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**Apr 29 2021**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY  
DEBRA R. MCCASLIN, CIRCUIT COURT JUDGE  
Case No.: 2020-CP-10-04936

Kenneth R. Davenport II, Personal  
Representative of the Estate of Kenneth R.  
Davenport,.....Respondent,

vs.

Quality Fresca I, LLC d/b/a Moe’s Southwest Grill, ..... Appellant,

**NOTICE OF APPEAL**

Appellant Quality Fresca I, LLC d/b/a Moe’s Southwest Grill appeals from the orders of the Honorable Debra R. McCaslin, dated March 26, 2021 and April 27, 2021, received by counsel for Appellant via proper service by the Clerk of Court on March 29, 2021 and April 27, 2021, respectively. Copies of the orders on appeal are attached hereto by reference as **Exhibits A and B.**

Respectfully submitted,

s/ Desa Ballard  
Desa Ballard  
Harvey M. Watson III

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ATTORNEYS FOR APPELLANT

April 29, 2021

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vs.

Quality Fresca I, LLC d/b/a Moe's Southwest Grill, ..... Appellant,

**PROOF OF SERVICE**

I, Beth Cogan, an employee with Ballard & Watson, do hereby certify that on April 29, 2021, I served a copy of the **Notice of Appeal**, in the above-captioned case on the following individuals by electronic mail, addressed as follows:

**Brian Hellman, Esquire  
Hellman Yates & Tisdale, PA  
bh@hellmanyates.com**

**Jason Smith, Esquire  
Hellman Yates & Tisdale, PA  
js@hellmanyates.com**

  
\_\_\_\_\_  
Beth Cogan, Paralegal

April 29, 2021

**From:** [Beth Cogan](#)  
**To:** [bh@hellmanyates.com](mailto:bh@hellmanyates.com); [js@hellmanyates.com](mailto:js@hellmanyates.com)  
**Cc:** [Desa Ballard](#)  
**Subject:** (Davenport v. Quality Fresca I, LLC 2020-CP-10-04936) Notice of Appeal  
**Date:** Thursday, April 29, 2021 9:54:30 AM  
**Attachments:** [2021 04 29 Ltr to COA encl NOA.pdf](#)  
[2021 04 29 Notice of Appeal.pdf](#)

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Good morning,

Please see the attached Notice of Appeal that is being filed today for the above-referenced matter. Let us know if you have any questions or concerns.

Kindest Regards,

-Beth

Beth Cogan, Paralegal  
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**Ballard & Watson**  
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April 29, 2021

Via Email ([ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org))  
The Honorable Jenny Abbot Kitchings  
Court of Appeals Clerk of Court  
Post Office Box 11629  
Columbia, South Carolina 29211

**RECEIVED**  
**Apr 29 2021**  
**SC Court of Appeals**

Re: *Kenneth R. Davenport II, et al. v. Quality Fresca I LLC*  
Case No.: 2020-CP-10-04936

Dear Ms. Kitchings:

Enclosed for filing please find a Notice of Appeal and Proof of Service for the above-referenced matter. Pursuant to paragraph (c)(4) of the Supreme Court's amended administrative order dated May 29, 2020 ("Operation of the Appellate Courts During the Coronavirus Emergency" originally dated March 20, 2020) a check for the filing fee is being forwarded via US mail.

By copy of this letter and as evidenced by the Proof of Service, these filing has been served upon counsel for the Respondents. A copy is also being filed with the Charleston County Clerk of Court. Thank you for your time in this matter. If you have any questions, please do not hesitate to contact our office.

With warm personal regards, I am,

Sincerely yours,

*Desa Ballard /kkc*

Desa Ballard  
[desab@desaballard.com](mailto:desab@desaballard.com)

Enclosures

cc: Via Electronic Filing  
Honorable Julie Armstrong  
Via Electronic Mail  
Brian Hellman, Esquire  
Jason Smith, Esquire