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ATTORNEYS AT LAW

October 03, 2022

The Honorable Jenny Abbott Kitchings
Clerk of Court
SC Court of Appeals
PO Box 11629
Columbia, SC 29211

RECEIVED

Oct 03 2022

SC Court of Appeals

Re: *Stonington Community Association, Inc. v. Carl D. Taylor*
Appellate Case No.: 2021-000641
Circuit Court Case No.: 2018-CP-40-06557

Dear Ms. Kitchings:

Please find this response as requested by your letter dated September 21, 2022 as the court has asked for clarification regarding whether Jenkins McMillan Mann, Esquire and Donald Ryan McCabe, Jr., Esquire were relieved as counsel by an order filed in Circuit Court on November 18, 2020. At the outset, my understanding was that the question was whether Jenkins McMillan Mann and Shaun C. Blake were relieved as counsel for Appellants. Although Mr. McCabe was deposed as a witness in the matter and has not signed any pleading, or motion, he filed a notice of appearance on September 9, 2020, from which I do not believe he has been relieved as counsel.

On November 9, 2020, Shaun C. Blake and Jenkins McMillan Mann filed a Motion to be Relieved as Counsel and for a Temporary Continuance of Proceedings (attached), stating that Appellants, deemed "Terminating Defendants", had exercised their right to terminate the representation of Mr. Blake and Mr. Mann. A consent order was issued November 18, 2020. That order was captioned "Consent Order Resolving Defendants' Motion for Protective Order and Sanctions," however the body of the order referencing the motion to be relieved and states that "the participating parties have since conferred pursuant to Rule 11, SCR[CP], and they have consented to the entry of an Order **granting the motion** pursuant to following terms." (emphasis added).

Aiken Office
210 Newberry St. N.W.
Aiken, SC 29801
(P) 803.335.1449
(F) 803.335.5422

www.AngellMolony.com

Greenville Office
18 E. North St., Suite 302
Greenville, SC 29601
(P) 864.248.4708
(F) 864.752.1422

The matter was stayed for 21 days for some defendants to complete the settlements that were already in process and for other defendants (Appellants) to “have an opportunity to retain new counsel should they choose to do so prior to proceeding *pro se* in this matter.” My reading of the Order is that Mr. Blake and Mr. Mann were immediately relieved from representation of the group of Defendants contained in section 1(b) of the Order. Those defendants had an opportunity to retain new counsel or to proceed *pro se*. Any new counsel was to notify the Plaintiff and the court by filing a notice of appearance, which I filed on December 9, 2020.

When reviewing the Motion to Relieve Counsel together with the Order, I believe it is clear that Mr. Mann and Mr. Blake were relieved as counsel for the group of defendants, who comprise Appellants, as of November 18, 2020.

Should you have any questions or need additional information, please do not hesitate to contact our office. My telephone number is 803-335-1449. Thank you for your assistance with this matter.

Sincerely,



Jonathan D. Waller
SC Bar No.: 76290

Enclosures

Cc: Valerie Garcia Giovanoli, Esquire
Brent Morris Boyd, Esquire
Shaun C. Blake, Esquire
Jenkins McMillan Mann, Esquire
Donald Ryan McCabe, Jr., Esquire
Timothy J. Newton, Esquire

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT

Stonington Community Association, Inc.,

C/A NO: 2018-CP-40-06557

Plaintiff,

v.

Carl D. Taylor, Jonathan Stevens, Veronica Stevens, Lena M. Bretous, Vickie M. Wise, Gerald Maynard, Lisa Maynard, Thomas Lafayette Brown a/k/a Thomas L. Brown, Sharline Brown, Derrick L. Taylor, Gaye S. Taylor, Syrecea Parker, Carolyn L. Austin, Richea G. House, Sr., Gayle D. House, Larkin Hancock, Jr., Katrina Hancock, Jeffery M. Farmer, Kelly S. Farmer, Anthony T. Reddish, Diann Reddish, Joel H. Daley, Syreta L. Daley, Judy Dove, Henry Faison, Dorothy Brisbon, George L. Lawrence, Annette M. Lawrence, Devinci L. Fulton, and John A. Francis,

Defendants.

