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Dec 16 2021

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Jocelyn Newman, Circuit Court Judge

Case No. 2020-CP-40-01934

Stivers Brothers Automotive, Inc.....Appellant,
v.
W. Warner Peacock and Peacock Automotive, LLC.....Respondents,

NOTICE OF APPEAL

Stivers Brothers Automotive, Inc. appeals that portion of the Form 4 order of the Honorable Jocelyn Newman dated March 24, 2021, denying Plaintiff's motion to serve a second amended complaint. Appellant received written notice of entry of this order on March 24, 2021.

Appellant also appeals the Form 4 order of Judge Newman dated March 25, 2021, granting Defendants' motion for judgment on the pleadings and directing Defendants' counsel to prepare a proposed order regarding same. Defendants' counsel emailed a proposed order to Judge Newman on March 26, 2021, and e-filed it with the Clerk of Court.

Appellant timely made a motion to alter or amend both Form 4 orders on April 2, 2021. On July 7, 2021, the undersigned forwarded a letter to Judge Newman addressing, *inter alia*, the motion to alter or amend. No order has ever been issued on the motion to alter or amend.

Appellant also appeals the order of Judge Newman dated November 12, 2021, which appears to be an executed version of the proposed order submitted by Defendants' counsel on March 26, 2021. While the order dated November 12, 2021, does not address the motion to alter or amend, it is the only order that has been issued by Judge Newman since the filing of the motion to alter or amend.

December 10, 2021

STUDEMAYER LAW FIRM, P.C.

/s/ J. Gregory Studemeyer
J. Gregory Studemeyer
7478 Carlisle Street
Post Office Box 1014
Irmo, South Carolina 29063
803-393-4399
SC Bar #5416

DOUGLAS JENNINGS LAW FIRM, LLC

/s/ J. Michael Baxley
J. Michael Baxley
225 Seven Farms Drive, Suite 202
Charleston, S.C. 29492-8353
843-408-0070
SC Bar #591

Attorneys for Appellant

Other Counsel of Record:

Bradford N. Martin
Post Office Box 10410
Greenville, South Carolina 29603
(864)552-9990
Attorney for Respondent

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PROOF OF SERVICE

I certify that I have served the Notice of Appeal on W. Warner Peacock and Peacock Automotive, LLC by depositing a copy of it in the United States Mail, postage prepaid, on December 10, 2020, addressed to their attorney of record, Bradford N. Martin, Post Office Box 10410, Greenville, South Carolina 29603.

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Attorneys for Appellant