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Feb 06 2023

SC Court of Appeals

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

Appeal from Georgetown County
Court of Common Pleas

Benjamin H. Culbertson, Circuit Court Judge

Case No. 2019-CP-22-00961
Appellate Case No. 2020-001167

Kevin Greene,
as Attorney in Fact for and on Behalf of
Eleanor Greene Wragg,

Respondent,

v.

Palmetto Prince George Operating, LLC
d/b/a Prince George Healthcare Center;
Palmetto Health Care, LLC;
Murray Forman, Individually; and
Richard Porter, Individually,

Defendants.

Of whom Palmetto Prince George Operating, LLC
d/b/a Prince George Health Care Center;
Palmetto Health Care, LLC; and
Richard Porter, Individually, are

Appellants.

MOTION TO BE RELIEVED AS COUNSEL

THE DERRICK LAW FIRM, P.C.
Dirk J. Derrick (SC Bar No. 11278)
S. Taylor Hooven (SC Bar No. 103451)
901 Main Street
Conway, SC 29526
P.O. Box 28 (29528)
(843) 248-7486

Attorneys for Respondent

COME NOW Dirk J. Derrick, individually, S. Taylor Hooven, individually, and The Derrick Law Firm, P.C. d/b/a Derrick Law Firm Injury Lawyers (“Movants”), and move this Honorable Court, pursuant to Rule 264 of the South Carolina Rules of Appellate Procedure, for an Order relieving them and any other attorneys or affiliates of The Derrick Law Firm, P.C. d/b/a Derrick Law Firm Injury Lawyers as counsel in this matter, and additional relief as requested below.

Ms. Eleanor Wragg was Movants’ client by and through her Attorney-in-Fact acting on her behalf. Upon information and belief, Ms. Wragg passed away on or about November 21, 2021. By letter filed January 12, 2022, counsel alerted this Court of the passing of Ms. Eleanor Wragg and noted an appropriate motion to substitute party would be made when a Personal Representative was appointed. *See Exhibit A.* As of the filing of this instant Motion, no person with appropriate authority to continue this matter on behalf of Ms. Wragg’s estate has retained Movants to continue representation in this matter. To Movants’ best knowledge, no estate has been opened and no Personal Representative or other administrator appointed.

In South Carolina, “[a] power of attorney terminates when the: (1) principal dies;” and “[a]n agent’s authority terminates when the: . . . (4) power of attorney terminates.” S.C. Code Ann. § 62-8-110(a)(1), (b)(4). Accordingly, with Ms. Wragg’s passing, any power vested in an Attorney-in-Fact to act on her behalf terminated, as did the authority of Movants, who were retained to act on her behalf while she was living. When she passed, Movants were left without a client. Unless and until an estate is opened, Movants are informed and believe no person is authorized to pursue this matter, generally. To date, it does not appear an estate has been opened; likewise, no person with requisite authority has retained or otherwise authorized Movants to proceed on behalf of Ms. Wragg’s estate.

Consequently, Movants have no legal authority to continue their representation in this matter because their agency expired with Ms. Wragg's passing; they now have no client. Furthermore, no person with requisite authority has retained or otherwise authorized Movants to proceed on behalf of Ms. Wragg's estate, which remains unopened as far as Movants are aware.

WHEREFORE as Movants have no legal, ethical, or other basis upon which to act in furtherance of this matter, and as they no longer have a client who is a party to this case, Movants are prevented from presently continuing as counsel. Accordingly, Movants respectfully request this Honorable Court grant their Motion and Relieve Dirk J. Derrick, Esq.; S. Taylor Hooven, Esq.; and The Derrick Law Firm, P.C., d/b/a Derrick Law Firm Injury Lawyers and its other attorneys or affiliates as counsel in this matter.

MOREOVER, as the statute of limitations likely has run for the matters alleged in the Complaint below, and to whatever extent it is proper for Movants to make the following request, in the event this Court grants Movants' motion Movants respectfully ask this Court stay argument, remand, or other decision in this matter for such time as this Court deems just and proper to allow time for the estate to be opened, a Personal Representative to be appointed, and, as appropriate, that Personal Representative to be substituted as a party.

Respectfully submitted,

THE DERRICK LAW FIRM, P.C.

