

93639

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas, Business Court Program

R. Lawton McIntosh, Circuit Court Judge

Case No. 2019-CP-23-00998

RECEIVED

DEC 14 2020

SC Court of Appeals

McMillan Pazdan Smith, LLC, Plaintiff/Counterclaim Defendant-Respondent,

v.

Donza H. Mattison, Defendant/Counterclaimant-Appellant,

Donza H. Mattison, in a Derivative
Capacity on Behalf of McMillan Pazdan
Smith, LLC, Third-Party Plaintiff-Appellant,

v.

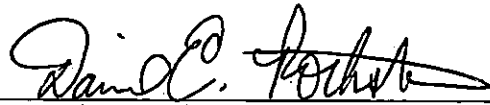
Rondald G. Smith, Joseph M. Pazdan,
Brad B. Smith, and Chad C. Cousins Third-Party Defendants-Respondents.

NOTICE OF APPEAL

Appellant, Donza H. Mattison, Individually and in a Derivative Capacity on Behalf of McMillan Pazdan Smith, LLC, hereby appeals the Orders of the Honorable R. Lawton McIntosh dated September 30, 2020 and November 9, 2020, granting summary judgment in favor of Respondents on Appellant’s derivative action. Appellant received written notice of the entry of these Orders on September 30, 2020 and November 9, 2020, respectively. After receiving the Order of September 30, 2020, Appellant timely filed and served a Motion to Alter or Amend or For Reconsideration of Summary Judgment Order pursuant to Rule 59(e), SCRPC, on October 12, 2020. Appellant received written notice of the entry of the Order denying the Motion to Alter or Amend on November 9, 2020. These interlocutory orders are immediately appealable under S.C. Code Ann. § 14-3-330(1) and (2).

[Signature of Counsel on Following Page]

December 9, 2020



David E. Rothstein, SC Bar No. 66295
Rothstein Law Firm, PA
1312 Augusta Street
Greenville, SC 29605
drothstein@rothsteinlawfirm.com
(864) 232-5870
Attorney for Appellant

Other Counsel of Record:

Samuel W. Outten
Katie E. Towery
Nelson Mullins Riley & Scarborough LLP
2 W. Washington St., Suite 400
Greenville, SC 29601
Attorney for Respondents

Thomas H. Keim, Jr.
Ford Harrison
100 Dunbar St., Suite 300
Spartanburg, SC 29306
Attorney for Respondents

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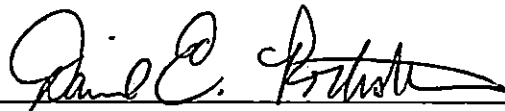
Rondald G. Smith, Joseph M. Pazdan,
Brad B. Smith, and Chad C. Cousins Third-Party Defendants-Respondents.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Respondents, McMillan Pazdan Smith, LLC, Rondald G. Smith, Joseph M. Pazdan, Brad B. Smith, and Chad C. Cousins; by causing a copy of the same to be hand-delivered or by depositing it in the United States Mail, postage prepaid, as indicated below, on December 9, 2020, addressed to their following attorneys of record: (via hand delivery) Samuel W. Outten and Katie W. Towery, Nelson Mullins Riley & Scarborough LLP, 2 W. Washington St., Suite 400, Greenville, SC 29601; (via regular U.S. mail) Thomas H. Keim, Jr., Ford Harrison, 100 Dunbar St., Suite 300, Spartanburg, SC 29306.

[Signature of Counsel on Following Page]

December 9, 2020

A handwritten signature in black ink, appearing to read "David E. Rothstein", written over a horizontal line.

David E. Rothstein, SC Bar No. 66295

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Greenville, SC 29605

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Attorney for Appellant



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DEC 14 2020
SC Court of Appeals

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

Re: McMillan Pazden Smith, LLC v. Donza H. Mattison etc.,
Case No. 2019-CP-23-00998

Dear Ms. Kitchings:

I represent Appellant, Donza H. Mattison, in the above-reference case. Enclosed please find the original and one copy of the Notice of Appeal regarding Judge McIntosh's Orders granting Plaintiff's and Third-Party Defendants' Motion for Summary Judgment on Defendant's Derivative Action and denying Defendant's Motion to Alter or Amend and for Reconsideration. Please file the original notice and return a clocked-in copy to me via the enclosed return envelope.

I am also enclosing the following: (1) Proof of Service (2) a copy of the Orders which are to be challenged on appeal, and (3) my firm's check for the filing fee of \$250.00 pursuant to Rule 203, SCACR, as amended by Order of October 9, 2018.

Thank you in advance for your attention to this matter. If you have any questions or need anything else, please do not hesitate to call me or email me.

Sincerely yours,

David E. Rothstein

Enclosures

cc: Samuel W. Outten, Esq. (via hand delivery)
Katie E. Towery, Esq. (via hand delivery)
Thomas H. Keim, Jr., Esq. (via U.S. mail)



ROTHSTEIN LAW FIRM, PA
1312 Augusta Street • Greenville, SC 29605

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SC Court of Appeals

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