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SC Court of Appeals

**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

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 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

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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, Esquire
Office of Court Administration
Ms. Linda Moffitt, Court Reporter

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FORM 9
LETTER TO CLERK OF LOWER COURT **SC Court of Appeals**
FILING NOTICE OF APPEAL

July 31, 2020

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

**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

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ATTORNEY OFFICE OF DONALD SMITH

122 N. Main St.
Anderson SC 29621
attorneydonaldsmith@gmail.com

SC Court of Appeals

Donald L. Smith, Esquire

Telephone: (864) 642-9284
Facsimile: (864) 642-9285

July 31, 2020
(via Electronic Mail)

Honorable Tonnya K. Kohn
State Court Administrator
South Carolina Office of Court Administration
Calhoun Building
1220 Senate Street, Suite 200
Columbia, SC 29201-3739

**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. Kohn:

Please find enclosed a copy of Appellant's Notice of Appeal, Form 11, and Proof of Service for the same, which I have filed in the above-mentioned case.

If you should have any questions, please do not hesitate to contact my office.

With highest regards, I remain
Very truly yours,

s/Donald L. Smith

Donald L. Smith

DLS/aaf

Enclosures

cc: Hon. Jenny Abbott Kitchings, South Carolina Court of Appeals Clerk of Court
Hon. Amy W. Cox, Spartanburg County Clerk of Court
Mr. David L. Moore, Jr., Esquire
Ms. Linda Moffitt, Court Reporter

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SC Court of Appeals

**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

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

Appellants,

v.

Perry W. Barbour and Southland Transportation, Co.,

Respondents.

PROOF OF SERVICE

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, at PO Box 11629, Columbia SC 29211, The Honorable Amy W. Cox, Spartanburg County Clerk of Court at PO Box 3483, Spartanburg, SC 29304; the Respondents, by and through their counsel of record, Mr. David L. Moore, Esquire, at PO Box 1509, Greenville SC 29602 ; the Office of Court Administration at Calhoun Building, 1220 Senate Street, Suite 200, Columbia SC 29201-3739; and, Court Reporter, Ms. Linda Moffitt, at 800 Belcher Road, Spartanburg, SC 29316, by depositing a copy of same in the United States Mail, postage prepaid, on August 6, 2020.

Pursuant to Supreme Court of South Carolina's Amended Order 2020-05-29-02, I served a copy of the above-mentioned documents by email through the following addresses:

Ms. Jenny Abbott-Kitchings
Ms. Amy Cox
Mr. David L. Moore, Esquire
South Carolina Office of Court Administration
Ms. Linda Moffitt

ctappfilings@sccourts.org
acox@spartanburgcounty.org
DMoore@turnerpadget.com
transcripts@sccourts.org
lmoffitt@sccourts.org

Appellant attempted to serve this Notice of Appeal via the AIS system on August 3, 2020, but counsel for Appellant was informed that the filing did not go through.

Anderson, South Carolina
August 6, 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



Attorney Office of Donald Smith
122 N. Main Street,
Anderson, SC 29621

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SC Court of Appeals

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

