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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable Bentley D. Price, Circuit Court Judge

CASE NO. 2019-CP-10-04387

Applied Building Sciences, Inc. Appellant

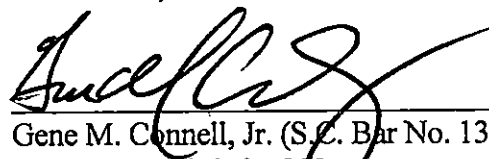
vs.

South Carolina Department of Commerce, Division of Public Railways Respondent

NOTICE OF APPEAL

The Plaintiff, Applied Building Sciences, Inc., appeals the Order Granting Defendant's Motion for Summary Judgment and Denying Plaintiff's Motion for Summary Judgment filed December 18, 2020 and the subsequent Order Denying Appellant's Motion for Reconsideration filed December 22, 2020.

KELAHER, CONNELL & CONNOR, P.C.



Gene M. Connell, Jr. (S.C. Bar No. 1358)
The Courtyard, Suite 209
1500 U. S. Highway 17 North
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gconnell@classactlaw.net
Attorneys for Appellant

January 6, 2021

Other Counsel of Record:

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Attorneys for Respondent

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vs.

South Carolina Department of Commerce, Division of Public Railways Respondent

PROOF OF SERVICE

PERSONALLY appeared before me, Shelia Y. McCumbee, who being duly sworn, deposes and says that she is an employee of Kelaher, Connell & Connor, P.C., and that she has served a copy of the **Notice of Appeal** on the 6th day of January, 2021, by depositing a copy of same in the United States Mail, postage prepaid, to:

David L. Paavola, Esquire
Keith M. Babcock, Esquire
Lewis Babcock L.L.P.
P. O. Box 11208
Columbia, SC 29211

Shelia Y. McCumbee
Shelia Y. McCumbee

SWORN AND SUBSCRIBED before me,
this 6th day of January, 2021.

Donna H. Hand
Notary Public for South Carolina
My Commission Expires: 3-28-26

KELAHER, CONNELL & CONNOR, P.C.

ATTORNEYS AT LAW

SUITE 209

THE COURTYARD

1500 U.S. HIGHWAY 17 NORTH

P.O. DRAWER 14547

SURFSIDE BEACH, SOUTH CAROLINA 29587

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SC Court of Appeals

EDWARD T. KELAHER*
GENE M. CONNELL, JR.
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LISA POE DAVIS
*OF COUNSEL

AREA CODE 843
238-5648
FAX: 238-5050

January 6, 2021

The Honorable Jenny Abbot Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: *Applied Building Sciences, Inc. v. South Carolina Department of Commerce, a
Division of Public Railways*
C/A No. 2019-CP-10-04387
Our File No. 2019-0378C

Dear Ms. Kitchings:

Enclosed for filing is a Notice of Appeal in the above-captioned case. Also enclosed are the following:

1. Proof of Service of the Notice of Appeal on the Respondent.
2. A copy of the Orders which are to be challenged on appeal.
3. Our check for the \$250.00 filing fee.

By copy of this letter, I hereby serve the Respondent, through counsel of record, with the Notice of Appeal.

Pursuant to SCACR 203, a copy of the Notice of Appeal is also being filed with the clerk of the lower court.

Please return a filed copy of the Proof of Service to us in the self-addressed, stamped envelope provided.

Sincerely yours,


Gene M. Connell, Jr.

GMC,Jr.:sm
Enclosures

cc w/enc.: David L. Paavola, Esquire
Keith M. Babcock, Esquire
Charleston County Clerk of Court (Via SC Efiling)

Attorneys at Law
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Surfside Beach, SC 29587

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