

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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SC 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

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

v.

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,

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

Of whom Michael J. Quillen Family Limited Partnership is a Respondent.

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 Enterprises Appellant.

AMENDED 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;

(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, 2018;

(5) Order of the Honorable Roger M. Young, Sr., granting, in part, and denying, in part, the directed verdict motions made by Appellant and Respondents during the trial which began on January 22, 2018 and ended on February 2, 2018.¹

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.

[SIGNATURE BLOCK ON FOLLOWING PAGE]

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). All other rulings at issue were not reduced to writing but were made orally from the bench.



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June 1, 2018
Charleston, SC

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

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

v.

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

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 *Amended Notice of Appeal* by depositing the same in the United States Mail with adequate postage affixed thereon to ensure delivery, addressed as follows:

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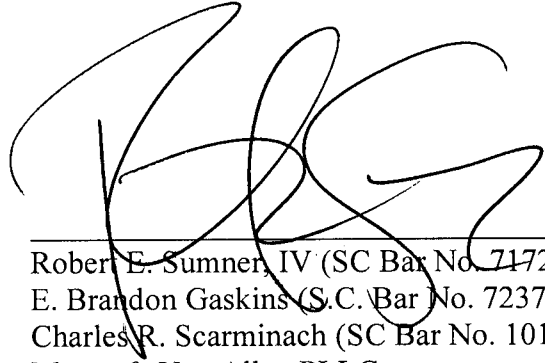
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June 1, 2018
CHARLESTON, SC

June 1, 2018

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The Honorable Jenny Abbott Kitchings
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**Re: Sea Island Food Group, LLC doing business as SQUEEZE v. Yaschik
Development Company, Inc., doing business as Yaschik Enterprises, et al.
Case No. 2013-CP-10-7107
Our File Number: 029018.000023**

Dear Ms. Kitchings:

Enclosed for filing is an Amended Notice of Appeal in the above case. Also enclosed are the following:

- (1) Proof of service of the Amended Notice of Appeal on the parties of record.
- (2) A copy of the Order of the Honorable Roger M. Young, Sr., Circuit Court Judge, entered November 8, 2018, Vacating Previous Order Filed July 14, 2015, which is to be challenged on appeal.
- (3) Jury Verdict dated February 2, 2018, and filed February 5, 2018.
- (4) Post-trial Order dated and filed May 7, 2018.
- (5) Copies of the Amended Notice of Appeal and the Proof of Service of the Amended Notice of Appeal, to be date-stamped and returned to me in the enclosed self-addressed, stamped envelope.

If there are any questions as to any of the above, please call me.

Very truly yours,

Moore & Van Allen PLLC

Robert E. Sumner, IV

RES/ys


Enclosures as stated.

cc w/enc.: Lindsey W. Cooper, Jr., Esquire
Margarete Linsay Allio, Esquire
John T. Lay, Esquire
Curtis L. Ott, Esquire
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