**MOTION TO BE RELIEVED AS
COUNSEL AND FOR A TEMPORARY
CONTINUANCE OF PROCEEDINGS**

(PRIORITY MATTER)

YOU WILL PLEASE TAKE NOTICE THAT the undersigned, pursuant to Rules 6 and 7, 40(a), SCRPC, do hereby and will move this court, either through the court's WebEx Conferencing system at 9:30 a.m. on November 19, 2020, or at such other time that the court may provide upon shortened notice pursuant to Rule 6, SCRPC for an order relieving them as counsel for certain defendants in this matter and granting a temporary, thirty-day continuance of the pending motions for summary judgment and other deadlines in this matter so that the parties can complete the terms of certain settlement agreements reached in principal and so that those defendants who have terminated defense counsel can obtain copies of their case files from defense counsel and decide whether they intend to hire new counsel or proceed with this litigation *pro se*. This basis of this motion is as follows:

1. This complex matter has a number of defendants who have recently reached settlement

agreements with the Plaintiff. Those Defendants finalizing and performing the terms of settlement agreements with the Plaintiff are Dorothy Brisbon, Thomas Lafayette Brown a/k/a Thomas L. Brown, Sharline Brown, Joel H. Daley, Syreta L. Daley, Donna Dalton, Reginald Dalton, Henry Faison, Jeffery M. Farmer, Kelly S. Farmer, Larkin Hancock, Jr., Katrina Hancock, Annette M. Lawrence, George L. Lawrence, Anthony T. Reddish, Diann Reddish, Jonathan Stevens, and Veronica Stevens (the “Settling Defendants”). Attorneys acting for the Plaintiff and the Settling Defendants are actively working to finalize the settlement documents, real estate filings, payments, and other documents, including stipulations of dismissal, to finalize this litigation as between those parties.

2. All of the remaining Defendants, excluding Judy Dove, have exercised their right to terminate the representation of the undersigned defense counsel. These defendants are Carolyn L. Austin, Lena M. Bretous, John A. Francis, Devinci L. Fulton, Richea G. House, Sr., Gayle D. House, Gerald Maynard, Lisa Maynard, Syrecea Parker, Carl D. Taylor, Derrick L. Taylor, Gaye S. Taylor, and Vickie M. Wise (the “Terminating Defendants”). The Terminating Defendants have instructed the undersigned to cease all work on their behalf other than the filing this motion and organizing and returning their case files to each of them. The Terminating Defendants made this decision in good faith and not for the purpose of delaying these proceedings. To the extent that the court requires more details about the termination of defense counsel, the undersigned requests to present that information to the court *in camera* to avoid the disclosure of any attorney-client communications and the waiver of any privileges possessed by these defendants.

3. The only remaining defendant in this matter who has neither reached a settlement agreement with Plaintiff nor formally terminated defense counsel’s representation as of the date of the filing of this motion is Judy Dove. However, based upon the communications that last

occurred between defense counsel and Ms. Dove, the undersigned do not believe that Ms. Dove intends to continue to employ the undersigned to continue their representation of her, and the undersigned respectfully requests to be relieved as counsel for Ms. Dove. To the extent that the court requires more details about these communications, the undersigned requests to present that information to the court *in camera* to avoid the disclosure of any attorney-client communications and the waiver of any privilege.

4. In light of the forgoing, the undersigned respectfully requests that the motions for summary judgment currently set to be heard on November 19, 2020, as well as any other deadlines in the case, be continued for thirty (30) days from the date that the court enters an order relieving the undersigned as counsel for Carolyn L. Austin, Lena M. Bretous, Judy Dove, John A. Francis, Devinci L. Fulton, Richea G. House, Sr., Gayle D. House, Gerald Maynard, Lisa Maynard, Syrecea Parker, Carl D. Taylor, Derrick L. Taylor, Gaye S. Taylor, and Vickie M. Wise so that: (1) the Plaintiff and the Settling Defendants can complete the settlement process and file the necessary stipulations of dismissal; and (2) the Terminating Defendants and Judy Dove can obtain their case files, and either hire new counsel or otherwise determine how to proceed with this action.

