

9/19/18

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas
Mikell R. Scarborough, Master in Equity

RECEIVED
JAN 15 2020
SC Court of Appeals

Appellate Case No. 2019-001101

Civil Action No. 2017-CP-10-06176

Samantha L. Antley Respondent,

v.

DART Shelter, LLC d/b/a The Shelter Kitchen and Bar,
and Preston Yelverton,

Of Whom DART Shelter, LLC d/b/a
The Shelter Kitchen and BarAppellant.

MOTION TO FILE AMENDED NOTICE OF APPEAL

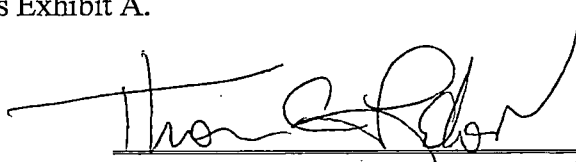
Pursuant to Rule 240, SCACR, and per the letter from the South Carolina Court of Appeals dated December, 31, 2019, Appellant DART Shelter, LLC d/b/a The Shelter Kitchen and Bar hereby moves that it be allowed to file an Amended Notice of Appeal in the above-captioned matter. The basis for this Motion is that Appellant filed a Notice of Appeal on October 18, 2019, with respect to a form Order entered by Judge Mikell Scarborough on September 18, 2019. Thereafter, Judge Scarborough issued the following two Orders which are related to the form Order filed on September 18, 2019:

1. Order Appointing Receiver filed October 25, 2019, which was received by Appellant's counsel on November 4, 2019; and
2. Order Relating to Various Motions filed and received by Appellant's counsel on November 27, 2019.

The Orders listed above are directly related to the form Order of Judge Scarborough that was appealed on October 18, 2019. Specifically, subsequent to the filing of that Notice of Appeal, Judge Scarborough entered a more comprehensive Order Appointing Receiver on October 25, 2019, written notice of which was received on November 4, 2019. Appellant's counsel then timely filed a Motion to Alter or Amend the Order Appointing Receiver. The Order Relating to Various Motions, which ruled on the issues raised in the Motion to Alter or Amend, was thereafter filed on November 27, 2019.

The proposed Amended Notice of Appeal, which was initially filed on December 3, 2019, is attached to this Motion as Exhibit A.

January 15, 2020



Thomas E. Lydon (SC Bar No. 10242)
Helen Hiser (SC Bar No. 76124)
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803-779-2300
Attorneys for Appellant

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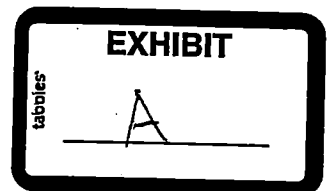
DART Shelter, LLC d/b/a The Shelter Kitchen and Bar,
and Preston Yelverton,

Of Whom DART Shelter, LLC d/b/a
The Shelter Kitchen and BarAppellant.

AMENDED NOTICE OF APPEAL

DART Shelter, LLC d/b/a The Shelter Kitchen and Bar appeals the Order
Appointing Receiver of the Honorable Mikell R. Scarborough filed October 25, 2019,
which was received by the undersigned on November 4, 2019, and the Order Relating to
Various Motions of the Honorable Mikell R. Scarborough filed and received by the
undersigned on November 27, 2019.

These Orders are directly related to the form Order of Judge Scarborough that was
appealed on October 18, 2019. Subsequent to the filing of that appeal, Judge Scarborough
entered the comprehensive Order Appointing Receiver on October 25, 2019, written
notice of which was received on November 4, 2019. The undersigned then timely filed a
Motion to Alter or Amend the Order Appointing Receiver. The Order Relating to Various
Motions, which ruled on the issues raised in the Motion to Alter or Amend, was thereafter
filed on November 27, 2019.



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Helen Hiser (SC Bar No. 76124)
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Attorneys for Appellant

Other Counsel of Record:

Mary Leigh Arnold, Esquire
749 Johnnie Dodds Blvd., Ste. B
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Attorney for Respondent

Daniel S. Slotchiver, Esquire
Andrew S. McCumber, Esquire
751 Johnnie Dodds Blvd., Suite 100
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Attorneys for Respondent

Edward L. Phipps, Esquire
155 King Street, Floor 2
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Attorney for Respondent

Mark A. Mason, Esquire
Salah Hibri, Esquire
Post Office Box 1271
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Attorneys for Appellant

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v.

DART Shelter, LLC d/b/a The Shelter Kitchen and Bar,
and Preston Yelverton,

Of Whom DART Shelter, LLC d/b/a
The Shelter Kitchen and BarAppellant.

PROOF OF SERVICE

I hereby certify that I have this 15th day of January, 2020, served the Motion to File Amended Notice of Appeal by mailing it, postage prepaid, in the United States mail, with sufficient postage affixed as follows:

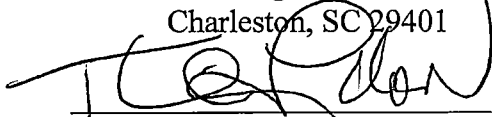
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January 15, 2020


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Attorneys for Appellant



Reply To

THOMAS E. LYDON
Direct Dial: (803) 227-2292
tlydon@mgclaw.com

January 15, 2020

Via Hand Delivery

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

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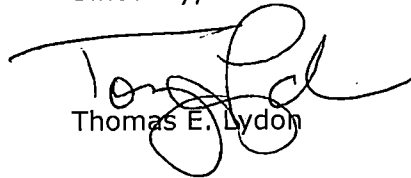
Re: *Samantha L. Antley v. DART Shelter, LLC, et al.*
Case No. 2017-CP-10-06176

Dear Ms. Kitchings:

Enclosed please find the original and six copies of a Motion to File Amended Notice of Appeal. Also enclosed is a check in the amount of \$50.00 for the filing fee for the motion.

By copy of this letter, and as indicated on the enclosed Proof of Service, a copy of the Motion to File Amended Notice of Appeal is being served on all counsel of record.

Sincerely,



Thomas E. Lydon

Encl.

cc: Mary Leigh Arnold, Esquire
Daniel S. Slotchiver, Esquire
Andrew J. McCumber, Esquire
Edward L. Phipps, Esquire
Mark A. Mason, Esquire
Salah Hibri, Esquire