

RECEIVED

Apr 13 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHEROKEE COUNTY
Court of Common Pleas

R. Keith Kelly, Circuit Court Judge

Appellate Case No. 2022-001737

Sylvia Hutchins,

Appellant,

v.

American Express,

Respondent.

MOTION TO BE RELIEVED AS COUNSEL

TO: SYLVIA HUTCHINS, APPELLANT, AND WILLIAM PRICE STORK, ESQUIRE, AND FRANKLIN LAMONT GREENE, ESQUIRE, ATTORNEYS FOR THE RESPONDENT

The undersigned attorney, Randy A. Skinner, hereby moves for an order of this Court, pursuant to Rule 11(b), SCRCP, Rules 1.16(b)(4) & (6), RPC, Rule 407, SCACR, relieving him and Skinner Law Firm, L.L.C. (collectively “Counsel”) as counsel of record for Sylvia Hutchins (the “Appellant”). This motion is based upon an irreconcilable disagreement between the Appellant and Counsel regarding issues fundamental to the appeal. Counsel’s representation of the Appellant has been rendered unreasonably difficult by the subject of this disagreement.

Furthermore, the Appellant previously filed correspondence with this Court, on January 23, 2023, expressing her desire to terminate Counsel’s representation. Counsel for the Respondent indicated his consent to relief of Counsel for the Appellant by e-mail to this Court on January 31, 2023.

As such, Counsel believes that the Appellant will be unrepresented in this action moving

forward. To the extent that the Court may accommodate the parties, Counsel requests that the Appellant be provided thirty (30) days following entry of the Order Relieving Counsel of Record to obtain new counsel.

To the extent that the Appellant intends to represent herself in this matter, *pro se*, in compliance with the South Carolina Rules of Civil Procedure, Counsel hereby informs the Court that the Appellant's last known address and phone number are as follows:

Address: 125 Frontier Drive, Gaffney SC 29341

Telephone: 864-805-0175

Counsel further certifies that a copy of this motion is being sent to counsel for the Respondent, via electronic mail and regular mail, and is being mailed to the Appellant at the above address simultaneously upon filing of this motion with the Court. The Appellant is also hereby informed of her right to object to the within motion by filing such objection with this Court prior to entry of the requested Order Relieving Counsel of Record.

WHEREFORE, counsel prays for an order from this Court relieving Randy A. Skinner and Skinner Law Firm, L.L.C. as counsel of record for Sylvia Hutchins, the Appellant in this matter.

Respectfully submitted,

April 13, 2023
Greenville, South Carolina

/s/Randy A. Skinner
Randy A. Skinner
Skinner Law Firm, LLC
300 North Main Street, Suite 201
Greenville, South Carolina 29601
Telephone: (864) 232-2007
Facsimile: (864) 232-8496
E-mail: rskinner@skinnerlawfirm.com
SC Bar No.: 62988
Attorney for the Appellant

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHEROKEE COUNTY
Court of Common Pleas

R. Keith Kelly, Circuit Court Judge

Appellate Case No. 2022-001737

Sylvia Hutchins,

Appellant,

v.

American Express,

Respondent.

ORDER RELIEVING COUNSEL

Randy A. Skinner, Esquire, and Skinner Law Firm, L.L.C. seek an Order of this Court, relieving them as counsel for the Appellant, Sylvia Hutchins, (the “Appellant”) for the grounds stated in their Motion to Be Relieved. The Appellant was served with the motion by regular mail. Counsel for the Respondent were served electronically by electronic mail and regular mail as well as through a notice of electronic filing (NEF) from the E-File system at www.sccourts.org. No objections or responses have been filed with this Court or received by the moving party.

THEREFORE, IT IS ORDERED that:

1. Randy A. Skinner, Esquire, and Skinner Law Firm, L.L.C are relieved as counsel of record for the Appellant, Sylvia Hutchins.
2. The Court takes this opportunity to warn the Appellant that this Court requires *pro se* parties to fully comply with all applicable rules. The Appellant is certain to be unlearned in other aspects of the law as well. Representation by an attorney trained in the law would be highly beneficial, and this Court strongly encourages the Appellant to obtain new attorney

representation.

3. The Appellant may obtain new counsel within thirty (30) days of service of this order. Immediately upon retention by the Appellant, her new counsel will send their contact information to this Court and counsel for the Respondent.
4. If the Appellant does not obtain new counsel within thirty (30) days of service of this order, she will have to proceed in this matter *pro se*. The Court informs the Appellant, if she elects to represent herself and proceed without legal counsel, she will be held to the same standards as an attorney and will be required to follow the same rules as attorneys. A party has a duty to monitor the progress of her case and will not be held to any lesser standard than is applied to an attorney. *Goodson v. American Bankers Insurance Company of Florida*, 295 S.C. 400, 368 S.E.2d 687 (Ct. App. 1988); *Hill v. Dotts*, 345 S.C. 304, 547 S.E.2d 894 (Ct. App. 2001).
If electing to proceed without an attorney, the Appellant will further be required to follow Rule 3.5 of the South Carolina Rules of Professional Conduct, listed in Rule 407 of the South Carolina Appellate Court Rules. This rule specifically requires all parties to refrain from any *ex parte* communications, which are communications outside the presence or knowledge of opposing counsel. The Appellant will be required to serve all motions, pleadings, or other communications on each party to the case, all attorneys involved, and the Court.
5. All parties are to keep this Court informed of any changes in contact information while this action is pending.
6. A copy of this order and all future pleadings and notices shall be served upon the Appellant by sending a copy pursuant to SCRCP (first class mail) to the following address: 125 Frontier Drive, Gaffney SC 29341.
7. The Court notes that the South Carolina Judicial Department Website has several links to educate parties who do not have an attorney (SRL-Self Represented Litigants).
8. To review these links, you may choose to go to the South Carolina Judicial Website. There, Click Self-Help Resources under GENERAL PUBLIC TAB. NEXT REVIEW: (1) Welcome to SC Courts –A list of things Court Staff can and cannot do and (2) UNDER FAQ SECTION REVIEW (a)General Questions. Remember, you are bound by the same rules that attorneys are.

AND IT IS SO ORDERED.

RECEIVED

Apr 13 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHEROKEE COUNTY
Court of Common Pleas

R. Keith Kelly, Circuit Court Judge

Appellate Case No. 2022-001737

Sylvia Hutchins,

Appellant,

v.

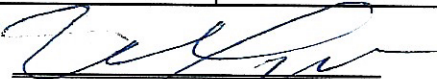
American Express,

Respondent.

CERTIFICATE OF SERVICE

IT IS TO HEREBY CERTIFY that the undersigned individual has mailed copies of the MOTION TO BE RELIEVED AS COUNSEL on April 13, 2021, to the following parties as follows:

	Party or counsel of record for identified party	By depositing copies of the same in the U.S. Mail with sufficient postage attached thereto, addressed with last known address	By electronic mail
Sylvia Hutchins	Appellant	125 Frontier Drive Gaffney SC 29341	
William Price Stork, Esq. Franklin Lamont Greene, Esq.	Respondent	Zwicker & Associates, P.C. Attorneys at Law 7 Technology Circle, Suite 150 Columbia, SC 29203	wstork@zwickerpc.com



Winsome Peterkin
Legal Assistant to Randy A. Skinner
Skinner Law Firm, LLC
300 North Main Street, Suite 201
Greenville, South Carolina 29601
Telephone: (864) 232-2007