

The South Carolina Court of Appeals

MB Hutson/MB Hudson, Appellant,

v.

Penn America Insurance Company, Global Indemnity
Group, Inc., Timothy J. Newton, Esq., J.R. Murphy, Esq.,
John Doe #1, John Doe #2, Respondents.

Appellate Case No. 2019-001488

ORDER

Respondents Penn America Insurance Company and Global Indemnity Group, Inc.'s (collectively "PAIC's") motion to dismiss this appeal is denied. Appellant's notice of appeal, which was served on PAIC, listed PAIC as Respondents, and referenced an order filed July 18, 2019, sufficiently put PAIC on notice that they are parties to this appeal. *Compare Mason v. Mason*, 412 S.C. 28, 60, 770 S.E.2d 405, 422 (Ct. App. 2015) (holding service of the notice of appeal was perfected as to a specific defendant where the appellant listed the defendant as a respondent within the time-frame for serving an appeal even though the appellant submitted the order relating to the defendant after the thirty day time frame, and stating the "[defendant] at least had notice he was a party to the appeal within the time required to [serve] an appeal from the special referee's decision"), *with Conner v. City of Forest Acres*, 348 S.C. 454, 461, 560 S.E.2d 606, 609 (2002) (dismissing two defendants from the appeal when the defendants *were not timely served with a notice of appeal naming them as respondents* and finding the two defendants "were misled into believing they were not part of this appeal by the almost five-month delay in amending the notice, and therefore, they clearly were prejudiced by the amendment" (emphasis added)).

Appellant's motion to withdraw his motion to dismiss this appeal is granted. Appellant shall serve and file his initial brief within thirty days of this order.

H B W
FOR THE COURT

Columbia, South Carolina

cc:

MB Hutson

Christian Stegmaier, Esquire

Timothy J. Newton, Esquire

John Robert Murphy, Esquire

FILED

January 30, 2020