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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Benjamin H. Culbertson, Circuit Court Judge

RECEIVED

MAR 04 2020

Case No. 2017-CP-26-03008

SC Court of Appeals

Douglas Kelsey,Plaintiff,

v.

House of Blues Myrtle Beach Restaurant
Corporation; HOB Entertainment, Inc.;
and Travis Scott Wagoner,Defendants,

AND

House of Blues Myrtle Beach Restaurant
Corporation,Third-Party Plaintiff/**Appellant**,

v.

Throttlefest, LLC; American Outlaw
Spirits Incorporated; Full Throttle LLC;
and Full Throttle Sloon Shine, LLC.....Third-Party Defendants,
of whom Throttlefest,
LLC is the **Respondent**.

NOTICE OF APPEAL

Third-Party Plaintiff House of Blues Myrtle Beach Restaurant Corporation appeals the following orders of the Honorable Benjamin H. Culbertson, Circuit Court Judge:

- Form 4 Order Granting Third-Party Defendant's Throttlefest, LLC's Motion to Dismiss House of Blues Third-Party Complaint (filed on January 8, 2020) (**Exhibit A**); and

- Order Granting Third-Party Defendant's Throttlefest, LLC's Motion to Dismiss House of Blues Third-Party Complaint (filed on February 4, 2020) (**Exhibit B**); and
- Order Granting Third-Party Defendant's Throttlefest, LLC's Motion to Dismiss House of Blues Third-Party Complaint (filed on February 5, 2020) (**Exhibit C**); and
- Form 4 Order Denying Third-Party Plaintiff's Motion to Alter or Amend Judgment (filed on March 4, 2020) (**Exhibit D**).

Counsel for Third-Party Plaintiff received written notice of the entry of the Form 4 Order Denying Third-Party Plaintiff's Motion to Alter or Amend Judgment on March 4, 2020, which was the triggering date for the instant appeal.

Respectfully submitted,
COLLINS & LACY, P.C.

By:



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ATTORNEYS FOR APPELLANTS

NOTICE OF APPEAL

Columbia, South Carolina
March 4, 2020

Other Counsel of Record:

James Rainsford, Esquire
Katherine T. Merritt, Esquire
Jason Paul Murphy, Esquire
Coleman, Gledhill, Hargrave, Merritt &
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Counsel for Plaintiff Douglas Kelsey

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***Counsel for Defendant
Travis Scott Wagoner***

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***Counsel for Third-Party Defendants
American Outlaw Spirits Incorporated; Full
Throttle, L.L.C.; and Full Throttle Sloon
Shine, LLC***

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Charleston, SC 29402-0197
***Counsel for Third-Party
Defendant/Respondent Throttlefest, LLC***

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Spirits Incorporated; Full Throttle LLC;
and Full Throttle Sloon Shine, LLC.....Third-Party Defendants,
of whom Throttlefest,
LLC is the **Respondent**.

PROOF OF SERVICE

Counsel for Appellant House of Blues Myrtle Beach Restaurant Corporation certifies they have served Appellant House of Blues Myrtle Beach Restaurant Corporation’s Notice of Appeal on all parties by depositing a copy of the same in the United States Mail, postage prepaid, on March 4, 2020, addressed to the following attorneys of record:

COUNSEL SERVED:

M. Dawes Cooke, Jr., Esquire
Jeffrey M. Bogdan, Esquire
Barnwell Whaley Patterson & Helms, LLC
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***Counsel for Third-Party
Defendant/Respondent Throttlefest, LLC***

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***Counsel for Third-Party Defendants
American Outlaw Spirits Incorporated; Full
Throttle, L.L.C.; and Full Throttle Sloon
Shine, LLC***

William E. Lawson, Esquire
Turner Padgett Graham & Laney, PA
P.O. Box 2116
Myrtle Beach, SC 29578
***Counsel for Defendant Travis Scott
Wagoner***

OTHERS SERVED:

The Honorable Renee Elvis
Horry County Clerk of Court
Post Office Box 677
Conway, SC 29528-0677

[SIGNATURE PAGE TO FOLLOW]

Respectfully submitted,
COLLINS & LACY, P.C.



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ATTORNEYS FOR APPELLANTS

**PROOF OF SERVICE FOR NOTICE OF
APPEAL**

Columbia, South Carolina
March 4, 2020



Christian Stegmaier | D: 803.255.0454 | E: cstegmaier@collinsandlacy.com

March 4, 2020

VIA HAND-DELIVERY

The Honorable Jenny A. Kitchings
South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

RECEIVED

MAR 04 2020

SC Court of Appeals

Re: *Douglas Kelsey v. House of Blues Myrtle Beach Restaurant Corporation, HOB Entertainment, Inc., and Travis Scott Wagoner; House of Blues Myrtle Beach Restaurant Corporation v. Throttlefest LLC, American Outlaw Spirits Incorporated, Full Throttle, L.L.C., and Full Throttle Sloon Shine, LLC*
Civil Action No. 2017-CP-26-03008
Claim No. 188372477-001-GL
C&L File No. 001133-00111

Dear Ms. Kitchings:

Please find enclosed for filing the original and seven (7) copies of the Notice of Appeal in the above-referenced matter. I am also enclosing copies of the Orders that are the basis for the appeal and a check in the amount of \$250.00 for the required filing fee. Please return a filed, stamped copy of the Notice of Appeal to my office via my courier.

By copy of this letter, a copy of same is being served upon counsel of record and the Honorable Renee Elvis, Horry County Clerk of Court.

Thank you for your time and attention. Should you have any questions, please do not hesitate to contact me.

Respectfully,

A handwritten signature in black ink, appearing to read 'C. Stegmaier', written over a horizontal line.

Christian Stegmaier

CS/net
Encl.

The Honorable Jenny A. Kitchings

March 4, 2020

Page 2

cc (via U.S. Mail and email):

M. Dawes Cooke, Jr., Esquire

Jeffrey M. Bogdan, Esquire

James Rainsford, Esquire

Katherine T. Merritt, Esquire

Jason Paul Murphy, Esquire

William E. Lawson, Esquire

Brian C. Duffy, Esquire

Kara Shea Grevey, Esquire

cc (via U.S. Mail and electronic filing):

The Honorable Renee Elvis

Horry County Clerk of Court

Post Office Box 677

Conway, SC 29528-0677