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Feb 28 2023
SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Bentley D. Price, Circuit Court Judge
Case No. 2019-CP-10-04387
Appellate Case No. 2021-000051

Applied Building Sciences, Inc.,

Appellant,

v.

South Carolina Department of Commerce,
Division of Public Railways,

Respondent.

**NOTICE OF WITHDRAWAL OF COUNSEL FOR RESPONDENT
SOUTH CAROLINA DEPARTMENT OF COMMERCE, DIVISION
OF PUBLIC RAILWAYS**

PLEASE TAKE NOTICE that Respondent South Carolina Department of Commerce, Division of Public Railways (“Respondent”) consents to the withdrawal and resignation of David L. Paavola, Esquire as their counsel of record in this action. Mr. Paavola is no longer a partner with the law firm Lewis Babcock L.L.P.

Respondent will continue to be represented in this matter by its counsel of record Keith M. Babcock, Esquire, of Lewis Babcock L.L.P.

Respectfully submitted,

/s/ Keith M. Babcock
Keith M. Babcock, SC Bar No. 456
LEWIS BABCOCK, L.L.P.
Post Office Box 11208
Columbia, South Carolina 29211
(803) 771-8000
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Attorney for Respondent South Carolina
Department of Commerce, Division of Public
Railways

Columbia, South Carolina
February 28, 2023

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Respondents.

PROOF OF SERVICE

I certify that I have served the Notice of Withdrawal of Counsel for Respondent South Carolina Department of Commerce, Division of Public Railways on Gene M. Connell, Jr., counsel for Appellant, Applied Building Sciences, by email sent to his primary e-mail address listed in the Attorney Information System, gconnell@classactlaw.net on February 28, 2023. See attached email.

Gene M. Connell, Jr., Esquire
Kelaher Connell & Connor, PC
Post Office Drawer 14547
Surfside Beach, South Carolina 29587
gconnell@classactlaw.net

/s/ Keith M. Babcock
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Attorney for Respondent South Carolina
Department of Commerce, Division of
Public Railways

Columbia, South Carolina
February 28, 2023

From: [Keith M. Babcock](#)
To: gconnell@classactlaw.net
Cc: [Pat K. McCright](#)
Subject: 17-115 Applied Building Sciences, Inc. v. SC Department of Commerce, Division of Public Railways
Date: Tuesday, February 28, 2023 8:53:41 AM
Attachments: [Notice of Withdrawal of Counsel for SC Dept of Commerce Division of Public Railways.pdf](#)
[Proof of Service Notice of Withdrawal.pdf](#)

Gene,

Attached is a Notice of Withdrawal of Counsel for Respondent for service in accordance with Rule 262, SCACR. This notice will be filed in the Court of Appeals shortly.

Keith



Keith M. Babcock

Attorney

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SC Court of Appeals

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

Re: Applied Building Sciences, Inc. v. SC Department of Commerce,
Division of Public Railways
Appellate Case No. 2021-000051
Our File No. 17-115

Dear Ms. Kitchings:

Enclosed for filing please find a Notice of Withdrawal of Counsel for Respondent and Proof of Service in the above referenced matter.

With best regards, I am

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Keith M. Babcock', written over a light blue horizontal line.

Keith M. Babcock

KMB:pkm

Enclosure

cc: Gene M. Connell, Jr., Esq.
gconnell@classactlaw.net