

THE STATE OF SOUTH CAROLINA
In the South Carolina Court of Appeals

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May 20 2022

SC Court of Appeals

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

The Honorable Mikell R. Scarborough, Master-in-Equity

Case No.: 2020-CP-10-00825

MMT, LLC, and The Holland Family Trust, by and through its
Trustee, Mason Holland,

Appellants/Plaintiffs,

v.

Ascension Air Management, Inc., Jamail Larkins, Sutlive
Aviation, LLC, Traylor and Associates, LLC, HT Eclipse, LLC,
Triple T Holdings, Inc., Executive Visions, Inc., CLBD Real
Estate Holdings, LLC, Universal Weather and Aviation, Inc., and
Universal Fuel, Inc.,

Respondents/Defendants,

and

CLBD Real Estate Holdings, LLC,

Respondent/Third-Party
Plaintiff,

v.

Ascension Aircraft, LLC, and Larkins Enterprises, Inc., and Mason
Holland.

Respondents/Third-Party
Defendants.

NOTICE OF APPEAL

MMT, LLC, and The Holland Family Trust, by and through its Trustee, Mason Holland (“Appellant”) hereby respectfully submits its Notice of Appeal of the following Orders of The Honorable Mikell R. Scarborough: (i) March 18, 2022 Order Granting CLBD’s Motion for Partial Summary Judgment and Denying in Part Appellant’s and Sutlive’s Motion for Partial Summary Judgment; (ii) March 18, 2022 Order Regarding Lien Priorities; and (iii) April 21, 2022 Order Denying Rule 59(e) Motions. These Orders are immediately appealable pursuant to S.C. Code Ann. § 14-3-330(1) and S.C. Code Ann. § 14-3-330(2). Appellant received notice of the April 21, 2022 Order Denying Rule 59(e) Motions on April 21, 2022. A copy of the Orders appealed are

attached as Exhibit 1, Exhibit 2, and Exhibit 3.

By: s/Ellis R. Lesemann

Ellis R. Lesemann (S.C. Bar No. 15315)

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Benjamin H. Joyce (S.C. Bar No. 100949)

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(843) 724-5155

May 20, 2022
Charleston, South Carolina

*Attorneys for Appellants MMT, LLC, and The
Holland Family Trust, by and through its Trustee,
Mason Holland*

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Attorneys for Sutlive Aviation, LLC

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and

CLBD Real Estate Holdings, LLC, Respondent/Third-Party Plaintiff,

v.

Ascension Aircraft, LLC, and Larkins Enterprises, Inc., and Mason Holland. Respondents/Third-Party Defendants.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal of MMT, LLC, and The Holland Family Trust, by and through its Trustee, Mason Holland dated May 20, 2022 on all counsel of record as set forth below via email on May 20, 2022. A copy of the email is attached to this Proof of Service as Exhibit A.

LESEMANN & ASSOCIATES LLC

By: 

Ann G. Cunniffe, Paralegal
418 King Street, Suite 301
Charleston, South Carolina 29403
(843) 724-5155

COUNSEL OF RECORD:

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Attorneys for Sutlive Aviation, LLC

EXHIBIT A

Email to counsel enclosing Notice of Appeal

From: [Ann G. Cunniffe](#)
To: ["dlynn@lucey-law.com"](#); ["jlucey@lucey-law.com"](#); ["kshernoff@lucey-law.com"](#); ["CGatlin@turnerpadget.com"](#); [Ashley N](#); [Robert P](#); [Ian D.](#)
Cc: [Ellis Lesemann](#); [Benjamin Joyce](#)
Subject: Notice of Appeal in MMT, LLC and The Holland Family Trust, et al. v. Ascension Air Management, et al., Civil Action No. 2020-CP-10-00825
Date: Friday, May 20, 2022 2:26:00 PM
Attachments: [Notice of Appeal with Orders Attached.pdf](#)

Good afternoon.

Attached please find Plaintiffs' Notice of Appeal in the above-referenced matter that we will be filing with the SC Court of Appeals this afternoon.

Please contact us with any questions or concerns about the attached.

Sincerely,

Ann

Ann G. Cunniffe
Paralegal
Lesemann & Associates LLC
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Phone: (843) 724-5155
Email: agc@lalawsc.com

STATEMENT OF CONFIDENTIALITY:

The information contained in this electronic message and any attachments to this message are intended for the exclusive use of the addressee(s) and may contain confidential or privileged information. If you are not the intended recipient, or the person responsible for delivering the e-mail to the intended recipient, be advised you have received this message in error and that any use, dissemination, forwarding, printing, or copying is strictly prohibited. Please call Lesemann & Associates immediately at (843) 724-5155 and destroy all copies of this message and any attachments. You will be reimbursed for reasonable costs incurred in notifying us.

