

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

The Honorable Steven H. John
Fifteenth Circuit Court Judge

Case No.: 2007-CP-26-00265

Williams Carpet Contractors, Inc.,..... Appellant,

v.

Ruonala and Company, LLC, Mark Skelly and
M.S. Industries, Inc.,..... Defendants,
Of Whom Mark Skelly is..... Respondent.

REPLY TO RETURN TO MOTION TO RECALL
REMITTITUR AND ADDRESS
MOTION TO BE RELIEVED AS COUNSEL
IN CASE NO. 2010-176606

Henrietta U. Golding, Esquire
James K. Gilliam, Esquire
McNair Law Firm, P.A.
Post Office Box 336
Myrtle Beach, SC 29578
Attorneys for Appellant/Respondent Williams Carpet

G. Michael Smith, Esquire
Thompson & Henry, P.A.
Post Office Box 1740
Conway, SC 29528
(843)248-5741
Attorneys for Respondent/Petitioner Mark Skelly

RECEIVED
JUN 19 2013
SC Court of Appeals

By way of Reply to the Appellant/Respondent's Return to the Motion to Recall Remittitur and Address Motion to be Relieved of Counsel in Case Number 2010-176606, the Appellant/Petitioner would allege that Williams Carpet has overlooked three very important issues:

- (1) The court in Case Number 2012-213575 properly recalled the Remittitur in that case because of the pending Motion to be Relieved as Counsel (which ruling was consistent with the court's ruling in Johnson v. Hall (Case Number 2012-208988));
- (2) Upon information and belief, this court has never ruled upon the undersigned's motion to be relieved as counsel in 2010-176606 (the court did relieve counsel in 2012-213575); and
- (3) Because of the timely filing of the Motion to be Relieved as Counsel in Case Number 2010-176606, the Remittitur issued in that case was improper and should be withdrawn for the same reasons the Remittitur was withdrawn in Case Number 2012-213575 and in Johnson v. Hall.

The Return to the undersigned's Motion Recall Remittitur and Address Motion to be Relieved as Counsel mischaracterizes the effects of this court's prior orders. Williams Carpet avers that the Orders of this court dated March 11, 2013 and

May 3, 2013 must somehow address the issues raised in Case Number 2010-176606. They do not. Both orders on their face address the issues in Case Number 2012-213575. Williams Carpet does not cite any orders which rule upon the pending Motion to be Relieved in 2010-176606, because none are known to exist.

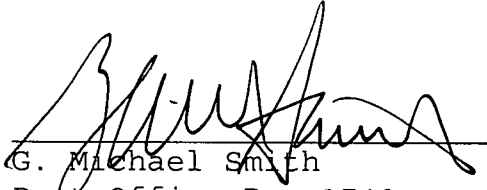
Further, Williams Carpet raises the issue of res judicata. Skelly would allege that res judicata in this case mandates that the remittitur be withdrawn as it was in 2012-208988. Once the court recalls the remittitur and addresses the undersigned's Motion to be Relieved in 2010-176606, then Skelly should be given an appropriate time to find counsel or proceed pro se in 2010-176606 as he was in 2012-208988.

Based upon the foregoing issues, the undersigned is informed and believes that this Court should recall the Remittitur in Case No.: 2010-176606 and should rule upon the undersigned's Motion to be Relieved as Counsel in 2010-176606. The Williams Carpet motion for sanctions should as a result be denied as well.

(Signature page on following page).

Respectfully submitted,

Thompson & Henry, P.A.


G. Michael Smith
Post Office Box 1740
Conway, SC 29528
(843)248-5741

Attorneys for Petitioner Mark
Skelly

June 17, 2013

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

The Honorable Steven H. John
Fifteenth Circuit Court Judge

Case No.: 2007-CP-26-00265

Williams Carpet Contractors, Inc., Appellant,

v.

Ruonala and Company, LLC, Mark Skelly and
M.S. Industries, Inc., Defendants,

Of Whom Mark Skelly is Respondent.

PROOF OF SERVICE

I, Tenna Turman, an employee for Thompson & Henry, P.A.,
attorneys for the Appellant Mark Skelly, in the above-captioned
action and/or actions, certify that I have this 17 day of June,
2013 mailed a copy and/or copies of the following:


**REPLY TO RETURN TO MOTION TO RECALL REMITTITUR AND ADDRESS
MOTION TO BE RELIEVED AS COUNSEL IN CASE NO. 2010-176606**

to the undersigned at his/her/their address(es) of record, with
sufficient postage attached thereto, as follows:

Henrietta U. Golding, Esquire
James K. Gilliam, Esquire
McNair Law Firm, P.A.
Post Office Box 336
Myrtle Beach, SC 29578
Attorneys for Williams Carpet

RECEIVED
JUN 19 2013
SC Court of Appeals

Conway, South Carolina


Tenna Turman

THOMPSON & HENRY, P.A.

ATTORNEYS AT LAW

1300 SECOND AVENUE, THIRD FLOOR
POST OFFICE BOX 1740
CONWAY, SOUTH CAROLINA 29528

TELEPHONE
(843) 248-5741
FACSIMILE
(843) 248-5112

G. MICHAEL SMITH
mSMITH@THOMPSONLAW.COM

June 17, 2013

The Honorable Tanya A. Gee
Clerk of Court
South Carolina Court of Appeals
PO Box 11629
Columbia, SC 29211

RE: Williams Carpet Contractors, Inc. v. Ruonala and Company,
LLC, Mark Skelly and M.S. Industries, Inc.
Case Track No.: 2010-176606
Civil Action No.: 2007-CP-26-0265
Our File No.: 15156

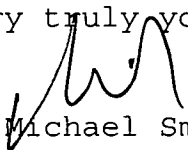
Dear Ms. Gee:

I am enclosing for filing with the court in connection with the above captioned matter the following:

- Original and 6 copies of the Reply to Return to Motion to Recall Remittitur and Address Motion to be Relieved as Counsel in Case No. 2010-176606; and
- Proof of Service.

By copy of this letter, I am serving a copy of the aforementioned documents on other counsel of record and the client, Mark Skelly and his legal counsel, John Martini, Esquire. Please return to me a clocked copy of the filed documents in the enclosed self-addressed envelope.

Very truly yours,


G. Michael Smith

GMS/tlt
Enclosures
cc: Henrietta U. Golding, Esquire
James K. Gilliam, Esquire
Clients

RECEIVED

JUN 19 2013

SC Court of Appeals