Pursuant to Rule 11, SCRCPP, consultation with opposing counsel could not be timely held prior to the filing of this motion, but the undersigned will consult with Plaintiff's counsel.

Respectfully submitted:

s/ Shaun C. Blake
Shaun C. Blake (SC Bar # 76349)
Jenkins M. Mann (SC Bar #74894)
ROGERS LEWIS JACKSON MANN & QUINN
1901 Main Street, Suite 1200
Columbia, SC 29201
Tel: 803-978-2831
Email: sblake@rogerslewis.com
jmann@rogerslewis.com
ATTORNEYS FOR DEFENDANTS

November 9, 2020

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT

Stonington Community Association, Inc.,

C/A NO: 2018-CP-40-06557

Plaintiff,

v.

Carl D. Taylor, Jonathan Stevens, Veronica Stevens, Lena M. Bretous, Vickie M. Wise, Gerald Maynard, Lisa Maynard, Thomas Lafayette Brown a/k/a Thomas L. Brown, Sharline Brown, Derrick L. Taylor, Gaye S. Taylor, Syrecea Parker, Carolyn L. Austin, Richea G. House, Sr., Gayle D. House, Larkin Hancock, Jr., Katrina Hancock, Jeffery M. Farmer, Kelly S. Farmer, Anthony T. Reddish, Diann Reddish, Joel H. Daley, Syreta L. Daley, Judy Dove, Henry Faison, Dorothy Brisbon, George L. Lawrence, Annette M. Lawrence, Devinci L. Fulton, and John A. Francis,

Defendants.

**CONSENT ORDER
RESOLVING DEFENDANTS' MOTION
FOR PROTECTIVE ORDER AND
SANCTIONS**

THIS MATTER comes before the undersigned by Defendants' Motion for to be Relieved as Counsel and for a Temporary Continuance of Proceedings dated November 9, 2020 (the "Motion"), filed on an emergent basis pursuant to Rules 6, 7 and 40(a), SCRCP. The participating parties have since conferred pursuant to Rule 11, SCRPC, and they have consented to the entry of an Order granting the Motion pursuant to the following terms:

(1) following the entry of this Order, this case shall be stayed for twenty-one (21) days to allow:

- a. the Plaintiff and Dorothy Brisbon, Thomas Lafayette Brown a/k/a Thomas L. Brown, Sharline Brown, Joel H. Daley, Syreta L. Daley, Donna Dalton, Reginald Dalton, Henry Faison, Jeffery M. Farmer, Kelly S. Farmer, Larkin Hancock, Jr., Katrina Hancock, Annette M. Lawrence, George L. Lawrence, Anthony T.

Reddish, Diann Reddish, Jonathan Stevens, and Veronica Stevens (the “Settling Defendants”) to complete the various contractual documents, real estate records, and related records and payments associated with their respective settlements; and

- b. Carolyn L. Austin, Lena M. Bretous, Judy Dove, John A. Francis, Devinci L. Fulton, Richea G. House, Sr., Gayle D. House, Gerald Maynard, Lisa Maynard, Syrecea Parker, Carl D. Taylor, Derrick L. Taylor, Gaye S. Taylor, and Vickie M. Wise (the “Remaining Defendants”) to have an opportunity to retain new counsel should they chose to do so prior to proceeding *pro se* in this matter.
- (2) Any Remaining Defendants hiring new counsel shall either notify the Plaintiff and the court by having his or her new counsel file a notice of appearance in this matter;
 - (3) If, following the stay, any Remaining Defendant has not retained new counsel to appear in this action, then that Defendant shall promptly notify the Richland County Clerk of Court’s office and Plaintiff’s counsel, Valerie Giovanoli, Esq. and Brent M. Boyd, Esq., in writing of the address for future notifications regarding this matter; and
 - (4) The motions for summary judgment will be continued for 30 days and then rescheduled by the clerk of court, and no further continuances of the motions for summary judgment will be granted, absent exigent circumstances which will not include retaining new counsel.

