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SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

**APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas for the Ninth Circuit**

The Honorable Mikell Scarborough, Master in Equity

Case No.: 2016-CP-10-06265

TONY A. BILLIPS, individually and as a derivative shareholder of Alex’s Restaurants, Inc.,..... Plaintiff /Respondent,

v.

CAROLYN A. BILLIPS, individually and as Trustee of the benefit of Anthony Billips, William Casey Ivey, and Alex Billips, and as controlling person of Alex’s Restaurants, Inc. and ALEX’S RESTAURANTS, INC.,.....Defendants/Appellants.

NOTICE OF APPEAL

Defendants, CAROLYN A. BILLIPS and ALEX’S RESTAURANTS, INC., appeal from the orders of the Honorable Mikell Scarborough dated November 22, 2021 (**Exh. A**) and December 21, 2021 (**Exh. B**), the latter of which granted in part Plaintiff’s motion to reconsider the Court’s November 22, 2021 order. Defendant received notice of the latter order on December 21, 2021.

EPTING & RANNIK, LLC

January 20, 2022
Charleston, South Carolina

/s/ Jaan Rannik
Jaan G. Rannik
46A State Street
Charleston, SC 29401
Phone: 843-377-1871
Fax: 843-377-1310
jgr@epting-law.com

ATTORNEYS FOR DEFENDANTS/APPELLANTS

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PROOF OF SERVICE

I certify that I have served the Notice of Appeal dated January 20, 2022 on opposing counsel via e-mail, on January 20, 2022, addressed to Respondent’s counsel of record.

Michael W. Sautter, Esq. – mikewsautter147@aol.com

O. Grady Query, Esq. – gquery@qlawsc.com

Michael H. Ellis, Jr., Esq. – mellis@qlawsc.com

A copy of the e-mail is attached to this Proof of Service as Exhibit A.

January 20, 2022
Charleston, South Carolina

EPTING & RANNIK, LLC

/s/ Angela Gross_____

Angela Gross

Legal Assistant to Jaan G. Rannik

46A State Street

Charleston, SC 29401

Phone: 843-377-1871

Fax: 843-377-1310

agg@epting-law.com

EXHIBIT A

Angela Gross

From: Angela Gross
Sent: Thursday, January 20, 2022 2:48 PM
To: Grady Query; Mike Ellis; mikewsautter147@aol.com
Cc: Jaan Rannik; Angela Gross
Subject: Billips vs Billips
Attachments: 2022 01 20 - Notice of Appeal.pdf; 2022 01 18 - EXH A - Master's Order.pdf; 2022 01 18 - EXH B - Order on Motion to RECONSIDER and to SEAL.pdf; 2022 01 20 - Ltr to Ct. Apps enc filing fee for NOA (Billips v. Billips).pdf

Counselors:

Attached for service please find Defendants' Notice of Appeal, with exhibits, dated January 20, 2022, together with our firm's letter to the S.C. Court of Appeals in the above referenced matter. A Proof of Service of the Notice of Appeal will follow under a separate email.

Angela

Angela Gross
Legal Assistant to Andrew K. Epting, Jr., Esquire
Jaan G. Rannik, Esquire
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EPTING & RANNIK, LLC

ATTORNEYS AT LAW

ANDREW K. EPTING, JR. · AKE@EPTING-LAW.COM

JAAN G. RANNIK · JGR@EPTING-LAW.COM

January 20, 2022

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

RE: *Tony A. Billips v. Carolyn A. Billips and Alex's Restaurants, Inc.*
Case No.: 2016-CP-32-6265

Dear Ms. Kitchings:

Enclosed is our firm's check for \$250.00 as payment of the filing fee associated with the Notice of Appeal filed on January 20, 2022 in the above-referenced matter.

We have in our possession the transcript of the proceedings related to the order dated November 22, 2021. There was no hearing to relating to Plaintiff's motion to reconsider that order, which was decided in a December 21, 2021 order. Therefore, there are no further transcripts to obtain.

With kindest regards,

EPTING & RANNIK, LLC

/s/Jaan G. Rannik

Jaen G. Rannik
JGR/agg

Enclosures

cc: The Honorable Julie Armstrong, Clerk of Court
South Carolina Court Administration
All counsel of record

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