By: s/Dirk J. Derrick
Dirk J. Derrick (SC Bar No. 11278)
S. Taylor Hooven (SC Bar No. 103451)
901 Main Street
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Individually: s/Dirk J. Derrick
Dirk J. Derrick (SC Bar No. 11278)

Individually: s/S. Taylor Hooven
S. Taylor Hooven (SC Bar No. 103451)

Conway, South Carolina

February 6, 2023

Exhibit A



DERRICK LAW FIRM

A PROFESSIONAL CORPORATION

Dirk J. Derrick
S. Taylor Hooven *(admitted in SC & GA)*
Dakota J. Derrick
Daniel R. McCoy
Dorsey W. Strickland
Allyson R. Pittman
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AJ Holloway
T. Dyllan Rankin
J. Brandon Hylton
Robert D. Corney
Todd E. Rigler
(admitted in SC, NC & WV) Stacy Jo Townsend
Justin J. Arenas
Ralitsa C. François

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Jan 12 2022

SC Court of Appeals

January 12, 2022

Via E-mail ONLY(ctappfilings@sccourts.org)

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

Re: Kevin Greene v. Palmetto Prince George Operating, LLC
Appellate Case No.: 2020-001167

Dear Sir or Madam:

I hope this letter finds you well. I write today on behalf of Mr. Kevin Greene, who as Attorney-in-Fact for Ms. Eleanor Wragg filed the underlying action to the case above-named in the Court of Common Pleas for Georgetown County, South Carolina.

I regret to inform this Honorable Court that Ms. Eleanor Wragg passed away on or about November 21, 2021. To date, a personal representative of her estate has not yet been appointed. When a personal representative is appointed, a motion to substitute a party will be made in accordance with Rule 265(b) of the South Carolina Rules of Appellate Procedure.

If I can be of any further service, please do not hesitate to let me know. Thank you for your time and consideration.

Very truly yours,

January 12, 2022

Page 2

A handwritten signature in black ink, appearing to be 'T. Hooven', with a stylized, cursive script.

Taylor Hooven

STH/

cc:

Russell G. Hines, Esq. (rhines@yclaw.com)

Stephen L. Brown, Esq. (sbrown@yclaw.com)

D. Jay Davis, Jr., Esq. (jdavis@yclaw.com)

Matthew O. Riddle, Esq. (mriddle@yclaw.com)

Galliard T. Dotterer, III, Esq. (gdotterer@yclaw.com)

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Richard Porter, Individually,

Defendants.

Of whom Palmetto Prince George Operating, LLC
d/b/a Prince George Health Care Center;
Palmetto Health Care, LLC; and
Richard Porter, Individually, are

Appellants.

PROOF OF SERVICE

THE DERRICK LAW FIRM, P.C.
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S. Taylor Hooven (SC Bar No. 103451)
901 Main Street
Conway, SC 29526
P.O. Box 28 (29528)
(843) 248-7486

Attorneys for Respondent

I, S. Taylor Hooven, of The Derrick Law Firm, P.C., attorneys for Respondent, hereby certify that the **MOTION TO BE RELIEVED AS COUNSEL** was served on all other parties to this matter on February 6, 2023, via email (see attached) to their following counsel of record:

Stephen L. Brown, Esquire
(sbrown@yclaw.com)
D. Jay Davis, Jr., Esquire
(jdavis@yclaw.com)
Russell G. Hines, Esquire
(rhines@yclaw.com)
Matthew O. Riddle, Esquire
(mriddle@yclaw.com)
Galliard T. Dotterer, III, Esquire
(gdotterer@yclaw.com)
Clement Rivers, LLP
P.O. Box 993
Charleston, SC 29402

Attorneys for Appellants

Respectfully submitted,

THE DERRICK LAW FIRM, P.C.

By: s/ S. Taylor Hooven
S. Taylor Hooven (SC Bar No. 103451)

Attorneys for Respondent

Conway, South Carolina
February 6, 2023

Taylor Hooven

From: Taylor Hooven
Sent: Monday, February 6, 2023 8:44 AM
To: sbrown@ycrlaw.com; Davis, Jay; 'rhines@ycrlaw.com'; mmiddle@ycrlaw.com; gdotterer@ycrlaw.com
Cc: Charleen Hamrick; Kathi Tedesco; Dirk Derrick
Subject: App. Case No. 2020-001167 (Greene v. Palmetto Prince George) -- Motion to be Relieved as Counsel
Attachments: App. Case No. 2020-001167 (Greene v. Palmetto Prince George) -- Mtn to be Relieved as Counsel.pdf

Good morning,

Attached please find a **Motion to be Relieved as Counsel** we intend to file today in the matter above referenced.

Thank you,

TH



Taylor Hooven

Attorney

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