

THE STATE OF SOUTH CAROLINA
In the Court of Appeals
APPEAL FROM ORANGEBURG COUNTY
Court of Common Pleas

James B. Jackson, Master-in-Equity

Case No. 2020-001254

RECEIVED

Jan 19 2021

SC Court of Appeals

Kacey Green and Charinrath Green,

Appellants-Respondents,
(The Greens)

v.

Mervin Lee Johnson,

Respondent-Appellant.
(Johnson)

**RETURN TO RESPONDENT-APPELLANT'S MOTION TO AMEND NOTICE OF
CROSS APPEAL**

Respondent-Appellant's (Johnson) Motion to Amend Notice of Cross Appeal improperly attempts to override his previous definitive procedural errors. Johnson's initial Notice of Cross Appeal only identifies the August 14, 2020, order from Judge Jackson's court as the only object of his appeal. Now, through this proposed amendment, he seeks to appeal Judge Jackson's original damages order, which was entered June 5, 2019. Specifically, Johnson wrongly assumes his Rule 59(e) motion following the November 4, 2019, order timely preserved the matters determined in the June 5, 2019, order. As argued in The Greens' Initial Brief, Johnson did not preserve those issues because he did not file an appeal after the November 4, 2019, order. Johnson has relinquished any ability to further address the merits of the June 5, 2019, order or the November 4, 2019, order. The Greens oppose Johnson's Motion to Amend his Cross Appeal.

s/ Virginia W. Williams _____

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PROOF OF SERVICE

I certify that I have served Appellants-Respondents Return to Respondent-Appellant's
Motion to Amend Notice of Cross Appeal on opposing counsel by email.

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s/ Virginia W. Williams

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January 18, 2021

VIA E-FILING ctappfilings@sccourts.org
The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
Post Office Box 11629
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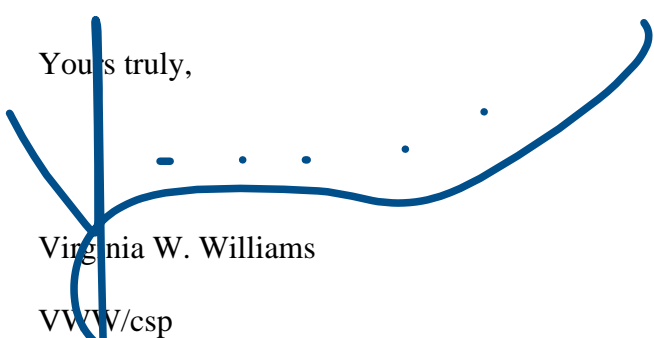
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Re: Green v. Johnson
Appellate Case No. 2020-001254

Dear Ms. Kitchings:

Please find enclosed for e-filing Appellant-Respondent's Return to Respondent-Appellant's Motion to Amend Notice of Cross Appeal.

Yours truly,



Virginia W. Williams

VWW/csp

CC: Todd R. Flippin (via email)
Co-counsel Mason West (via email)