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SC Court of Appeals

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

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

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

Civil Action Case No.: 2020-CP-10-00825
Appellate Case No.: 2022-000713

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

v.

Sutlive Aviation, LLC and CLBD Real Estate Holdings, LLC, Respondents/Defendants.

AMENDED NOTICE OF APPEAL

MMT, LLC, and The Holland Family Trust, by and through its Trustee, Mason Holland (“Appellants”) hereby respectfully submits their Amended 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
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June 2, 2022
Charleston, South Carolina

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

COUNSEL OF RECORD:

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Attorneys for Sutlive Aviation, LLC

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Trustee, Mason Holland,

Appellants/Plaintiffs,

v.

Sutlive Aviation, LLC and CLBD Real Estate Holdings, LLC,

Respondents/Defendants.

PROOF OF SERVICE

I certify that I have served the Amended Notice of Appeal of MMT, LLC, and The Holland Family Trust, by and through its Trustee, Mason Holland, dated June 2, 2022, on all counsel of record at the primary e-mail address listed in the Attorney Information System (AIS) on June 2, 2022. A copy of the email is attached to this Proof of Service as Exhibit A.

LESEMANN & ASSOCIATES LLC

By: 

Ann G. Cunniffe, Paralegal

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Attorneys for Sutlive Aviation, LLC

EXHIBIT A

Email to counsel enclosing Amended Notice of Appeal

From: [Ann G. Cunniffe](#)
To: ["dlynn@lucy-law.com"](#); ["jlucy@lucy-law.com"](#); [Robert P](#); [Ian D.](#)
Cc: [Elis Lesemann](#); [Benjamin Joyce](#); ["kshernoff@lucy-law.com"](#); ["CGatlin@turnerpadget.com"](#); [Ashley Leighty](#)
Subject: Amended Notice of Appeal in MMT, LLC and The Holland Family Trust v. Sutlive Aviation, LLC and CLBD Real Estate Holdings, LLC., Civil Action No. 2020-CP-10-00825, Appellate Case No. 2022-000713
Date: Thursday, June 2, 2022 3:09:00 PM
Attachments: [Amended Notice of Appeal with Exhibits attached.pdf](#)

Good afternoon.

Attached please find Plaintiffs' Amended 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

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STATEMENT OF CONFIDENTIALITY:

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LESEMANN & ASSOCIATES LLC

CIVIL LITIGATION | BUSINESS DISPUTES

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June 2, 2022

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SC Court of Appeals

VIA E-FILING

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.*
Civil Action Case No.: 2020-CP-10-0825, Appellate Case No. 2022-000713

Dear Ms. Kitchings:

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

1. Plaintiffs' Amended Notice of Appeal;
2. The three (3) Orders by Judge Scarborough that we are appealing;
3. Proof of Service of the Amended Notice of Appeal;
4. The e-filed Letter to Charleston County Clerk of Court attaching the Amended Notice of Appeal and Proof of Service; and
5. Proof of the Request for Transcript from Court Reporter, Jennifer Huggins.

Please do not hesitate to contact me with any questions or concerns about this matter.

With best regards,

s/ Ellis

Ellis R. Lesemann

ERL/agc

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