

## Lucas, Jessica

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**To:** Kitchings, Jenny  
**Subject:** RE: Bostic v. Johnson & Johnson, 2017-CP-16-00400, Notice of Appeal filed by Defendant in the SC Court of Appeals at 1:58pm on Oct. 23, 2018

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**From:** Toal, Jean  
**Sent:** Tuesday, October 23, 2018 3:47 PM  
**To:** Jenifer Canaday <[Jenifer@milliganlawfirm.com](mailto:Jenifer@milliganlawfirm.com)>; Kitchings, Jenny <[jkitchings@sccourts.org](mailto:jkitchings@sccourts.org)>  
**Cc:** Swett, W. Christopher <[cswett@motleyrice.com](mailto:cswett@motleyrice.com)>; Louis HERN <[Louis@milliganlawfirm.com](mailto:Louis@milliganlawfirm.com)>; Berry, Walker <[wberry@sccourts.org](mailto:wberry@sccourts.org)>; Finch, Nate <[nfinch@motleyrice.com](mailto:nfinch@motleyrice.com)>; LeBlanc, Sarah <[sleblanc@motleyrice.com](mailto:sleblanc@motleyrice.com)>; Andrae, Lane <[landrae@motleyrice.com](mailto:landrae@motleyrice.com)>; Herrick, John <[jherrick@motleyrice.com](mailto:jherrick@motleyrice.com)>; [ssuggs@darcoosc.net](mailto:ssuggs@darcoosc.net); Christie Perrin <[Christie@milliganlawfirm.com](mailto:Christie@milliganlawfirm.com)>; Ryan Conner <[Ryan@milliganlawfirm.com](mailto:Ryan@milliganlawfirm.com)>  
**Subject:** Re: Bostic v. Johnson & Johnson, 2017-CP-16-00400, Notice of Appeal filed by Defendant in the SC Court of Appeals at 1:58pm on Oct. 23, 2018

Dear Counsel: While I am not sure this matter is immediately appealable, it's facts being very different from Hagood v. Sommerville, the 2007 decision of our Supreme Court on appealability of an order disqualifying a party's attorney cited in Defendant's Appeal filed this afternoon. I also wonder whether or not Chief Justice Beatty's Order of Oct. 17, 2018 setting the case for a term and day certain and appointing me to preside can be appealed or stayed given it's separate status under the South Carolina Constitution. Be all that as it may, I will regard this matter as stayed at the moment. I would hope that the counsel will seek an immediate answer from the Court of Appeals so that I will know how to proceed with the Pretrial scheduled for Monday, Oct. 29, 2014 in Charleston as well as the trial Nov. 5, 2018 in Darlington. Best regards, Jean Toal

Sent from my iPad

On Oct 23, 2018, at 1:58 PM, Jenifer Canaday <[Jenifer@milliganlawfirm.com](mailto:Jenifer@milliganlawfirm.com)> wrote:

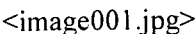
Good Afternoon,

Please find attached a copy of correspondence with the Notice of Appeal to the Court of Appeals regarding the above-referenced matter. The Appeal has been filed with the Court as of this afternoon. A copy will be sent via U.S. Mail also. In addition, we will send a filed copy once it is received.

Thank you,

*Jenifer L. Canaday*

Jenifer L. Canaday  
Paralegal

**MILLIGAN** < > **HERNS**

721 Long Point Road, Suite 401  
Mount Pleasant, SC 29464  
Phone: 843-971-6750  
Fax: 843-971-6509  
Email: [jenifer@milliganlawfirm.com](mailto:jenifer@milliganlawfirm.com)

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<Boyd-Bostic - Clerk ltr filing Notice of Appeal -10.23.18.pdf>