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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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JUN 20 2019

SC Court of Appeals

APPEAL FROM GREENWOOD COUNTY
Court of Common Pleas

The Honorable Frank Addy, Circuit Court Judge

Tony Young Appellant.

v.

The Greenwood County Sheriff's Office Respondent.

Case No. 2016-CP-24-00157

NOTICE OF APPEAL

Tony Young appeals the Order of the Honorable Frank Addy, dated March 27, 2019. The appellant received written notice of the entry of Judge Addy's Order on March 27, 2019.
April 10, 2019

/s/ Joshua T. Hawkins

Joshua T. Hawkins, S.C. Bar #78470
Helena L. Jedziniak, S.C. Bar #100825
Hawkins & Jedziniak, LLC
1225 South Church Street
Greenville, South Carolina 29605
(864) 275-8142 (telephone)
(864) 752-0911 (facsimile)
Attorneys for Appellant

Rusty Harter
Chapman, Harter & Harter, P.A.
14 Lavinia Avenue
Greenville, South Carolina 29601
(864) 233-4500 (telephone)
Attorney for Respondent Greenwood County Sheriff's Office

**FORM 7
PROOF OF SERVICE OF A NOTICE OF APPEAL**

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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Court of Common Pleas

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Case No. 2016-CP-24-00157

Tony Young,

Appellant,

v.

The Greenwood County
Sheriff's Office,

Respondent.

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PROOF OF SERVICE

I certify that I served the Notice of Appeal on the Greenwood County Sheriff's Office by depositing a copy of it in the United States Mail, postage prepaid, on April 10, 2019, and again on June 17, 2019, addressed to its attorney of record, Rusty Harter, P.O. Box 10224, Greenville, South Carolina 29603.

June 17, 2019

s/ Joshua T. Hawkins
Hawkins & Jedziniak, LLC
1225 South Church Street
Greenville, South Carolina 29605
(864) 275-8142
josh@hjlsc.com
Attorney for Appellant

Hawkins & Jedziniak, LLC

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Greenville, South Carolina 29605
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josh@hjlsc.com

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SC Court of Appeals

June 17, 2019

Ms. V. Claire Allen
Deputy Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

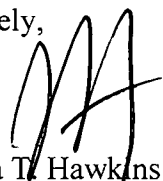
Re: *Tony Young v. Greenwood County Detention Center and the Greenwood County Sheriff's Office*
Appellate Case No.: 2019-000637

Dear Ms. Allen:

This letter is response to your June 13, 2019, letter (copy enclosed) regarding the case referenced above. Please find enclosed for filing a proper Proof of Service.

With this mailing, we are re-serving counsel for the respondent and copying the South Carolina Court Administration.

Sincerely,



Joshua T. Hawkins
Attorney for Appellant



Enclosures

Copy (with Proof of Service):

Mr. Russell W. Harter, Jr.
Chapman, Harter & Harter, P.A.
P.O. Box 10224
Greenville, South Carolina 29603

Copy:

South Carolina Court Administration
1220 Senate Street, Suite 200
Columbia, South Carolina 29201

STATE OF SOUTH CAROLINA

THE COURT OF COMMON PLEAS

COUNTY OF GREENWOOD

CASE NO. 2016-CP-24-00157

TONY YOUNG,
Plaintiff,

vs.

GREENWOOD COUNTY DETENTION
CENTER AND THE GREENWOOD
COUNTY SHERIFF'S OFFICE,
Defendants.

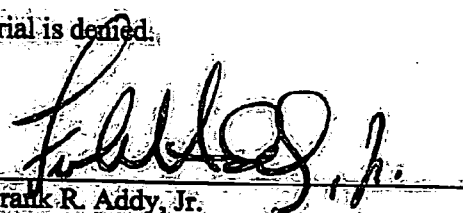
ORDER DENYING MOTION FOR NEW
TRIAL

THIS MATTER COMES BEFORE THE COURT on Plaintiffs' post-trial motion, dated October 5, 2018, seeking a new trial absolute or a judgment notwithstanding the verdict. Having considered the argument of counsel for Plaintiff and reviewed the applicable law, the Court finds that the rulings at trial were correct and, even if erroneous, not so substantial as to have affected the outcome.

This matter was tried before a jury, and a verdict in favor of the Defendants was rendered by the jury on September 27, 2018. The Plaintiff and the Defendants presented conflicting evidence on the issue of gross negligence, and the jury simply found that the Plaintiff had not met his burden of proving the Defendant acted negligently in providing medical care to the Plaintiff. In light of the contested nature of the testimony and out of due respect and deference to the findings of the trier of fact, the court declines to grant the Plaintiff's motion for a new trial.

THEREFORE, Plaintiffs' motion for a new trial is denied.

IT IS SO ORDERED.


Frank R. Addy, Jr.
Circuit Court Judge
Eighth Judicial Circuit

March 22, 2019
Greenwood, South Carolina



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

June 13, 2019

Mr. Joshua Thomas Hawkins, Esquire
1225 S. Church Street
Greenville SC 29605

Ms. Helena LeeAnn Jedziniak, Esquire
1225 South Church Street
Greenville SC 29605

Mr. Kyle Jason White, Esquire
209 E. Calhoun St.
Anderson SC 29621

Re: Tony Young v. Greenwood County Sheriff's Office
Appellate Case No. 2019-000637

Dear Counsel:

SECOND NOTICE: Upon reviewing your notice of appeal, the following deficiency has again been noted under the South Carolina Appellate Court Rules (SCACR), and must be corrected within ten (10) days of the date of this letter or your appeal will be dismissed:

- A proof of service has not been provided. You must serve and file a proof of service substantially in the format shown by Form 7 in Appendix C to part II of the SCACR.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Russell W. Harter, Jr., Esquire

Hawkins & Jedziniak, LLC
1225 South Church Street
Greenville, South Carolina 29605

GREENVILLE SC 29605

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SC Court of Appeals

Ms. V. Claire Allen
Deputy Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

29201-376999

