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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Edward W. Miller, Circuit Court Judge

Case No.: 2017-CP-10-4947

RECEIVED
DEC 16 2019
SC Court of Appeals

DANA STORTZ AND JOHN STORTZ..... Appellants,

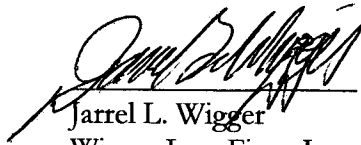
v.

CITY OF NORTH CHARLESTON, COUNTY OF CHARLESTON,
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SOUTH
CAROLINA DEPARTMENT OF TRANSPORTATION, BANKS
CONSTRUCTION COMPANY, UNITED CONTRACTORS, INC,
BANKS/UNITED JOINT VENTURE AND HLA, INC.....Respondents.

MOTION TO AMEND NOTICE OF APPEAL

Pursuant to Rule 240, SCACR, Appellants request to file an Amended Notice of Appeal to
change the Respondents to include the proper parties involved with the appeal.

Respectfully submitted,



Jarrel L. Wigger
Wigger Law Firm, Inc.
8086 Rivers Avenue, Suite A
North Charleston, South Carolina 29406
(843) 553-9800
Attorney for Appellants

December 4, 2019

THE STATE OF SOUTH CAROLINA
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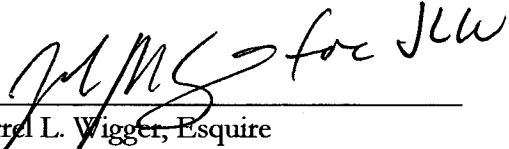
v.

CITY OF NORTH CHARLESTON, COUNTY OF CHARLESTON,
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SOUTH
CAROLINA DEPARTMENT OF TRANSPORTATION, BANKS
CONSTRUCTION COMPANY, UNITED CONTRACTORS, INC,
BANKS/UNITED JOINT VENTURE AND HLA, INC..... Respondents.

PROOF OF SERVICE

I certify that I have served a copy of the **Motion to Amend Notice of Appeal
And Amended Notice of Appeal** on Defendant HLA, Inc., by depositing a copy of it in the
United States Mail, postage prepaid, on December 12, 2019, addressed to their attorney of
record Rose Beth Grossman Smith at 342 East Bay Street Charleston, SC 29401.

December 12, 2019


Jarrel L. Wigger, Esquire
8086 Rivers Avenue, Suite A
North Charleston, South Carolina 29406
(843) 553-9800
Attorney for Appellants

THE STATE OF SOUTH CAROLINA
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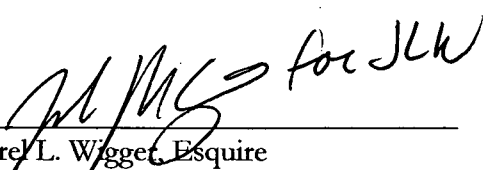
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CAROLINA DEPARTMENT OF TRANSPORTATION, BANKS
CONSTRUCTION COMPANY, UNITED CONTRACTORS, INC,
BANKS/UNITED JOINT VENTURE AND HLA, INC..... Respondents.

PROOF OF SERVICE

I certify that I have served a copy of the **Motion to Amend Notice of Appeal And Amended Notice of Appeal** by depositing a copy of it in the United States Mail, postage prepaid, on December 12, 2019, addressed to attorney of record Eric Norton at 1320 Main Street Columbia, SC 29201.

December 12, 2019



Jarrel L. Wigger, Esquire
8086 Rivers Avenue, Suite A
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(843) 553-9800
Attorney for Appellants

THE STATE OF SOUTH CAROLINA
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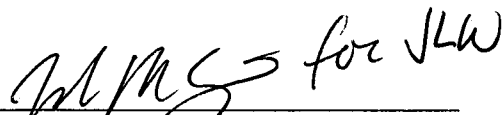
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CAROLINA DEPARTMENT OF TRANSPORTATION, BANKS
CONSTRUCTION COMPANY, UNITED CONTRACTORS, INC,
BANKS/UNITED JOINT VENTURE AND HLA, INC.....Respondents.

