

# The South Carolina Court of Appeals

Ex Parte: Zurich American Insurance Company and  
United States Fidelity and Guaranty, Appellants,

In Re: Roxanne Falls, Individually and as Personal  
Representative of the Estate of Charlotte Gaye Smith,  
Plaintiffs,

v.

CBS Corporation, et al, Defendants,

AND

Timothy W. Howe, Individually and as Personal  
Representative of the Estate of Wayne Ervin Howe,  
deceased, and Jeanette Howe, Plaintiffs,

v.

Air & Liquid Systems Corporation, et al, Defendants,

AND

Charles T. Hopper and Rebecca Hopper, Plaintiffs,

v.

Air & Liquid Systems Corporation, et al, Defendants,

AND

James Michael Hill, Plaintiff,

v.

Advance Auto Parts, Inc., et al, Defendants,

AND

Denver D. Taylor and Janice Taylor, Plaintiffs,

v.

Air & Liquid Systems Corporation, et al, Defendants,

AND

Norman Jerfferson Nolan, Individually and as Personal Representative of the Heirs and Estate of Linda Nolen, Plaintiff,

v.

Daniel International Corporation f/k/a Daniel Construction Company, Inc., et al, Defendants,

AND

Rhonda Elaine Greene, Individually and as Personal Representative of the Estate of Ella Fay Greene, Plaintiff,

v.

Armstrong International, Inc., et al, Defendants,

AND

Andrea Jean Thompson, Individually and as Executrix of the Estate of Tracy Dean Thompson, Plaintiff,

v.

Armstrong International, Inc., et al, Defendants,

Of Whom Peter D. Protopapas, in his capacity as

Receiver of Covil Corporation, is the Respondent.

Appellate Case No. 2020-000206

The Honorable Jean Hoefler Toal  
Richland, York County  
Trial Court Case No. 2019CP4000076, 2018CP4004680,  
2018CP4004940, 2015CP4602155, 2015CP4603456

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ORDER

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This Court received two notices of appeal, appellate case numbers 2020-000206 and 2020-000207, for the above lower court cases. These cases have been consolidated under the above appellate case number.

This appeal is dismissed without prejudice because a timely post-trial motion remains pending in the Richland County Court of Common Pleas. See *Hudson v. Hudson*, 290 S.C. 215, 349 S.E.2d 341 (1986) ("[I]n the event timely post-trial motions are filed . . . simultaneously with or subsequent to the filing of a Notice of Appeal, . . . the appeal shall be dismissed without prejudice."). The remittitur will be sent pursuant to Rule 221(b) of the South Carolina Appellate Court Rules

FOR THE COURT

BY *V. Claire Allen, Deputy*  
CLERK

Columbia, South Carolina

cc:

John S. Wilkerson, III, Esquire  
R. Hawthorne Barrett, Esquire  
William Taylor Stanley, Esquire  
Robert G. Rikard, Esquire

**FILED**

*February 13, 2020*

G. Murrell Smith, Jr., Esquire  
Jonathan M. Robinson, Esquire  
Jescelyn Tillman Spitz, Esquire  
Shanon N. Peake, Esquire  
Matthew Todd Carroll, Esquire  
William Pearce Davis, Esquire