

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Shirley C. Robinson, Administrative Law Judge

Case No. 18-ALJ-07-0003-CC

South Carolina Department of
Health and Environmental Control,

Appellant,

v.

James W. Davenport,

Respondent.

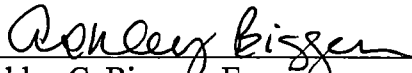
NOTICE OF APPEAL

The South Carolina Department of Health and Environmental Control (“Appellant”) appeals the Order Granting Respondent’s Petition for Attorney’s Fees dated August 1, 2018 (the “Attorney Fee Order”) and the Order on Appellant’s Motion to Alter or Amend dated September 20, 2018 (the “Reconsideration Order”) issued by the Honorable Shirley C. Robinson. Appellant received a copy of the Attorney Fee Order on August 1, 2018. On August 13, 2018, Appellant timely filed a Motion to Alter or Amend (Reconsider) the Attorney Fee Order. On August 27, 2018, Respondent timely filed a Memorandum of Law in Opposition to Appellant’s Motion for Reconsideration. Appellant received a copy of the Reconsideration Order on September 20, 2018. A copy of each order is attached hereto as required by Rule 203(d)(2)(B), SCACR.

[Signature on following page]

RECEIVED
OCT 17 2018
SC Court of Appeals

October 17, 2018



Ashley C. Biggers, Esquire
Vito M. Wicevic, Esquire
South Carolina Department of Health and
Environmental Control
2600 Bull Street
Columbia, SC 29201
(803) 898-3350

Attorneys for Appellant
South Carolina Department of Health and
Environmental Control

Other Counsel of Record:

David E. Rothstein
Rothstein Law Firm, PA
1312 Augusta Street
Greenville, SC 29605
(864) 232-5870

Attorney for Respondent James W. Davenport

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Shirley C. Robinson, Administrative Law Judge

Case No. 18-ALJ-07-0003-CC

South Carolina Department of
Health and Environmental Control,

Appellant,

v.

James W. Davenport,


Respondent.

RECEIVED
OCT 17 2018
SC Court of Appeals

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on James W. Davenport by depositing a copy of it in the United States Mail, postage prepaid, on October 17, 2018, addressed to his attorney of record, David E. Rothstein, 1312 Augusta Street, Greenville, SC 29605.

October 17, 2018



Ashley C. Biggers, Esquire
South Carolina Department of Health and
Environmental Control
2600 Bull Street
Columbia, SC 29201
(803) 898-3350

Attorney for Appellant
South Carolina Department of Health and
Environmental Control



October 17, 2018

VIA HAND DELIVERY

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RECEIVED
OCT 17 2018
SC Court of Appeals

RE: South Carolina Department of Health and Environmental Control, Appellant, v. James D. Davenport, Respondent
Case No. 17-ALJ-07-0003-CC
DHEC OGC# 22888

Dear Ms. Kitchings:

I have enclosed two copies of each of the following documents:

- (1) The Notice of Appeal in the above-referenced case;
- (2) Proof of service of the Notice of Appeal on the Respondent;
- (3) A copy of the orders which are to be challenged on appeal.

Please return a clocked copy to me for our files.

Thank you for your attention to this matter.

Sincerely,

Ashley C. Biggers
Chief Counsel for Health Regulation

Enclosures

cc (w/ enclosures): David E. Rothstein, Esquire