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May 27 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LANCASTER COUNTY
Court of Common Pleas

Brian M. Gibbons, Circuit Court Judge

Case No. 2020-CP-29-00841

Boggs Materials, Inc.,.....Respondent,

v.

JEY General Contractors, LLC, Marco Contractors, Inc., and Old Republic Surety Company,
Defendants,

Of which, Marco Contractors, Inc. and Old Republic Surety Company are.....Appellants.

NOTICE OF APPEAL

Marco Contractors, Inc. and Old Republic Surety Company (“Appellants”) appeal the Order Granting Summary Judgment of the Honorable Brian M. Gibbons dated and filed April 12, 2022, and the Order Denying Defendants’ Motion to Alter or Amend Judgment of the Honorable Brian M. Gibbons dated and filed April 27, 2022. Appellants received written notice of each Order on the date they were filed.

Respectfully submitted this 27th day of May 2022.

MARTINEAU KING PLLC

s/ Lee M. Thomas

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-AND-

CAFARDI FERGUSON WYRICK WEIS +
GABRIEL LLC

Christopher A. Cafardi (PA Bar # 90904)*

*Admitted *Pro Hac Vice*

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Attorney for Respondent

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JEY General Contractors, LLC, Marco Contractors, Inc., and Old Republic Surety Company,
Defendants,

Of which, Marco Contractors, Inc. and Old Republic Surety Company are.....Appellants.

PROOF OF SERVICE

I certify that I served the Notice of Appeal on Respondent, Boggs Materials, Inc., by e-mailing a copy to counsel of record, Benjamin C. Bruner, Esq., of Bruner, Powell, Wall & Mullins, LLC, at bbruner@brunerpowell.com. Pursuant to Paragraph (d)(1) of Supreme Court of South Carolina Order dated May 6, 2022, a copy of the service e-mail is attached hereto.

Respectfully submitted this 27th day of May 2022.

MARTINEAU KING PLLC

s/ Lee M. Thomas

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Attorneys for Appellants

From: [Lee Thomas](#)
To: ["Ben Bruner"](#)
Cc: ["Bridget Steele"](#); [Christopher A. Cafardi](#); [Elizabeth Martineau](#); [Tonya Deisn-Smith](#)
Subject: NOTICE OF APPEAL - Boggs Materials, Inc. v. JEY General Contractors, LLC, et al.; Lancaster County Common Pleas Case No. 2020-CP-29-00841
Date: Friday, May 27, 2022 10:03:31 AM
Attachments: [image001.png](#)
[image002.png](#)
[NOTICE OF APPEAL FINAL.pdf](#)
[Order Granting Summary Judgment 4-12-22.pdf](#)
[Order Denying Defs." Motion to Alter or Amend 4-27-22.pdf](#)

Ben:

Good morning. Attached for service please find our notice of appeal and copies of the orders being appealed. Please let me know if you have any issues opening the documents. A separate email to the Clerk of the Court of Appeals will follow this afternoon.

Sincerely,

Lee M. Thomas
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SC Court of Appeals

May 27, 2022

VIA E-MAIL

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

RE: Notice of Appeal
*Boggs Materials, Inc., Respondent, v. Marco Contractors Inc. and
Old Republic Surety Company, Appellants,*
Lancaster County Common Pleas Case No. 2020-CP-29-00841

Dear Ms. Kitchings:

Enclosed for filing is a Notice of Appeal in the above case. Also enclosed are the following:

- (1) Proof of service of the Notice of Appeal on the Respondent.
- (2) A copy of the orders being appealed.
- (3) A copy of the order admitting Christopher A. Cafardi, Esq., *pro hac vice*.

A check for the filing fee of \$250.00 is being placed in today's mail. Please do not hesitate to contact me with any questions.

Respectfully,

s/ Lee M. Thomas
Lee M. Thomas