

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
Appellate Case Number: 2019-001843

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SC Court of Appeals

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

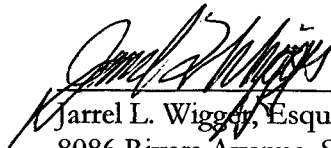
v.

THE STATE OF SOUTH CAROLINA, CITY OF NORTH CHARLESTON,
COUNTY OF CHARLESTON, DEPARTMENT OF HEALTH AND
ENVIRONMENTAL CONTROL, SOUTH CAROLINA DEPARTMENT OF
TRANSPORTATION, AND COOSAW CREEK OWNERS' ASSOCIATION,
INC..... Respondents.

AMENDED NOTICE OF APPEAL

Dana Stortz and John Stortz amend their notice of appeal in this matter and appeal the Order of the Honorable Edward W. Miller dated December 7, 2018 and Order dated October 7, 2019. Appellant received written notice of the entry of this Order on October 2, 2019.

December 4, 2019


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

Other Counsel of Record:

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Charleston, South Carolina 29407

Co-Counsel for Appellants

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P.O. Box 2424
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Counsel for Defendant County of Charleston and Defendant State of South Carolina

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ANDERSON, REYNOLDS & STEPHENS LLC
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Counsel for Defendant South Carolina Department of Transportation and Defendant South Carolina Department of Health and Environmental Control

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Counsel for Defendant City of North Charleston

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Tommy.Boger@walltempleton.com
Counsel for Coosaw Creek Owners' Association, Inc.

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fsmith@richardsonplowden.com
Counsel for Third Party Defendant – Coleman-Snow

Amy Bower
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Counsel for Banks, United, and Banks/United JV

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Rose Beth Grossman Smith
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kmn@lylesfirm.com
Counsel for HLA, Inc.

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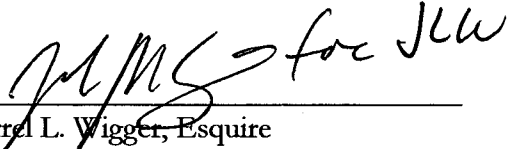
v.

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
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(843) 553-9800
Attorney for Appellants

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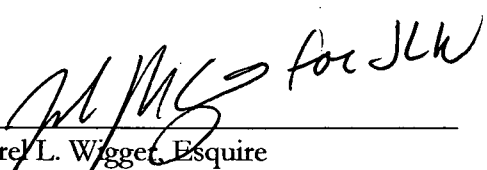
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CITY OF NORTH CHARLESTON, COUNTY OF CHARLESTON,
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SOUTH
CAROLINA DEPARTMENT OF TRANSPORTATION, BANKS
CONSTRUCTION COMPANY, UNITED CONTRACTORS, INC,
BANKS/UNITED JOINT VENTURE AND HLA, INC..... Respondents.

PROOF OF SERVICE

I certify that I have served a copy of the **Motion to Amend Notice of Appeal
And Amended Notice of Appeal** 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



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(843) 553-9800
Attorney for Appellants

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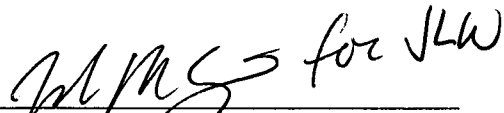
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DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SOUTH
CAROLINA DEPARTMENT OF TRANSPORTATION, BANKS
CONSTRUCTION COMPANY, UNITED CONTRACTORS, INC,
BANKS/UNITED JOINT VENTURE AND HLA, INC.....Respondents.

PROOF OF SERVICE

I certify that I have served 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


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(843) 553-9800
Attorney for Appellants

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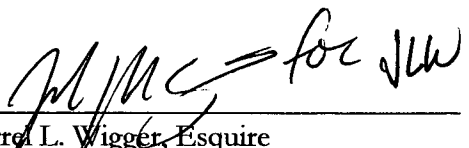
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CITY OF NORTH CHARLESTON, COUNTY OF CHARLESTON,
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SOUTH
CAROLINA DEPARTMENT OF TRANSPORTATION, BANKS
CONSTRUCTION COMPANY, UNITED CONTRACTORS, INC,
BANKS/UNITED JOINT VENTURE AND HLA, INC..... Respondents.

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


Jarrell L. Wigger, Esquire
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Attorney for Appellants

THE STATE OF SOUTH CAROLINA
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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 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
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Attorney for Appellants

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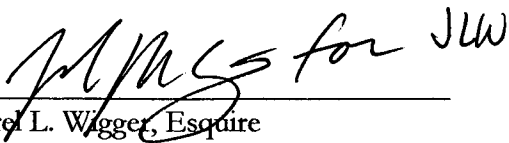
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CITY OF NORTH CHARLESTON, COUNTY OF CHARLESTON,
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CONSTRUCTION COMPANY, UNITED CONTRACTORS, INC,
BANKS/UNITED JOINT VENTURE AND HLA, INC..... Respondents.

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


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(843) 553-9800
Attorney for Appellants

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
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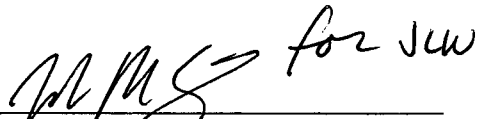
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CITY OF NORTH CHARLESTON, COUNTY OF CHARLESTON,
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CONSTRUCTION COMPANY, UNITED CONTRACTORS, INC,
BANKS/UNITED JOINT VENTURE AND HLA, INC..... Respondents.

PROOF OF SERVICE

I certify that I have served 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
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THE STATE OF SOUTH CAROLINA
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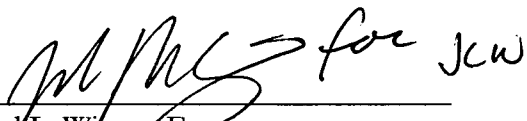
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PROOF OF SERVICE

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


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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

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ikeithmccarthy@gmail.com
Co-Counsel for Appellants

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

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Carolina Department of Health and Environmental Control

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Wigger Law Firm, Inc.

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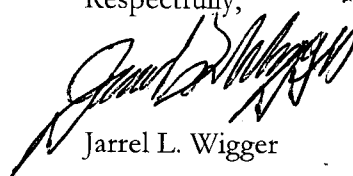
Re: Dana Stortz v. State
Appellate Case No.: 2019-001843

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
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Counsel for Defendant County of Charleston and Defendant State of South Carolina

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Counsel for Defendant South Carolina Department of Transportation and Defendant South Carolina Department of Health and Environmental Control

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Counsel for Third Party Defendant – Coleman-Snow

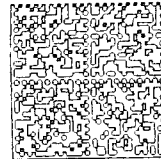
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kmn@lylesfirm.com
Counsel for HLA, Inc.

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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Jenny Abbott Kitchings, Clerk of Court
South Carolina Court of Appeals
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