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THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM ORANGEBURG COUNTY  
Court of Common Pleas

Edgar W. Dickson, Circuit Court Judge

Case No. 2018-CP-38-00521

**RECEIVED**  
FEB 28 2020  
SC Court of Appeals

Andre Kinley,.....Respondent,

v.

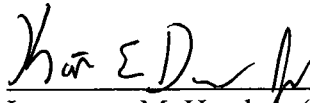
Husqvarna Consumer Outdoor Products N.A., Inc., Thaddeus Grant and  
John Doe,

Of Whom Husqvarna Consumer Outdoor Products N.A., Inc., and  
Thaddeus Grant are the..... Appellants.

**NOTICE OF APPEAL**

Husqvarna Consumer Outdoor Products N.A., Inc. and Thaddeus Grant (collectively, “Appellants”) appeal the Honorable Edgar W. Dickson’s order denying the motion to dismiss pursuant to Husqvarna’s affirmative defense that Plaintiff Andre Kinley’s claims are subject to the exclusive remedy provision of the Workers’ Compensation Act, S.C. CODE ANN. § 42-1-540, entered on December 16, 2019. The Court’s ruling on the Motion to Dismiss is a final ruling on the merits of the application of the exclusivity defense of the Workers’ Compensation Act, S.C. CODE ANN. § 42-1-540, making this matter subject to immediate appeal. *See Cooke v. Palmetto Health All.*, 367 S.C. 167, 174, 624 S.E.2d 439, 442 (Ct. App. 2005) (finding a circuit court order ruling on the merits of the affirmative defense of the exclusivity provision Workers’ Compensation Act is immediately appealable).

Additionally, Defendants appeal the Honorable Edgar W. Dickson's order denying the Defendants' Motion to Alter or Amend, dated January 31, 2020. Defendants received notice of the court's order denying the Motion to Alter or Amend on January 31, 2020.



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February 28, 2020  
Columbia, South Carolina

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*Attorneys for Plaintiff Andre Kinley*

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v.


Husqvarna Consumer Outdoor Products N.A., Inc., Thaddeus Grant and  
John Doe,

Of Whom Husqvarna Consumer Outdoor Products N.A., Inc., and  
Thaddeus Grant are the ..... Appellants.

**PROOF OF SERVICE**

The undersigned hereby certifies that on February 28, 2020, he caused a copy of the foregoing **NOTICE OF APPEAL**, with attachments, to be served upon all counsel of record via by mailing a copy of the same in the United States Mail, first-class postage prepaid, addressed as follows:

David C. Marshall  
Shane M. Burroughs  
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Orangeburg, SC 29116



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*Attorneys for Husqvarna Consumer Outdoor  
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February 18, 2020  
Columbia, South Carolina



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February 28, 2020

**Via Hand Delivery**

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

**RECEIVED**  
FEB 28 2020  
SC Court of Appeals

Re: **Andre Kinley vs. Husqvarna Consumer Outdoor Products N.A., Inc.,  
Thaddeus Grant, and John Doe**  
Case Number: 2018-CP-38-00521

Dear Mrs. Kitchings,

Enclosed for filing please find an original and one copy of Appellants Husqvarna Consumer Outdoor Products N.A., Inc. and Thaddeus Grant's Notice of Appeal in the above-referenced matter. Also enclosed please find, copies of the orders to be challenged on appeal, the Proof of Service, and this Firm's check in the amount of \$250.00 in satisfaction of the Court of Appeals' filing fee.

By copy of this letter, we are serving all counsel of record with a copy of the Notice of Appeal. A copy of the Notice of Appeal has been electronically filed with the Orangeburg County Clerk of Court. Should you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

Katon E. Dawson, Jr.

KED

cc: Via U.S. Mail, w/Enclosures:  
David C. Marshall, Esq.  
Shane Morris Burroughs, Esq.

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