LESEMANN & ASSOCIATES LLC

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May 20, 2022

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May 20 2022
SC Court of Appeals

VIA E-FILING

Ms. Julie Armstrong
Charleston County Clerk of Court
100 Broad Street
Charleston, SC 29401

Re: *Holland Family Trust, et al. v. Ascension Air Management, Inc., et al.*
Case No.: 2020-CP-10-0825

Dear Ms. Armstrong:

Enclosed for filing please find the Plaintiffs' Notice of Appeal of the following orders signed by The Honorable Mikell R. Scarborough:

- (i) March 18, 2022 Order Granting CLBD's Motion for Partial Summary Judgment and Denying in Part Appellant's and Sutlive's Motion for Partial Summary Judgment;
- (ii) March 18, 2022 Order Regarding Lien Priorities; and
- (iii) April 21, 2022 Order Denying Rule 59(e) Motions.

Also enclosed is the Proof of Service of the Notice of Appeal in the above-referenced matter.

With best regards,

s/ Ellis

Ellis R. Lesemann

ERL/agc
Enclosure

cc: Justin O'Toole Lucey, Esquire (w/ encl.)
Dabny Lynn, Esquire (w/ encl.)
Ian McVey, Esquire (w/ encl.)
Robert P. Mangum, Esquire (w/ encl.)

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and

CLBD Real Estate Holdings, LLC, Respondent/Third-Party Plaintiff,

v.

Ascension Aircraft, LLC, and Larkins Enterprises, Inc., and Mason Holland. Respondents/Third-Party Defendants.

NOTICE OF APPEAL

MMT, LLC, and The Holland Family Trust, by and through its Trustee, Mason Holland (“Appellant”) hereby respectfully submits its Notice of Appeal of the following Orders of The Honorable Mikell R. Scarborough: (i) March 18, 2022 Order Granting CLBD’s Motion for Partial Summary Judgment and Denying in Part Appellant’s and Sutlive’s Motion for Partial Summary Judgment; (ii) March 18, 2022 Order Regarding Lien Priorities; and (iii) April 21, 2022 Order Denying Rule 59(e) Motions. These Orders are immediately appealable pursuant to S.C. Code Ann. § 14-3-330(1) and S.C. Code Ann. § 14-3-330(2). Appellant received notice of the April 21, 2022 Order Denying Rule 59(e) Motions on April 21, 2022. A copy of the Orders appealed are

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May 20, 2022
Charleston, South Carolina

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Mason Holland*

OTHER COUNSEL OF RECORD:

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Estate Holdings, LLC, Universal Weather and Aviation, Inc., and
Universal Fuel, Inc., Respondents/Defendants,

and

CLBD Real Estate Holdings, LLC, Respondent/Third-Party
Plaintiff,

v.

Ascension Aircraft, LLC, and Larkins Enterprises, Inc., and Mason
Holland. Respondents/Third-Party
Defendants.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal of MMT, LLC, and The Holland Family Trust, by and through its Trustee, Mason Holland dated May 20, 2022 on all counsel of record as set forth below via email on May 20, 2022. A copy of the email is attached to this Proof of Service as Exhibit A.

LESEMANN & ASSOCIATES LLC

By:



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SC Court of Appeals

VIA E-FILING & US MAIL

Jenny Abbott Kitchings, Esquire
Clerk of Court
SC Court of Appeals
P.O. Box 11629
Columbia, SC 29211
ctappfilings@sccourts.org

Re: *Holland Family Trust, et al. v. Ascension Air Management, Inc., et al.*
Case No.: 2020-CP-10-0825

Dear Ms. Kitchings:

Enclosed for filing please find the following in the above-referenced matter:

1. Plaintiffs' Notice of Appeal;
2. The three (3) Orders by Judge Scarborough that we are appealing;
3. Proof of Service of the Notice of Appeal; and
4. Letter to Charleston County Clerk of Court attaching Notice of Appeal and Proof of Service that is being e-filed today.

I have sent a check in the amount of \$250.00 for the filing fee to your office via U.S. mail. Please do not hesitate to contact me with any questions or concerns about this matter.

With best regards,

s/ Ellis

Ellis R. Lesemann

ERL/age
Enclosure

cc: Justin O'Toole Lucey, Esquire (w/ encl.)
Dabny Lynn, Esquire (w/ encl.)
Ian McVey, Esquire (w/ encl.)
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