PROOF OF SERVICE

I certify that I have served three copies of the **Motion to Amend Notice of Appeal And Amended Notice of Appeal** on Defendants BANKS CONSTRUCTION COMPANY, UNITED CONTRACTORS, INC and BANKS/UNITED JOINT VENTURE, by depositing a copy of it in the United States Mail, postage prepaid, on December 12, 2019, addressed to their attorney of record Amy Bower at 134 Meeting Street, 3rd Floor Charleston, SC 29402.

December 12, 2019


Jarrel L. Wigger, Esquire
8086 Rivers Avenue, Suite A
North Charleston, South Carolina 29406
(843) 553-9800
Attorney for Appellants

THE STATE OF SOUTH CAROLINA
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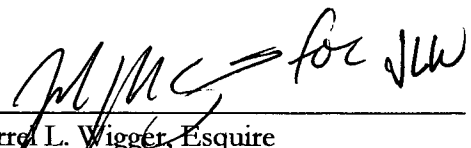
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DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SOUTH
CAROLINA DEPARTMENT OF TRANSPORTATION, BANKS
CONSTRUCTION COMPANY, UNITED CONTRACTORS, INC,
BANKS/UNITED JOINT VENTURE AND HLA, INC..... Respondents.

PROOF OF SERVICE

I certify that I have served one copy of the **Motion to Amend Notice of Appeal and Amended Notice of Appeal** on the Third-Party Defendant Coleman-Snow, by depositing a copy of it in the United States Mail, postage prepaid, on December 12, 2019, addressed to their attorney of record Frank Smith at 235 Magrath Darby Boulevard, Suite 100 Mt. Pleasant, SC 29464.

December 12, 2019


Jarrel L. Wigger, Esquire
8086 Rivers Avenue, Suite A
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(843) 553-9800
Attorney for Appellants

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CONSTRUCTION COMPANY, UNITED CONTRACTORS, INC,
BANKS/UNITED JOINT VENTURE AND HLA, INC..... Respondents.

PROOF OF SERVICE

I certify that I have served two copies of the **Motion to Amend Notice of Appeal and Amended Notice of Appeal** on Defendant County of Charleston and Defendant State of South Carolina, by depositing a copy of it in the United States Mail, postage prepaid, on December 12, 2019, addressed to their attorney of record Hugh Buyck at P.O. Box 2424 Mt. Pleasant, South Carolina 29465.

December 12, 2019


Jarrel L. Wigger, Esquire
8086 Rivers Avenue, Suite A
North Charleston, South Carolina 29406
(843) 553-9800
Attorney for Appellants

THE STATE OF SOUTH CAROLINA
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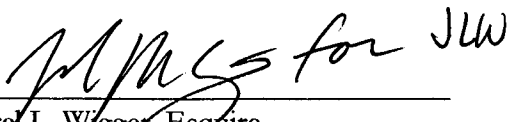
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CITY OF NORTH CHARLESTON, COUNTY OF CHARLESTON,
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CAROLINA DEPARTMENT OF TRANSPORTATION, BANKS
CONSTRUCTION COMPANY, UNITED CONTRACTORS, INC,
BANKS/UNITED JOINT VENTURE AND HLA, INC..... Respondents.

PROOF OF SERVICE

I certify that I have served two copies of the **Motion to Amend Notice of Appeal and Amended Notice of Appeal** on Defendant South Carolina Department of Transportation and Defendant South Carolina Department of Health and Environmental Control, by depositing a copy of it in the United States Mail, postage prepaid, on December 12, 2019, addressed to their attorney of record J.J. Anderson at ANDERSON, REYNOLDS & STEPHENS LLC located at P.O. Box 87 Charleston, South Carolina 29401.

