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Jul 23 2021

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
In the Court of Common Pleas
Robert E. Hood, Circuit Court Judge

Case No. 2019-CP-40-05675

Richard A. Harpootlian,.....Respondent,

v.

South Carolina Department of Commerce and
Coordinating Council for Economic Development, Appellants.

NOTICE OF APPEAL

The Coordinating Council for Economic Development (“Council”) hereby appeals:

1. The Order Granting in Part and Denying in Part Plaintiff’s and Defendants’ Motions for Summary Judgment of the Honorable Robert E. Hood filed October 9, 2020, and received by Council on October 9, 2020 (attached as Exhibit A);¹
2. The Form 4 Order denying Defendants’ Motion for Reconsideration pursuant to Rule 59, SCRCPP, of the Honorable Robert E. Hood filed June 25, 2021, and received by Council on June 25, 2021 (attached as Exhibit C).

Attorney Signatures on Next Page

¹ This Summary Judgment Order was subsequently amended and vacated in part by Order of the Honorable Robert E. Hood filed June 25, 2021, and received by Council on June 25, 2021 (attached as Exhibit B). Council is not appealing from this June 25, 2021 Order.

Respectfully submitted,

s/ John W. Roberts

Randolph R. Lowell, Esquire (SC Bar 16145)

Tracey C. Green, Esquire (SC Bar 9342)

John W. Roberts, Esquire (SC Bar 78889)

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July 23, 2021

Columbia, South Carolina

Other Counsel of Record:

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*Attorneys for Respondent
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PROOF OF SERVICE

This is to certify that the undersigned counsel, a shareholder with the law firm Willoughby & Hoefler, P.A., has caused to be served this day one (1) copy of Appellant Coordinating Council for Economic Development’s Notice of Appeal via electronic mail at the email addresses reflected in the Attorney Information System and as set forth below:

Richard A. Harpootlian, Esquire
Christopher P. Kenney, Esquire
Richard A. Harpootlian, P.A.
rah@harpootlianlaw.com
cpk@harpootlianlaw.com

A copy of the email serving counsel as stated above is attached hereto as Exhibit 1.

s/John W. Roberts
John W. Roberts, S.C. Bar No. 78889

July 23, 2021
Columbia, South Carolina

EXHIBIT 1

Elizabeth P. Kurtz

From: John Roberts
Sent: Friday, July 23, 2021 1:42 PM
To: Dick Harpootlian; Chris Kenney
Cc: Randy Lowell; Tracey Green; Elizabeth P. Kurtz
Subject: Notice of Appeal - Richard A. Harpootlian v. South Carolina Department of Commerce and Coordinating Council for Economic Development; C/A No. 2019-CP-40-05675
Attachments: 2021-07-23 Filing Ltr re Notice of Appeal - Council.pdf; 2021-07-23 Notice of Appeal - Council.pdf; 2021-07-23 POS Notice of Appeal - Council.pdf

Good afternoon,

Attached for service upon you are the following:

1. Filing letter to the Hon. Jenny Abbott Kitchings;
2. Coordinating Council for Economic Development's Notice of Appeal; and
3. Proof of Service (without a copy of this email).

Should you have any difficulty opening any of these documents, please advise us. If you have any questions, do not hesitate to let us know.

Thank you.

John

John W. Roberts, Esquire
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WILLOUGHBY & HOEFER, P.A.

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JOSEPH H. FARRELL, III
SPECIAL COUNSEL

July 23, 2021

*ALSO ADMITTED IN TEXAS

**ALSO ADMITTED IN WASHINGTON, D.C.

***ALSO ADMITTED IN CALIFORNIA

****ALSO ADMITTED IN NORTH CAROLINA

VIA ELECTRONIC FILING BY EMAIL

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201
ctappfilings@sccourts.org

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Jul 23 2021
SC Court of Appeals

RE: *Richard A. Harpootlian v. South Carolina Department of Commerce and Coordinating Council for Economic Development; C/A No. 2019-CP-40-05675*
Notice of Appeal

Dear Ms. Kitchings:

Attached for electronic filing by email in accordance with Supreme Court Order 2020-05-29-02, part (c)(6), and pursuant to Rule 203 of the South Carolina Appellate Court Rules, Appellant Coordinating Council for Economic Development respectfully submits its **Notice of Appeal**. As permitted by Order 2020-05-29-02, part (c)(6), the attached filing is being made to the email address for the Court of Appeals. As also permitted by the Court, no other copies, whether paper or electronic, are being provided.

This appeal involves the same case and is from the same orders appealed in the Notice of Appeal filed by the South Carolina Department of Commerce earlier today.

We have served counsel for Respondent Richard A. Harpootlian via email as permitted by Order 2020-05-29-02, part (g)(3), and have attached a proof of service to that effect. Pursuant to Rule 203(d)(1)(B)(iii), no filing fee is required because Appellant is an entity of the State of South Carolina.

If you have any questions or need additional information, please do not hesitate to contact me.

Very truly yours,

WILLOUGHBY & HOEFER, P.A.



John W. Roberts

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JWR/epk
Attachments

cc: Richard A. Harpootlian, Esquire
Christopher P. Kenney, Esquire
(*via email with enclosures*)