

**FORM 1
NOTICE OF APPEAL**

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM ANDERSON COUNTY
Court of Common Pleas

J. Cordell Maddox, Jr, Judge

Case No. 2017-CP-04-02099

RECEIVED
Aug 11 2020
SC Court of Appeals

John Harbin,

Appellant,

v.

April Blair, Tracy Dunn, HUB Enterprises, Inc.
Shawn Conway, Gallivan White & Boyd,
Sam Nikopoulos, and John Doe,

Respondents.

SECOND NOTICE OF APPEAL

The undersigned counsel respectfully appeals Judge J. Cordell Maddox, Jr.'s challenged Orders, dated April 7, 2020 and July 20, 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 Appellant

Anderson, South Carolina
August 5, 2020.

Other Counsel of Record

Mr. Samuel W. Otten, Esquire
2 W. Washington St. Suite 400,
Nelson Mullins
Post Office Box 10084 (29603-0084),
Greenville, South Carolina 29601

*Attorney for Respondents
Gallivan White & Boyd and
Sam Nikopoulos*

Mr. James Walsh, Esquire
Clarkson Walsh & Coulter, P.A.
P.O Box 6728
Greenville, SC 29606

Attorney for Respondent April Blair

Mr. Steven J. Pugh, Esquire
Mr. R. Wilder Harte, Esquire
Richardson Plowden & Robinson, P.A.
Post Office Drawer 7788 (29202)
1900 Barnwell St.
Columbia, SC 29201

*Attorney for Respondents HUB Enterprises,
Inc & Shawn Conway*

Mr. Tracy Dunn
Inmate No. 00279454
Office of General Counsel
South Carolina Department of Corrections
Post Office Box 21787,
Columbia, SC 29221-1787
Respondent

**FORM 7
PROOF OF SERVICE**

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM ANDERSON COUNTY
Court of Common Pleas

J. Cordell Maddox, Jr, Judge

Case No. 2017-CP-04-02099

RECEIVED

Aug 11 2020

SC Court of Appeals

John Harbin,

Appellant,

v.

April Blair, Tracy Dunn, HUB Enterprises, Inc.,
Shawn Conway, Gallivan White & Boyd,
Sam Nikopoulos, and John Doe,

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 Second Notice of Appeal, Challenged Orders, and Proof of Service, upon The Honorable Jenny Abbott Kitchings, Clerk of South Carolina Court of Appeals, The Honorable Richard Shirley, Anderson County Clerk of Court and the Respondents, by and through their respective counsel of record, via the Attorney Information System in the addresses as follows:

Ms. Jenny Abbott-Kitchings
Mr. Richard Shirley

ctappfilings@sccourts.org
rshirley@andersoncountysc.org

Attorneys for Defendants Gallivan White & Boyd, PA and Sam Nikopoulos:

Mr. Alfred Johnston Cox, Esquire
Ms. Jessica W. Laffitte, Esquire
Mr. Samuel W. Outten, Esquire
Ms. Katie Elizabeth Towery, Esquire

jcox@gwblawfirm.com
jlaffitte@gwblawfirm.com
sam.outten@nelsonmullins.com
katie.towery@nelsonmullins.com

Attorneys for Defendants Shawn Conway and HUB Enterprise, Inc.

Mr. Robert Wilder Hart
Mr. Steven James Pugh

wharte@richardsonplowden.com
spugh@richardsonplowden.com

Attorney for Defendant April Blair

Mr. James P. Walsh

jwalsh@clarksonwalsh.com

For Defendant Tracy Dunn
Office of General Counsel

legalmailservice@doc.sc.gov

A copy of this Notice and Motion are served upon Defendant Tracy Dunn, by and through the Office of General Counsel, at his last known address at the South Carolina Department of Corrections, Post Office Box 21787, Columbia, SC 29221-1787, by depositing a copy of it in the United States Mail, postage prepaid, on August 5, 2020.