Based on the foregoing and the consent of the participating parties, the undersigned finds that this Consent Order is proper and should be entered.

IT IS SO ORDERED.

We so Consent:

s/ Valerie Garcia Giovanoli
Valerie Garcia Giovanoli (SC Bar No. 102524)
McCABE, TROTTER & BEVERLY, PC
4500 Ft. Jackson Blvd., Suite 250 (29209)
P.O. Box 212069
Columbia, South Carolina 29221
Phone: (803) 724-5000
Fax: (803) 724-5005

&

Brent M. Boyd
MURPHY & GRANTLAND, PA
4406-B Forest Drive
P.O. Box 6648
Columbia, South Carolina 29260
Phone: (803) 782-4100
bboyd@murphygrantland.com

ATTORNEYS FOR PLAINTIFF

November 13, 2020

We so Consent:

s/ Shaun C. Blake
Shaun C. Blake (SC Bar # 76349)
Jenkins M. Mann (SC Bar #74894)
ROGERS LEWIS JACKSON MANN & QUINN
1901 Main Street, Suite 1200 (29201)
P.O. Box 11803
Columbia, SC 29211
Tel: 803-978-2831
Email: sblake@rogerslewis.com
jmann@rogerslewis.com

ATTORNEYS FOR DEFENDANTS

November 13, 2020



Richland Common Pleas

Case Caption: Stonington Community Association Inc vs Carl D Taylor , defendant, et al
Case Number: 2018CP4006557
Type: Order/Consent Order

So Ordered

s/L. Casey Manning, 2061

Certificate of Electronic Notification

Recipients

Brent Boyd - Notification transmitted on 12-09-2020 10:29:44 PM.

Valerie Giovanoli - Notification transmitted on 12-09-2020 10:29:44 PM.

Jenkins Mann - Notification transmitted on 12-09-2020 10:29:44 PM.

Shaun Blake - Notification transmitted on 12-09-2020 10:29:44 PM.

Donald McCabe - Notification transmitted on 12-09-2020 10:29:44 PM.

***** IMPORTANT NOTICE - READ THIS INFORMATION *****
NOTICE OF ELECTRONIC FILING [NEF]

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A filing has been submitted to the court RE: 2018CP4006557

Official File Stamp: 12-09-2020 10:29:33 PM

Court: CIRCUIT COURT

Common Pleas

Richland

Case Caption: Stonington Community Association Inc vs Carl D Taylor , defendant, et al

Event(s):

Notice/Notice of Appearance

Jonathan D Waller

Filed by or on behalf of:

This notice was automatically generated by the Court's auto-notification system.

-

The following people were served electronically:

Valerie Garcia Giovanoli for Stonington
Community Association Inc

Donald Ryan McCabe, Jr. for Stonington
Community Association Inc

Shaun C. Blake for Syreta L Daley et al

Brent Morris Boyd for Stonington Community
Association Inc

Jenkins McMillan Mann for Syreta L Daley, Gerald Maynard, Joel H Daley, Vickie M Wise, Lena M Bretous, Veronica Stevens, Diann Reddish, Jonathan Stevens, Carl D Taylor, Anthony T Reddish, Jeffery M Farmer, Gayle D House, Richea G House, Sr, Carolyn L Austin, Syrecea Parker, Gaye S Taylor, Derrick L Taylor, Sharline Brown, Thomas Lafayette Brown, Kelly S Farmer, John A Francis, Devinci L Fulton, Annette M Lawrence, George L Lawrence, Thomas L Brown, Donna Dalton, Dorothy Brisbon, Reginald Dalton, Henry Faison, Lisa Maynard

The following people have not been served electronically by the Court. Therefore, they must be served by traditional means: