

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
In the Court of Common Pleas

Brian M. Gibbons, Circuit Court Judge

Case No. 2017-CP-42-00740

RECEIVED

Dec 17 2020

SC Court of Appeals

Sarmad Harake and Eurosa, Inc.,..... Appellants,

v.

Gibbs International, Inc.,Respondent.

NOTICE OF APPEAL

Pursuant to Rule 203, SCACR, Appellants Sarmad Harake and Eurosa, Inc. appeal, in part, the Order on the Parties’ Respective Motions to Dismiss entered by the Honorable Brian M. Gibbons, on November 18, 2020. Appellants received electronic notice of the entry of the Order on the Parties’ Respective Motions to Dismiss on November 18, 2020. A copy of the Order on the Parties’ Respective Motions to Dismiss is attached hereto as **Exhibit A**.

Following the Court’s initial Form 4 Order entered on September 25, 2020, Appellants timely filed, pursuant to Rule 59(e), SCRCPC, a Motion to Alter and Amend Order on October 5, 2020. On November 30, 2020, the Honorable Brian M. Gibbons entered an Order Denying October 5, 2020 Motions by Defendants Sarmad Harake and Eurosa, Inc., and Appellants received electronic notice of the entry of the Order denying the Rule 59(e) motion on November 30, 2020 as well. A copy of the Order denying the Rule 59(e) motion is also attached hereto as **Exhibit B**.

Appellants hereby timely appeal from both orders.

Respectfully Submitted,

GALLIVAN, WHITE & BOYD, P.A.

/s Lindsay A. Joyner

John T. Lay, SC BAR NO. 64526

Curtis L. Ott, SC BAR NO. 66145

Lindsay A. Joyner, SC BAR NO. 77437

1201 Main Street, Suite 1200

Post Office Box 7368

Columbia, South Carolina 29202

jlay@GWBlawfirm.com

cott@GWBlawfirm.com

ljoyner@GWBlawfirm.com

December 17, 2020
Columbia, South Carolina

*Attorneys for Appellants Sarmad Harake and Eurosa,
Inc.*

Other Counsel of Record:

Kevin A. Dunlap
Parker Poe Adams & Bernstein LLP
100 Dunbar Street, Suite 302
Spartanburg, SC 29306
kevindunlap@parkerpoe.com
(864) 591-2050

*Attorney for Respondent
Gibbs International, Inc.*

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v.

Gibbs International, Inc., Respondent.

PROOF OF SERVICE

This is to certify that the undersigned counsel has caused to be served this day (1) copy of Notice of Appeal via electronic mail at the address stated in the Amended Order of the Supreme Court dated May 29, 2020 and as set forth below to the following:

Kevin A. Dunlap
Parker Poe Adams & Bernstein, LLP
100 Dunbar Street, Suite 206
Spartanburg, SC 29306
kevindunlap@parkerpoe.com
Counsel for Respondent

A copy of the email serving counsel for Respondent is attached hereto.

(signature page to follow)

Respectfully Submitted,

GALLIVAN, WHITE & BOYD, P.A.

/s Lindsay A. Joyner

John T. Lay, SC BAR NO. 64526

Curtis L. Ott, SC BAR NO. 66145

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1201 Main Street, Suite 1200

Post Office Box 7368

Columbia, South Carolina 29202

jlay@GWBlawfirm.com

cott@GWBlawfirm.com

ljoyner@GWBlawfirm.com

December 17, 2020

*Attorneys for Appellants Sarmad Harake and
Eurosa, Inc.*

From: [Lindsay Joyner](#)
To: kevindunlap@parkerpoe.com
Cc: [Laura Sabo](#); [John T. Lay](#); [Paterson, Fern A.](#)
Subject: Gibbs International, Inc. v. Harake et al. C/A No. 2017-CP-42-00740 [GWB-IMANMAIN.FID542496]
Date: Thursday, December 17, 2020 1:51:06 PM
Attachments: [Notice of Appeal.pdf](#)
[Letter to Court of Appeals.pdf](#)
[image002.jpg](#)

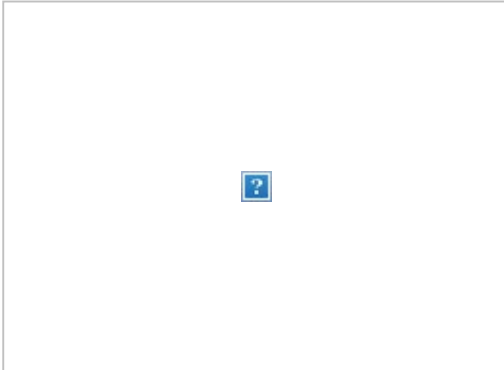
Kevin,

As permitted by part (g)(3) of Supreme Court Order 2020-05-29-02, I am herewith serving via email Appellant Sarmad Harake and Eurosa, Inc.'s Notice of Appeal in the above-captioned matter. Shortly, I will be filing these documents with the Court of Appeals electronically as permitted by part c(6) of the Order, and will attach this email to the certificate of service of same.

Should you have any issues opening the attachments, please let me know. Thank you.

With warmest regards,

Lindsay



Lindsay Anne Joyner
Partner
ljoyner@GWBlawfirm.com

Gallivan, White & Boyd P.A.

Office 1201 Main Street | Suite 1200 | Columbia SC 29201
803 724 1706 Direct | 803 779 1833 Main | 803 779 1767 Fax

Mailing Post Office Box 7368 | Columbia SC 29202

[vCard](#) | [BioURL](#) | [Website](#)

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December 17, 2020

VIA ELECTRONIC FILING (ctappfilings@sccourts.org)

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1229 Senate Street
Columbia, South Carolina 29201

RECEIVED
Dec 17 2020
SC Court of Appeals

Re: *Sarmad Harake and Eurosa, Inc., Appellants v. Gibbs International, Inc., Respondent*
Civil Case No. 2017-CP-42-00740
GWB File No. 9567-1

Dear Ms. Kitchings:

Attached for electronic filing in accordance with Supreme Court Order 2020-05-29-02, part (c)(6), and pursuant to Rule 203 of the South Carolina Appellate Court Rules, please find the Notice of Appeal of Appellants Sarmad Harake and Eurosa, Inc. in the above-captioned matter. As permitted by Order 2020-05-29-02, part (d), no other copies, whether paper or electronic, are being provided.

By copy of this letter, we are serving counsel for Respondent via email as permitted by Order 2020-05-29-02, part (g)(3), and attached is a proof of service to that effect.

A check in the amount of \$250.00 for the filing fee associated with this Notice of Appeal is being forwarded to your attention via U.S. Mail.

If you have any questions or need additional information, please do not hesitate to contact me.

With kind regards, I am

Sincerely,

GALLIVAN, WHITE & BOYD, P.A.



Lindsay A. Joyner

LAJ/lhs

Attachments

cc: Kevin A. Dunlap, Esquire