



The South Carolina Court of Appeals

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June 16, 2021

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Mr. Daniel L. Draisen, Esquire
2006 N. Main Street
Anderson SC 29621

Re: Ex Parte: Donald L. Smith (In re: Battersby v. Kirkman)
Appellate Case No. 2020-000070

Dear Counsel:

Enclosed is an order from the Court. Within thirty (30) days of the date of this letter please serve and file the proof of service of the record.

Very truly yours,

V. Claire Allen

CLERK

cc: Donald Loren Smith, Esquire

The South Carolina Court of Appeals

Ex Parte: Donald L. Smith, Appellant,

In Re: Gregg Battersby, Plaintiff,

v.

J. Kirkman Moorehead, Krause, Moorehead & Draisen,
P.A., Allstate Insurance Company, and Allstate
Northbrook Indemnity Company, Defendants,

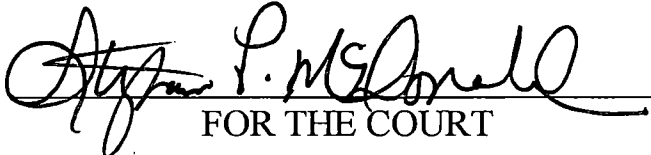
of which J. Kirkman Moorehead, Krause, Moorehead &
Draisen, P.A., are the Respondents.

Appellate Case No. 2020-000070

ORDER

First, the motion to dismiss is granted in part and denied in part. Appellant failed to timely serve and file a notice of appeal from the July 10, 2015 order granting summary judgment and the October 8, 2015 Form 4 order. Therefore, the appeals from the July 10, 2015 order and the October 8, 2015 order are dismissed. The time for appealing the circuit court's 2016 orders relating to sanctions was tolled and began to run from the circuit court's 2019 order denying reconsideration. Accordingly, the appeal from the 2016 orders and 2019 orders shall proceed.

Second, Appellant's motion for leave to file a Rule 60, SCRCP motion with the circuit court is denied.


FOR THE COURT

Columbia, South Carolina

cc:

Donald Loren Smith, Esquire

Steven M. Krause, Esquire

Timothy Alan Nowacki, Esquire

Daniel L. Draisen, Esquire

FILED
Jun 16 2021