

90377

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM Charleston COUNTY  
Court of Common Pleas for the Ninth Circuit

The Honorable Bentley Price, Circuit Court Judge

RECEIVED  
JUL 24 2019  
SC Court of Appeals

Case No.: 2019-CP-10-00178

J. DANIEL MAHONEY,..... Plaintiff / Respondent,

v.

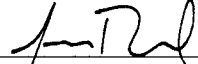
THE MUHLER COMPANY, INC. and HENRY M. HAY, III,..... Defendants/Appellants.

NOTICE OF APPEAL

Defendants, The Muhler Company, Inc. and Henry M. Hay, III, appeal from the order of Judge Bentley Price dated June 24, 2019 (**Exh. A**) in which the Court denied the parties to this suit the right to arbitrate pursuant to binding agreement terms, namely the arbitrator selection provision. The Court's ruling is immediately appealable as it denies a right of arbitration, *New Hope Missionary Baptist Church v. Paragon Builders*, 379 S.C. 620, 626, 667 S.E.2d 1, 4 (Ct. App. 2008), and denies the right to a particular mode of trial. *Flagstar Corp. v. Royal Surplus Lines*, 341 S.C. 68, 72, 533 S.E.2d 331, 333 (2000).

July 22<sup>nd</sup>, 2019  
Charleston, South Carolina

ANDREW K. EPTING, JR., LLC

By   
Andrew K. Epting, Jr.  
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ATTORNEYS FOR DEFENDANTS/APPELLANTS

THE STATE OF SOUTH CAROLINA  
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v.

THE MUHLER COMPANY, INC. and HENRY M. HAY, III,..... Defendants/Appellants.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal, Appellants' Initial Brief, Appellants' Designation of Matter to be Included in the Record on Appeal on opposing counsel by depositing a copy in the United States Mail, Postage prepaid, on July 22, 2019, addressed to Respondent's attorneys of record as follows:

Clay McCullough, Esq.  
359 King Street, # 200  
Charleston, SC 29401  
[clay@mklawsc.com](mailto:clay@mklawsc.com)

ANDREW K. EPTING, JR., LLC

By 

Angela Gross  
Legal Assistant to  
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# ANDREW K. EPTING, JR., LLC

ATTORNEYS AT LAW

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July 22, 2019

The Honorable Jenny Abbott Kitchings  
Clerk of Court, South Carolina Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

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JUL 24 2019  
SC Court of Appeals

RE: *J. Daniel Mahoney v. The Muhler Company, Inc. and Henry M. Hay, III*  
Case No.: 2019-CP-10-00178

Dear Ms. Kitchings:

Enclosed for filing please find the original and one copy of the following:

1. Notice of Appeal;
2. Initial Brief of Appellants;
3. Designation of Matter to be Included in the Record on Appeal; and
4. Proof of Service;

I also enclose the \$250.00 filing fee. Transcripts were ordered on June 3rd, but have not yet been delivered.

Please file the originals and return the file-stamped copies to me in the self-addressed, stamped envelope provided.

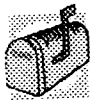
With kind regards,

ANDREW K. EPTING, JR., LLC

Angela Gross  
Legal Assistant to Jaan G. Rannik  
/agg

Enclosures – as stated

cc: Clay McCullough, Esquire (w/enc.)  
The Julie Armstrong (w/enc.)



ANGELA GROSS  
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 CHARLESTON, SC 29401

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The Honorable Jenny Abbott Kitchings  
 Clerk Of Court, South Carolina Court Of ...  
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