

**FORM 1
NOTICE OF APPEAL**

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

J. Derham Cole, Judge

Case No. 2019-CP-42-02092

RECEIVED

Aug 11 2020

SC Court of Appeals

Luther Harris, Donna Harris,
Bobby Leopard and Jerry White,

Appellants,

v.

Perry W. Barbour and Southland Transportation, Co.,

Respondents.

NOTICE OF APPEAL

The undersigned counsel respectfully appeals Judge J. Derham Cole's challenged Form 4/Orders, dated March 10, 2020 and July 14, 2020, respectively.

Submitted by:

s/Donald L. Smith
Donald L. Smith (Bar No.:6699)
122 N. Main Street
Anderson SC 29621
Telephone: (864) 642-9284
Facsimile: (864) 642-9285
attorneydonaldsmith@gmail.com
Attorney for Appellants

Anderson, South Carolina
July 31, 2020

Other Counsel of Record

Mr. David L. Moore, Jr., Esquire
Turner Padgett Graham & Laney, PA
Post Office Box 1509
Greenville, SC 29602

**FORM 7
PROOF OF SERVICE**

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

J. Derham Cole, Judge

Case No. 2019-CP-42-02092

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SC Court of Appeals

Luther Harris, Donna Harris,
Bobby Leopard and Jerry White,

Appellants,

v.

Perry W. Barbour and Southland Transportation, Co.,

Respondents.

PROOF OF SERVICE

Pursuant to Supreme Court of South Carolina's Amended Order 2020-05-29-02, I certify that I have served a copy of Appellant's Notice of Appeal, Challenged Orders, Transcript Request for Court Reporter, and Proof of Service, upon The Honorable Jenny Abbott Kitchings, Clerk of South Carolina Court of Appeals, The Honorable Amy W. Cox, Spartanburg County Clerk of Court; the Respondents, by and through their counsel of record, Mr. Alan G. Jones, Esquire; the Office of Court Administration; and, Court Reporter, Ms. Linda Moffitt, via the Attorney Information System in the addresses as follows:

Ms. Jenny Abbott-Kitchings	ctappfilings@sccourts.org
Ms. Amy Cox	acox@spartanburgcounty.org
Mr. David L. Moore, Esquire	DMoore@turnerpadget.com
South Carolina Office of Court Administration	transcripts@sccourts.org
Ms. Linda Moffitt	lmoffitt@sccourts.org

The above-mentioned documents have been served on July 31, 2020.

Anderson, South Carolina
July 31, 2020

s/Donald L. Smith
Donald L. Smith, (Bar No.: 6699)
122 N. Main Street
Anderson SC 29621
Telephone: (864) 642-9284
Facsimile: (864) 642-9285
attorneydonaldsmith@gmail.com
Attorney for Appellants

**FORM 9
LETTER TO CLERK OF LOWER COURT
FILING NOTICE OF APPEAL**

July 31, 2020

The Honorable Amy W. Cox
Spartanburg County Clerk of Court
PO Box 3483
Spartanburg, SC 29304

RECEIVED
Aug 11 2020
SC Court of Appeals

**RE: Luther Harris, Donna Harris, Bobby Leopard and Jerry White
vs. Perry W. Barbour and Southland Transportation Co.
Case No. 2019-CP-42-02092**

Dear Ms. Cox:

Please find enclosed a copy of the Notice of Appeal which I am filing in the above-referenced matter, as well as the Proof of Service for the same.

Sincerely,

s/Donald L. Smith
Donald L. Smith (Bar No: 6699)
122 N. Main Street
Anderson SC 29621
Telephone: (864) 642-9284
Facsimile: (864) 642-9285
attorneydonaldsmith@gmail.com
Attorney for Appellants

cc: Hon. Jenny Abbott Kitchings, Clerk of Court South Carolina Court of Appeals
Mr. David L. Moore, Jr., Esquire
South Carolina Office of Court of Administration
Ms. Linda Moffitt, Court Reporter

**FORM 8
LETTER TO THE COURT OF APPEALS CLERK OF COURT
FILING NOTICE OF APPEAL**

July 31, 2020

The Honorable Jenny Abbott Kitchings
Clerk of Court South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RECEIVED

Aug 11 2020

SC Court of Appeals

**RE: Luther Harris, Donna Harris, Bobby Leopard and Jerry White
vs. Perry W. Barbour and Southland Transportation Co.
Case No. 2019-CP-42-02092**

Dear Ms. Kitchings:

Please find enclosed the following documents for filing:

1. Notice of Appeal;
2. Copies of Judge J. Derham Cole challenged Form 4/Orders:
 - a. Form 4/Order, dated March 10, 2020, granting Defendants' Motion to Dismiss;
 - b. Form 4/Order, dated July 14, 2020, denying Plaintiff's Motion for Reconsideration. and,
3. Proof of Service of the same.

A check amounting to Two Hundred Fifty Dollars (\$250.00) as filing fee will be sent via US Postal Service on July 31, 2020.

Sincerely,

s/Donald L. Smith
Donald L. Smith (Bar No.: 6699)
122 N. Main Street
Anderson SC 29621
Telephone: (864) 642-9284
Facsimile: (864) 642-9285
attorneydonaldsmith@gmail.com
Attorney for Appellants

cc: Hon. Amy W. Cox, Spartanburg County Clerk of Court
Mr. David L. Moore, Jr., Esquire
Office of Court Administration
Ms. Linda Moffitt, Court Reporter