The above-mentioned documents have been served on August 5, 2020.

Anderson, South Carolina
August 5, 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 Appellant

FORM 9
LETTER TO CLERK OF LOWER COURT

August 5, 2020

The Honorable Richard A. Shirley
Clerk of Court for Anderson County
Post Office Box 8002
Anderson, South Carolina 29622

RECEIVED

Aug 11 2020

SC Court of Appeals

**RE: John Harbin v. April Blair, Tracy Dunn, HUB Enterprises, Inc., Shawn
Conway, Gallivan White & Boyd, Sam Nikopolous, and John Doe
C.A. No. 2017-CP-04-02099**

Dear Mr. Shirley:

Please find enclosed a copy of Appellant's Second Notice of Appeal, which I have filed in the above-captioned case. Attached are copies of Judge J. Cordell Maddox, Jr.'s challenged Orders:

- a. Order, dated April 7, 2020, granting April Blair's Motion to Dismiss.
- b. Order, dated July 20, 2020, denying Plaintiff's Motion for Reconsideration.

Enclosed as well is Proof of Service of the same.

If you have any questions or concerns regarding the enclosed materials, please do not hesitate to contact my office to discuss.

Sincerely,

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Facsimile: (864) 642-9285
attorneydonaldsmith@gmail.com
Attorney for Appellant

Cc: Hon. Jenny Abbott Kitchings, Clerk of South Carolina Court of Appeals
Mr. Samuel W. Otten, Esquire
Mr. Steven J. Pugh, Esquire
Mr. R. Wilder Harte, Esquire
Mr. James Walsh, Esquire
Mr. Tracy Dunn
Office of Court Administration

92359

**FORM 1
NOTICE OF APPEAL**

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM ANDERSON COUNTY
Court of Common Pleas

J. Cordell Maddox, Jr, Judge

Case No. 2017-CP-04-02099

RECEIVED
MAR 06 2020
SC Court of Appeals

John Harbin,

Appellant,

v.

April Blair, Tracy Dunn, HUB Enterprises, Inc.
Shawn Conway, Gallivan White & Boyd,
Sam Nikopoulos, and John Doe,

Respondents.


NOTICE OF APPEAL

The undersigned counsel respectfully appeals Judge J. Cordell Maddox, Jr.'s challenged
Orders, including the following:

- (1) Order, dated February 5, 2019, granting Gallivan White & Boyd's (hereinafter referred as GWB) Motion to Dismiss;
- (2) Order, dated February 5, 2019, granting HUB and Shawn Conway's Motion to Dismiss;
- (3) Order, dated October 2, 2019, denying Plaintiff's Motion for Reconsideration (vs. GWB);
- (4) Order, dated October 2, 2019, denying Plaintiff's Motion for Reconsideration (vs. HUB and Shawn Conway);
- (5) Order, dated October 9, 2019, granting GWB's Motion for Sanctions; and,
- (6) Order, dated February 3, 2020, denying Motion for Reconsideration on the grant of GWB's Motion for Sanctions.

The undersigned counsel respectfully reserves the right to pursue the case against Defendants April Blair and Tracy Dunn, to whom no judgment and/or order has been issued in the lower court. For purposes of consistency and to avoid confusion, Appellant is appealing the challenged Orders under its original caption: John Harbin v. April Blair, Tracy Dunn, HUB Enterprises, Inc., Shawn Conway, Gallivan White & Boyd, Sam Nikopoulos, and John Doe, C.A. No. 2017-CP-04-02099.

Submitted by:



Donald L. Smith (Bar No.:6699)
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Telephone: (864) 642-9284
Facsimile: (864) 642-9285
attorneydonaldsmith@gmail.com
Attorney for Appellant

Anderson, South Carolina
March 3, 2020.