December 12, 2019


Jarrod L. Wigger, Esquire
8086 Rivers Avenue, Suite A
North Charleston, South Carolina 29406
(843) 553-9800
Attorney for Appellants

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
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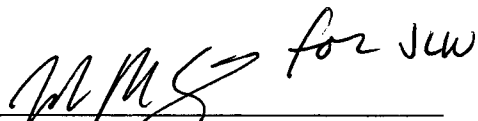
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CAROLINA DEPARTMENT OF TRANSPORTATION, BANKS
CONSTRUCTION COMPANY, UNITED CONTRACTORS, INC,
BANKS/UNITED JOINT VENTURE AND HLA, INC.....Respondents.

PROOF OF SERVICE

I certify that I have served one copy of the **Motion to Amend Notice of Appeal and Amended Notice of Appeal** on Defendant City of North Charleston, by depositing a copy of it in the United States Mail, postage prepaid, on December 12, 2019, addressed to their attorney of record Phillip Ferderigos at BARNWELL WHALEY PATTERSON & HELMS, LLC located at P.O. Drawer H Charleston, South Carolina 29402.

December 12, 2019


Jarrel L. Wiggen, Esquire
8086 Rivers Avenue, Suite A
North Charleston, South Carolina 29406
(843) 553-9800
Attorney for Appellants

THE STATE OF SOUTH CAROLINA
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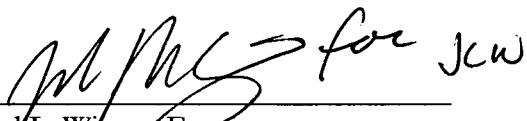
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PROOF OF SERVICE

I certify that I have served one copy of the **Motion to Amend Notice of Appeal and Amended Notice of Appeal** on Defendant Coosaw Creek Owner's Association, Inc., by depositing a copy of it in the United States Mail, postage prepaid, on December 12, 2019, addressed to their attorney of record Thomas B. Boger at P.O. Box 1200 Charleston, South Carolina 29402.

December 12, 2019


Jarrel L. Wigger, Esquire
8086 Rivers Avenue, Suite A
North Charleston, South Carolina 29406
(843) 553-9800
Attorney for Appellants

Wigger Law Firm, Inc.

ATTORNEYS AT LAW

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BRICE E. RICKER
EMILY H. TONG

8086 Rivers Avenue, Suite A
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(843) 553-9800
(843) 553-1648 Fax

Summerville
(843) 851-9900

W. TREY MERCK
JACOB C. MCKENZIE

West Ashley
(843) 203-1500

*Board Certified Civil Trial Specialist
By National Board of Trial Advocacy

December 12, 2019

Julie Armstrong, Clerk
Charleston County Court of Common Pleas
100 Broad Street, Ste. 106
Charleston, SC 29401

RE: Dana Stortz and John Stortz v. City of North Charleston, et al
Case No.: 2017-CP-10-04947

Dear Ms. Armstrong:

Enclosed for filing is a Motion to Amend the Notice of Appeal, Amended Notice of Appeal and Proof of service in the above case.

Sincerely,

Jarrel L. Wigger

Jarrel L. Wigger

Other Counsel of Record:

I. Keith McCarty
1212 Wappoo Road
Charleston, South Carolina 29407
ikeithmccarthy@gmail.com
Co-Counsel for Appellants

Hugh Buyck, Esq.
P.O. Box 2424
Mt. Pleasant, South Carolina 29465
Counsel for Defendant County of Charleston and Defendant State of South Carolina

J.J. Anderson, Esq.
ANDERSON, REYNOLDS & STEPHENS LLC

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DEC 16 2019
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P.O. Box 87
Charleston, South Carolina 29401
Counsel for Defendant South Carolina Department of Transportation and Defendant South Carolina Department of Health and Environmental Control

Phillip Ferderigos, Esq.
BARNWELL WHALEY PATTERSON & HELMS, LLC
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Charleston, South Carolina 29402
pferderigos@barnwell-whaley.com
Counsel for Defendant City of North Charleston

Thomas B. Boger
P.O. Box 1200
Charleston, South Carolina 29402
Tommy.Boger@walltempleton.com
Counsel for Coosaw Creek Owners' Association, Inc.

