

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Jennifer B. McCoy, Circuit Court Judge

Case No. 2017-CP-10-00838

RECEIVED
Sep 08 2020
SC Court of Appeals

Jacque Lucas, Shirley Ann Lucas and
Daniel Simerly,

Appellants,

v.

KapStone Paper and Packaging Corporation,
KapStone Kraft Paper Corporation, Safway
Group Holdings, LLC, Sypris Technologies,
Inc. f/k/a Tube-Turns Technologies, Inc.,
Thompson Construction Group, Inc. and
Thompson Industrial Services, LLC,

Defendants,

Of Whom

KapStone Paper and Packaging Corporation
and KapStone Kraft Paper Corporation, are

Respondents.

AMENDED NOTICE OF APPEAL

Jacque Lucas, Shirley Ann Lucas and Daniel Simerly appeal the Order Granting Defendants KapStone Paper and Packing Corporation and KapStone Kraft Paper Corporation's Rule 12(b)(1) Motion to Dismiss dated February 26, 2020, and the Order (Form 4) Denying Plaintiffs' Motion to Reconsider dated August 6, 2020, and entered and electronically served by the Clerk of Court for Charleston County on August 7, 2020 (the "59(e) Order"). Undersigned counsel received electronic notice of the entry of the 59(e) Order on August 7, 2020. Plaintiffs also note the Order Granting Defendants KapStone Paper and Packing Corporation and KapStone Kraft Paper Corporation's

Motion for Rule 54(b) Certification of Final Judgment filed on August 26, 2020, which relates to the above Orders being appealed.

CALLISON TIGHE & ROBINSON, LLC

s/ D. Reece Williams, III

D. Reece Williams, III (SC Bar No. 6120)

Richard C. Detwiler (SC Bar No. 6473)

Ian T. Duggan (SC Bar No. 80074)

1812 Lincoln Street, Suite 200 (29201)

P.O. Box 1390

Columbia, SC 29202-1390

Tel: (803) 404-6900

Fax: (803) 404-6902

Email: ReeceWilliams@CallisonTighe.com

RickDetwiler@CallisonTighe.com

IanDuggan@CallisonTighe.com

Attorneys for the Appellants

September 8, 2020
Columbia, South Carolina

Other Counsel of Record:

Richard H. Willis, Esquire

Derek D. Tarver, Esquire

Bowman and Brooke, LLP

1441 Main Street, Suite 1200

Columbia, SC 29201

Richard.Willis@bowmanandbrooke.com

Derek.Tarver@bowmanandbrooke.com

-and-

James Wallace Ducayet, Esquire (*pro hac vice*)

Sidley Austin, LLP

1 S. Dearborn Street

Chicago, IL 60603-2302

jducayet@sidley.com

*ATTORNEYS FOR KAPSTONE PAPER AND PACKING CORPORATION AND
KAPSTONE KRAFT PAPER CORPORATION*

THE STATE OF SOUTH CAROLINA
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Thompson Construction Group, Inc. and
Thompson Industrial Services, LLC,

Defendants,

Of Whom

KapStone Paper and Packaging Corporation
and KapStone Kraft Paper Corporation, are

Respondents.

PROOF OF SERVICE

I hereby certify that, on this date, the **AMENDED NOTICE OF APPEAL** was served on Respondents' counsel via email, pursuant to Supreme Court Order dated March 20, 2020, as amended on May 29, 2020, and by first class U.S. mail as follows:

ATTORNEY FOR KAPSTONE PAPER AND PACKING CORPORATION AND KAPSTONE KRAFT PAPER CORPORATION

Richard H. Willis, Esquire
Derek D. Tarver, Esquire
Bowman and Brooke, LLP
1441 Main Street, Suite 1200
Columbia, SC 29201
richard.willis@bowmanandbrooke.com
derek.tarver@bowmanandbrooke.com

-and-

James Wallace Ducayet, Esquire (*pro hac vice*)
Sidley Austin, LLP
1 S. Dearborn Street
Chicago, IL 60603-2302
jducayet@sidley.com

ATTORNEYS FOR SAFEWAY GROUP HOLDINGS, LLC

Duke R. Highfield, Esquire
Jeffrey J. Wiseman, Esquire
Brandt R. Horton, Esquire
Victoria L. Anderson, Esquire
YCRLAW, LLC
25 Calhoun Street, Suite 400
Charleston, SC 29401
dhighfield@ycrlaw.com
jwiseman@ycrlaw.com
bhorton@ycrlaw.com
tanderson@ycrlaw.com

ATTORNEYS FOR SYPRIS TECHNOLOGIES, INC., F/K/A TUBE-TURNS TECHNOLOGIES

Kent T. Stair, Esquire
J. Patrick Norris, Esquire
Alexandra M. Lemons, Esquire
Melissa Mary Yates, Esquire
Carlock, Copeland and Stair, LLP
40 Calhoun Street
Suite 400
Charleston, SC 29401
kstair@carlockcopeland.com
pnorris@carlockcopeland.com
myates@cskl.law
alemons@cskl.law

**ATTORNEYS FOR THOMPSON CONSTRUCTION GROUP, INC.
AND THOMPSON INDUSTRIAL SERVICES, LLC**

Sonaly K. Hendricks, Esquire
Carl E. Pierce, II, Esquire
Carson Parker, Esquire
Pierce, Hems, Sloan & Wilson, LLC
The Blake House
321 East Bay Street
P.O. Box 22437
Charleston, SC 29413
sonalyhendricks@phswlaw.com
carlpierce@piercesloan.com
carsonparker@piercesloan.com

**ATTORNEYS FOR PETITIONERS SENTRY CASUALTY
COMPANY**

John H. Tiller, Esquire
Amy F. Bower, Esquire
Haynsworth Sinkler Boyd, P.A.
P.O. Box 340
Charleston, SC 29402
jtiller@hsblawfirm.com
abower@hsblawfirm.com

Robert M. Caplan, Esquire
Brian Gelnett, Esquire
White and Williams, LLP
1650 Market Street
One Liberty Place, Suite 1800
Philadelphia, PA 19103
caplanr@whiteandwilliams.com
gelnettb@whiteandwilliams.com

A copy of the service email is attached hereto, as required.

I further certify that all parties required by Rule to be served have been served.

s/ D. Reece Williams, III

D. Reece Williams, III

September 8, 2020
Columbia, South Carolina

Katie Minton

From: Katie Minton
Sent: Tuesday, September 8, 2020 2:59 PM
To: 'Richard Willis'; 'Derek Tarver'; 'Ducayet, Jim'
Cc: 'Kurt Arnold'; 'Kyle Findley'; 'Adam Lewis'; 'Kala Sellers'; 'Kason Kimberley'; 'Kristina McDonald'; 'Jill Erickson'; 'KBA Team'; 'Sara Rothell'; 'Kim Rothrock'; 'Duke R. Highfield, Esq.'; 'Wiseman, Jeffrey'; 'Brandt R. Horton, Esq.'; 'Anderson, Victoria (Tori)'; 'Brennan, Sally'; 'Cattles, Martina (Marti)'; 'kstair@carlockcopeland.com'; 'Norris, Patrick J.'; 'Yates, Melissa M.'; 'Lemons, Alexandra M.'; 'mpeeler@carlockcopeland.com'; 'Shaw, Katie D.'; 'Canaday, Jenifer L.'; 'Sonaly Hendricks'; 'Carl Pierce'; 'Carson Parker'; 'daniellynch@piercesloan.com'; 'sherrymanning@phswlaw.com'; 'lindsaygrady@phswlaw.com'; 'jtiller@hsblawfirm.com'; 'Amy Bower, Esq.'; 'Caplan, Robert'; 'gelnett@whiteandwilliams.com'; Reece Williams; Rick Detwiler; Ian T. Duggan
Subject: RE: AMENDED Notice of Appeal | Jacque Lucas, Shirley Ann Lucas and Daniel Simerly vs. KapStone Paper and Packaging Corporation, et al. | Case No: 2017-CP-10-00838
Attachments: Clerk.Court of Appeals.002 (Amended NOA).pdf; AMENDED Notice of Appeal. 9-8-2020.pdf; 2020-02-26 Order Granting KapStone's MTD.pdf; 2020-08-07 Form 4 Order - Denying PLs' Motion to Reconsider.pdf; 2020-08-26 Order Granting KapStone's Motion for Rule 54(b) Certification of Final Judgment.pdf; Proof of Delivery - Notice of Appeal.Amended 9-8-2020.pdf

Dear Counsel:

Attached please find Plaintiffs' Amended Notice of Appeal and Proof of Service with our correspondence to the appellate clerk regarding the above-referenced matter. The attached documents are being submitted today to the Court of Appeals for filing. Thank you.

With kind regards,

CALLISON  TIGHE

Katie A. Minton P 803.404.6900
Litigation Paralegal F 803.404.6902
Callison Tighe & Robinson, LLC E KatieMinton@callisontighe.com
1812 Lincoln Street
P.O. Box 1390
Columbia, SC 29202

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From: Katie Minton

Sent: Friday, September 4, 2020 4:08 PM

To: Richard Willis <Richard.Willis@bowmanandbrooke.com>; 'Derek Tarver' <Derek.Tarver@bowmanandbrooke.com>; 'Ducayet, Jim' <jducayet@sidley.com>

Cc: Kurt Arnold <karnold@ArnoldItkin.com>; Kyle Findley <KFindley@ArnoldItkin.com>; Adam Lewis <alewis@ArnoldItkin.com>; Kala Sellers <ksellers@arnolditkin.com>; Kason Kimberley <KKimberley@ArnoldItkin.com>; Kristina McDonald <kmcdonald@ArnoldItkin.com>; Jill Erickson <jerickson@ArnoldItkin.com>; KBA Team <KBATeam@ArnoldItkin.com>; 'Sara Rothell' <Sara.Rothell@bowmanandbrooke.com>; 'Kim Rothrock' <Kim.Rothrock@bowmanandbrooke.com>; 'Duke R. Highfield, Esq.' <dhighfield@yrcrlaw.com>; Wiseman, Jeffrey <JWiseman@yrcrlaw.com>; 'Brandt R. Horton, Esq.' <bhorton@yrcrlaw.com>; 'Anderson, Victoria (Tori)' <TAnderson@yrcrlaw.com>; 'Brennan, Sally' <sbrennan@yrcrlaw.com>; Cattles, Martina (Marti) <mcattles@yrcrlaw.com>; 'kstair@carlockcopeland.com' <kstair@carlockcopeland.com>; Norris, Patrick J. <pnorris@cskl.law>; Yates, Melissa M. <myates@cskl.law>; Lemons, Alexandra M. <alemons@cskl.law>; 'mpeeler@carlockcopeland.com' <mpeeler@carlockcopeland.com>; Shaw, Katie D. <kshaw@cskl.law>; Canaday, Jenifer L. <jcanaday@cskl.law>; Sonaly Hendricks <sonalyhendricks@piercesloan.com>; 'Carl Pierce' <carlpierce@piercesloan.com>; Carson Parker <carsonparker@piercesloan.com>; daniellynch@piercesloan.com; sherrymanning@phswlaw.com; lindsaygrady@phswlaw.com; 'jtiller@hsblawfirm.com'; 'Amy Bower, Esq.' <abower@hsblawfirm.com>; Caplan, Robert <Caplanr@whiteandwilliams.com>; 'gelnettb@whiteandwilliams.com' <gelnettb@whiteandwilliams.com>; Reece Williams <reecewilliams@callisontighe.com>; Rick Detwiler <rickdetwiler@callisontighe.com>; Ian T. Duggan <ianduggan@callisontighe.com>

Subject: Notice of Appeal | Jacque Lucas, Shirley Ann Lucas and Daniel Simerly vs. KapStone Paper and Packaging Corporation, et al. | Case No: 2017-CP-10-00838

Dear Counsel:

Attached please find Plaintiffs' Notice of Appeal and Proof of Service with our correspondence to the appellate clerk regarding the above-referenced matter. The attached documents are being submitted today to the Court of Appeals for filing. Thank you.

With kind regards,

CALLISON  TIGHE

Katie A. Minton

Litigation Paralegal

Callison Tighe & Robinson, LLC

1812 Lincoln Street

P.O. Box 1390

Columbia, SC 29202

P 803.404.6900

F 803.404.6902

E KatieMinton@callisontighe.com

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D. REECE WILLIAMS, III - Member
803-404-6900
ReeceWilliams@callisontighe.com

September 8, 2020

VIA EMAIL: ctappfilings@sccourts.org

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

RECEIVED

Sep 08 2020

SC Court of Appeals

**Re: Jacque Lucas, Shirley Ann Lucas and Daniel Simerly
vs. KapStone Paper and Packaging Corporation and
KapStone Kraft Paper Corporation, et al.
Charleston County Case No: 2017-CP-10-00838
Our File No. 6716.001**

Dear Ms. Kitchings:

Enclosed herewith please find the Amended Notice of Appeal, Proof of Service of the Amended Notice of Appeal on the Respondents/Defendants, and copies of the Orders to be challenged on appeal, in regard to the above-referenced matter. Kindly file the same and return the clocked-in copies to the undersigned via return email. My firm's check in the amount of \$250.00 as the filing fee has already been submitted to your office under separate cover as instructed.

The enclosed documents have been served upon Respondents' counsel today via email as indicated in the Proof of Service.

Please feel free to contact me with any questions. Thank you.

With kind regards, I am

Sincerely yours,

CALLISON TIGHE & ROBINSON, LLC

s/ D. Reece Williams

D. Reece Williams

DRW:kam
Enclosures

cc: (w/ encl.)

The Honorable Jennifer B. McCoy (via email and first class mail)
The Honorable Julie J. Armstrong, Charleston County Clerk of Court (via e-filing)

VIA EMAIL AND FIRST CLASS MAIL

Kurt B. Arnold, Esquire
J. Kyle Findley, Esquire
Adam D. Lewis, Esquire
Kason Richey Kimberley, Esquire
Richard H. Willis, Esquire
Derek D. Tarver, Esquire
James Wallace Ducayet, Esquire
Kent T. Stair, Esquire
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Brian Gelnett, Esquire