Other Counsel of Record

Mr. Samuel W. Otten, Esquire
2 W. Washington St. Suite 400,
Nelson Mullins
Post Office Box 10084 (29603-0084),
Greenville, South Carolina 29601

*Attorney for Respondents
Gallivan White & Boyd and
Sam Nikopoulos*

Mr. James Walsh, Esquire
Clarkson Walsh & Coulter, P.A.
P.O Box 6728
Greenville, SC 29606

Attorney for Respondent April Blair

Mr. Steven J. Pugh, Esquire
Mr. R. Wilder Harte, Esquire
Richardson Plowden & Robinson, P.A.
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1900 Barnwell St.
Columbia, SC 29201

*Attorney for Respondents HUB Enterprises,
Inc & Shawn Conway*

Mr. Tracy Dunn
Inmate No. 00279454
Office of General Counsel
South Carolina Department of Corrections
Post Office Box 21787,
Columbia, SC 29221-1787
Respondent

Office of Court Administration
1220 Senate Street, Suite 200,
Columbia, SC 29201

**FORM 7
PROOF OF SERVICE**

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM ANDERSON COUNTY
Court of Common Pleas

J. Cordell Maddox, Jr, Judge

Case No. 2017-CP-04-02099

RECEIVED
MAR 06 2020
SC Court of Appeals

John Harbin,

Appellant,

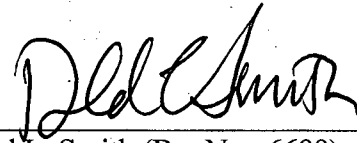
v.

April Blair, Tracy Dunn, HUB Enterprises, Inc.
Shawn Conway, Gallivan White & Boyd,
Sam Nikopoulos, and John Doe,

Respondents,

PROOF OF SERVICE

I certify that I have served a copy of the Notice of Appeal, Challenged Orders, Transcript Requests for Court Reporters, and Proof of Service of same, upon The Honorable Jenny Abbott Kitchings, Clerk of South Carolina Court of Appeals, located at Post Office Box 11629, Columbia, SC 29211; The Honorable Richard A. Shirley, Clerk of Court for Anderson County, located at Post Office Box 8002, Anderson, South Carolina 29622; the Respondents Gallivan White & Boyd and Sam Nikopoulos, by and through their counsel of record, Mr. Samuel W. Otten, Esquire, at 2 W. Washington St. Suite 400, Post Office Box 10084 (29603-0084), Greenville, South Carolina 29601; Respondents Shawn Conway and HUB Enterprises, by and through their counsel of record, Mr. Steven J. Pugh, Esquire and R. Wilder Harte, Esquire at Richardson Plowden and Robinson, P.A. located at Post Office Drawer 7788 (29202), 1900 Barnwell St., Columbia, SC 29201; Respondent April Blair, by and through her counsel of record, Mr. James P. Walsh, at P.O. Box 6728, Greenville, SC 29606; Respondent Tracy Dunn, at Office of General Counsel, South Carolina Department of Corrections, Post Office Box 21787, Columbia, SC 29221-1787; and, the Office of Court Administration, at 1220 Senate Street, Suite 200, Columbia, SC 29201, by depositing copies of it in the United States Mail, postage prepaid, on March 3, 2020.



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 Appellant

Anderson, South Carolina
March 3, 2020.

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

March 3, 2020

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

RE: John Harbin v. April Blair, et al.
C.A. No. 2017-CP-04-02099

RECEIVED
MAR 06 2020
SC Court of Appeals


Dear Honorable Kitchings:

Please find enclosed the following documents for filing:

1. Notice of Appeal;
2. A check amounting to Two Hundred and Fifty Dollars (\$250.00) as filing fee;
3. Copies of Judge J. Cordell Maddox challenged Orders in the case of John Harbin v. April Blair, et al., C.A. No. 2017-CP-04-02099:
 - a. Order, dated February 5, 2019, granting Gallivan White & Boyd's (hereinafter referred as GWB) Motion to Dismiss;
 - b. Order, dated February 5, 2019, granting HUB and Shawn Conway's Motion to Dismiss;
 - c. Order, dated October 2, 2019, denying Plaintiff's Motion for Reconsideration (vs. GWB);
 - d. Order, dated October 2, 2019, denying Plaintiff's Motion for Reconsideration (vs. HUB and Shawn Conway);
 - e. Order, dated October 9, 2019, granting GWB's Motion for Sanctions; and,
 - f. Order, dated February 3, 2020, denying Motion for Reconsideration on the grant for Motion for Sanctions.

and copies of Transcript Request Forms submitted to Court Reporters Vivian Cross and Dianne Marcengill, and the Office of Court Administration. Enclosed as well is Proof of Service of the same.

Sincerely,



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 Appellant

CC: Honorable Richard A. Shirley, Clerk of Court Anderson County Common Pleas Court

Mr. Samuel W. Otten, Esquire

Mr. Steven J. Pugh, Esquire

Mr. R. Wilder Harte, Esquire

Mr. James Walsh, Esquire

Mr. Tracy Dunn

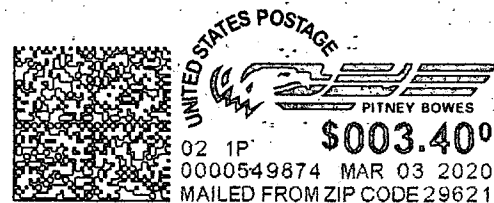
Office of Court Administration

RECEIVED

MAR 06 2020

SC Court of Appeals

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



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

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

August 5, 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: John Harbin v. April Blair, Tracy Dunn, HUB Enterprises, Inc., Shawn Conway, Gallivan White & Boyd, Sam Nikopolous, and John Doe
C.A. No. 2017-CP-04-02099**

Dear Ms. Kitchings:

On March 3, 2020, Appellant filed a Notice of Appeal, challenging Judge Maddox's Orders, dated February 5, 2019, October 2, 2019, October 9, 2019 and February 3, 2020 in the above-captioned case. On the aforesaid Notice of Appeal, Appellant reserved his right to pursue the case against Defendants April Blair and Tracy Dunn, to whom no judgment and/or order has been issued in the lower court. The appeal was perfected and docketed as *John Harbin v. April Blair, et. al., Appellate Case No. 2020-000421*. (A copy of which is attached with this Letter).

On April 7, 2020, Judge Maddox issued an Order granting April Blair's Motion to Dismiss, the reconsideration of which was denied in an Order, dated July 20, 2020. Appellant hereby files this Second Notice of Appeal to bring these challenged Orders to this Honorable Court's jurisdiction.

In this regard, please find enclosed the following documents for filing:

1. Second Notice of Appeal,
2. Copies of Judge J. Cordell Maddox challenged Orders:
 - a. Order, dated April 7, 2020, granting April Blair's Motion to Dismiss,
 - b. Order, dated July 20, 2020, denying Plaintiff's Motion for Reconsideration; and,
3. Proof of Service of the same.

Appellant believes that the transcript for this proceeding has been included in the Transcript Request for the pending appealed case entitled, *John v. Harbin v. April Blair, Tracy Dunn, HUB Enterprises, Inc., Shawn Conway, Gallivan White & Boyd, Sam Nikopolous, and John Doe, Appellate Case No. 2020-00042*, and therefore, there will not be any need to request the same for this Appeal.

Sincerely,

s/Donald L. Smith
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Facsimile: (864) 642-9285
attorneydonaldsmith@gmail.com
Attorney for Appellant

CC: Hon. Richard A. Shirley, Clerk of Court Anderson County
Mr. Samuel W. Otten, Esquire
Mr. Steven J. Pugh, Esquire
Mr. R. Wilder Harte, Esquire
Mr. James Walsh, Esquire
Mr. Tracy Dunn