,

Of whom Hilton Smith and East Bay Company, LTD. are the..... Respondent.

Michael J. Quillen Family Limited Partnership..... Respondent,

v.

Top of the Bay, Inc. d/b/a Club Light, Yaschik Development Company, Inc., d/b/a Yaschik Enterprises, Hilton Smith, East Bay Company, LTD., and Michael J. Quillen Family Limited Partnership Defendants,

Of whom Yaschik Development Company, Inc., d/b/a Yaschik Enterprises is the..... Appellant.

Michael J. Quillen Family Limited Partnership..... Third-Party Plaintiff

v.

Top of the Bay, Inc. d/b/a Club Light..... Third-Party Defendant.

Top of the Bay, Inc. d/b/a Club Light..... Respondent,

Yaschik Development Company, Inc., d/b/a Yaschik EnterprisesAppellant.

PROOF OF SERVICE

This is to certify that I have this day served counsel for the Respondents in the foregoing matter with a copy of the foregoing *Notice of Appeal* by depositing the same in the United States Mail with adequate postage affixed thereon to ensure delivery, addressed as follows:

Lindsey W. Cooper, Jr., Esquire
Margarete Linsay Allio, Esquire
The Law Offices of L.W. Cooper Jr.
36 Broad Street
Charleston, SC 29401

Attorneys for Respondent Sea Island Food Group, LLC d/b/a Squeeze

John T. Lay, Esquire
Curtis L. Ott, Esquire
Jessica A. Waller, Esquire
Shelley Sunderman Montague, Esquire
Gallivan, White & Boyd, P.A.
1201 Main Street, Suite 1200
P. O. Box 7368
Columbia, South Carolina 29202

Attorneys for Respondent Michael Quillen Family Limited Partnership

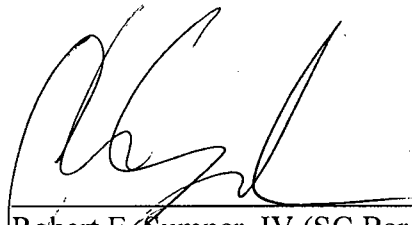
William K. Swope, Esquire
The Swope Law Firm, PA
1525 Sam Rittenburg Blvd., Ste. 208
Charleston, SC 29407

W. Tracy Brown, Esquire
The Brown Law Firm
110 N. Main Street
Summerville, SC 29483

Attorneys for Respondent Top of the Bay d/b/a Club Light

Charles J. Baker III
Womble Bond Dickinson
5 Exchange St, Charleston, SC 29401

Attorneys for Respondents Hilton Smith and East Bay Company, LTD.



Robert E. Sumner, IV (SC Bar No. 71728)
E. Brandon Gaskins (S.C. Bar No. 72374)
Charles R. Scarminach (SC Bar No. 101582)
Moore & Van Allen PLLC
78 Wentworth Street
Charleston, SC 29401
PH. (843) 579-7018
FAX (843) 579-8743
E-mail: robertsumner@mvalaw.com
brandongaskins@mvalaw.com
charlesscarminach@mvalaw.com

*Attorneys for Appellant Yaschik Development
Company, Inc., d/b/a Yaschik Enterprises*

May 11, 2018
CHARLESTON, SC

Moore & Van Allen

May 11, 2018

Charles Scarminach
Attorney at Law

T 843 579 7057
F 843 579 8740
charlesscarminach@mvalaw.com

VIA U.S. MAIL

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
PO Box 11629
Columbia, SC 29211

RECEIVED

MAY 15 2018

SC Court of Appeals

Moore & Van Allen PLLC

78 Wentworth St.
Charleston, SC 29401-1428

Mailing Address:
Post Office Box 22828
Charleston, SC 29413-2828

**Re: *Sea Island Food Group, LLC d/b/a Squeeze v. Yaschik Development Company, Inc.,
d/b/a Yaschik Enterprises, et al.***
Case No.: 2013-CP-10-7107
MVA File No.: 029018.23

Dear Ms. Kitchings:

Enclosed for filing please find the original and (1) copy of a Notice of Appeal and Proof of Service in the above-referenced matter, along with our firm check no. 34957 for the requisite \$100.00 filing fee. I am filing a copy of the Notice, Proof of Service, and this letter with the Charleston County Clerk of Court.

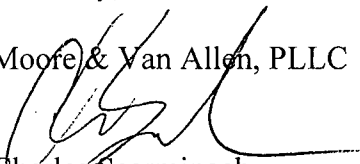
Please file the original and return a filed date-stamped copy to our office in the self-addressed stamped envelope provided.

By copy of this letter, I am serving all counsel of record with a copy of the same.

Thank you for your assistance in this matter.

Sincerely,

Moore & Van Allen, PLLC



Charles Scarminach

CRS/meh
Enclosures: as stated.

cc: Counsel of Record (w/enclosures)

Charlotte, NC
Research Triangle Park, NC
Charleston, SC

05/11/2018

US POSTAGE

\$006.70⁰



ZIP 29401
041M11288443

Moore & Van Allen

Moore & Van Allen PLLC

78 Wentworth Street
Post Office Box 22828
Charleston, SC 29413-2828

RECEIVED

MAY 15 2018

SC Court of Appeals

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
PO Box 11629
Columbia, SC 29211

8873/029018.23