Frank Smith
RICHARDSON PLOWDEN & ROBINSON, P.A.
235 Magrath Darby Boulevard, Suite 100
Mt. Pleasant, SC 29464
fsmith@richardsonplowden.com
Counsel for Third Party Defendant – Coleman-Snow

Amy Bower
HAYNSWORTH SINKLER BOYD
134 Meeting Street, 3rd Floor
Charleston, South Carolina 29402
abower@hsblawfirm.com
Counsel for Banks, United, and Banks/United JV

Eric Norton
NELSON MULLINS
1320 Main Street
Columbia, South Carolina 29201
erick.norton@nelsonmullins.com

Rose Beth Grossman Smith
LYLES & ASSOCIATES, LLC
342 East Bay Street
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kmn@lylesfirm.com
Counsel for HLA, Inc.

Wigger Law Firm, Inc.

ATTORNEYS AT LAW

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West Ashley
(843) 203-1500

W. TREY MERCK
JACOB C. MCKENZIE

*Board Certified Civil Trial Specialist
By National Board of Trial Advocacy

December 4, 2019

VIA REGULAR MAIL

Jenny Abbott Kitchings, Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, South Carolina 29211

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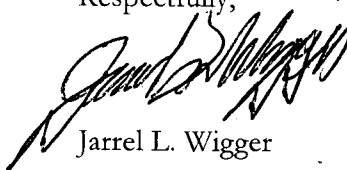
Re: Dana Stortz v. State
Appellate Case No.: 2019-001843

Dear Ms. Kitchings:

Please find enclosed our Motion to Amend the Notice of Appeal, Amended Notice of Appeal and Proof of Service, along with a check in the amount of **\$50.00** representing the filing fee regarding the above-referenced matter.

Please forward the filed documents to me in the self-addressed stamped envelope I have provided for your convenience. Should you have any questions or concerns, please do not hesitate to contact me.

Respectfully,



Jarrel L. Wigger

JLW/rbp.
Enclosures
cc:
Other Counsel of Record:
I. Keith McCarty

Co-Counsel for Appellants

Hugh Buyck, Esq.
P.O. Box 2424
Mt. Pleasant, South Carolina 29465
Counsel for Defendant County of Charleston and Defendant State of South Carolina

J.J. Anderson, Esq.
ANDERSON, REYNOLDS & STEPHENS LLC
P.O. Box 87
Charleston, South Carolina 29401
Counsel for Defendant South Carolina Department of Transportation and Defendant South Carolina Department of Health and Environmental Control

Phillip Ferderigos, Esq.
BARNWELL WHALEY PATTERSON & HELMS, LLC
P.O. Drawer H
Charleston, South Carolina 29402
pferderigos@barnwell-whaley.com
Counsel for Defendant City of North Charleston

Thomas B. Boger
P.O. Box 1200
Charleston, South Carolina 29402
Tommy.Boger@walltempleton.com
Counsel for Coosaw Creek Owners' Association, Inc.

Frank Smith
RICHARDSON PLOWDEN & ROBINSON, P.A.
235 Magrath Darby Boulevard, Suite 100
Mt. Pleasant, SC 29464
fsmith@richardsonplowden.com
Counsel for Third Party Defendant – Coleman-Snow

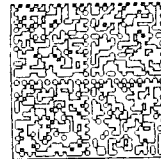
Amy Bower
HAYNSWORTH SINKLER BOYD
134 Meeting Street, 3rd Floor
Charleston, South Carolina 29402
abower@hsblawfirm.com
Counsel for Banks, United, and Banks/United JV

Eric Norton
NELSON MULLINS
1320 Main Street
Columbia, South Carolina 29201

erick.norton@nelsonmullins.com

Rose Beth Grossman Smith
LYLES & ASSOCIATES, LLC
342 East Bay Street
Charleston, SC 29401
kmn@lylesfirm.com
Counsel for HLA, Inc.

FIRST-CLASS



PITNEY BOWES

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Wigger Law Firm, Inc.

ATTORNEYS AT LAW
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North Charleston, SC 29406

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