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**S.C. Supreme Court**

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**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

The Honorable G. Thomas Cooper, Jr., Circuit Court Judge

Appellate Case No. 2013-001096

Case No. 2012-CP-40-7331

Phillip Morgan, individually, and on behalf of all  
similarly situated Plaintiffs, ..... Appellant,

v.

South Carolina Department of Revenue; South Carolina  
Division of State Information Technology; the Office of  
the Governor of the State of South Carolina; Trustwave  
Corporation; and Trustwave Holdings, Inc., ..... Respondents.

**CONSENT MOTION FOR ADMISSION *PRO HAC VICE***

COMES NOW M. Todd Carroll of Womble Carlyle Sandridge & Rice, LLP, as  
counsel of record for the South Carolina Department of Revenue and the Office of the  
Governor of the State of South Carolina, hereby moves for the admission *pro hac vice* of  
Theodore F. Claypool, an attorney with the law firm of Womble Carlyle Sandridge &  
Rice, LLP, One Wells Fargo Center, 301 South College Street, Suite 3500, Charlotte,  
North Carolina 28202. In support of this motion, the South Carolina Department of  
Revenue and the Office of the Governor show the following:

1. Mr. Claypool is a member in good standing of the Bar of the State of  
North Carolina, is admitted to practice before that state's courts, and has been admitted to

practice in the United States District Court for the Southern District of Ohio, the Western District of North Carolina, and the Sixth Circuit Court of Appeals;

2. Mr. Claypool's appearance in this matter will be in association with the undersigned, a member of the bar of this State;

3. The undersigned represents that he has consulted with counsel for Appellant and for all other Respondents, and that they have no objection to this Motion; and

4. In further support of this Motion, the South Carolina Department of Revenue and the Office of the Governor submit the Verified Application for Admission *Pro Hac Vice* of Theodore F. Claypool as Exhibit A.

WHEREFORE, the South Carolina Department of Revenue and the Office of the Governor request that the Court admit Theodore F. Claypool *pro hac vice* in this matter for purposes of this lawsuit only.

Respectfully submitted,

WOMBLE CARLYLE SANDRIDGE & RICE, LLP

By: 

M. Todd Carroll  
S.C. Bar No. 74000  
Karl S. Bowers, Jr.  
S.C. Bar No. 16141  
1727 Hampton Street  
Columbia, South Carolina 29201  
(803) 454-6504

Attorneys for the South Carolina Department of  
Revenue and the Office of the Governor

Columbia, South Carolina  
July 1, 2013

# Exhibit A



Applicant is presently a member in good standing of the bars of those courts listed above, except as listed below:  
(List any court named in the preceding paragraph that applicant is no longer admitted to practice before.)

\_\_\_\_\_

6. Applicant presently is not subject to any suspension or disbarment proceedings, and has not been formally notified of any complaints pending before a disciplinary agency, except as provided below (give particulars, e.g., jurisdiction, court, date):

\_\_\_\_\_

7. Applicant never has had any application for admission *pro hac vice* in this or any other jurisdiction denied or any *pro hac vice* admission revoked, except as provided below (give particulars, e.g., date, court, docket number, judge, circumstances; attach a copy of any order of denial or revocation):

\_\_\_\_\_

8. Applicant never has had any certificate or privilege to appear and practice before any administrative body suspended or revoked, except as provided below (give particulars, e.g., date, administrative body, date of suspension and reinstatement):

\_\_\_\_\_

9. Local counsel of record associated with applicant in this case is M. Todd Carroll, of the Womble Carlyle law firm, which has offices at:

1727 Hampton Street

Street Address

Columbia

Richland

South Carolina

29201

City

County

State

Zip Code

803-454-6504

Telephone

If applicable list all other firms/attorneys you are associated with in this matter

Karl S. Bowers, Jr., Kevin A. Hall

10. Applicant has previously filed an application to appear *pro hac vice* in the following South Carolina cases (give case name and status of litigation, date of application, local counsel of record in each case, and state whether application is pending or was granted).

None

11. Applicant agrees to comply with the applicable statutes, laws and rules of the State of South Carolina and will familiarize him/herself with and comply with the South Carolina Rules of Professional Conduct. Applicant consents to the jurisdiction of the South Carolina courts and Commission on Lawyer Conduct.

12. Applicant respectfully requests to be admitted to practice in the above named court for this case only.

DATED this 25th day of June, 2013.

  
APPLICANT

VERIFICATION

STATE OF North Carolina )

COUNTY OF Mecklenburg )

I, Theodore F. Claypoole, do hereby swear or affirm under penalty of perjury that I am the applicant in the above styled matter; that I have read the foregoing application and know the contents thereof; and that the contents are true of my own knowledge, except as to those matters stated on information and belief; and that as to those matters I believe them to be true.

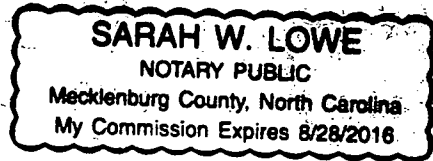
T F Claypoole  
APPLICANT/AFFIANT

Subscribed and sworn to before me this 25 day of June, 2013.

Sarah W. Lowe

Notary Public for the State of North Carolina

My Commission Expires: August 28, 2016



LOCAL COUNSEL CONSENT

I hereby consent, as local counsel of record, to the association of applicant in this cause pursuant to Rules Governing Admission *Pro Hac Vice* to the South Carolina Bar.

DATED this 25 day of June, 2013.

[Signature]  
LOCAL COUNSEL OF RECORD

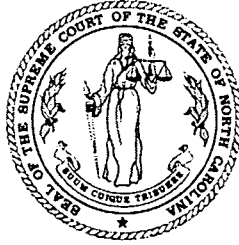
CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of this application upon the South Carolina Supreme Court by mail addressed to: South Carolina Supreme Court Office of Bar Admissions, PO Box 11330, Columbia, SC 29211, accompanied by payment of the \$250 filing fee payable to the South Carolina Supreme Court on this 01 day of July, 2013.  
Jmc

T F Claypoole  
APPLICANT/AFFIANT

MTC

# Supreme Court OF THE STATE OF NORTH CAROLINA



I, Christie S. Cameron Roeder, Clerk of the Supreme Court of North Carolina, do hereby certify that on July 28, 2000, license to practice as an Attorney and Counselor at Law in all the Courts of this State was issued by the North Carolina Board of Law Examiners to

**THEODORE F. CLAYPOOLE**

according to the certified list of licentiates reported by the Secretary of said Board and filed in my office as required by statute.

To the date of this certificate, no order revoking said license has been filed with this Court and no order suspending same is in effect.

WITNESS my hand and the Seal of the Supreme Court of North Carolina at office in Raleigh, this June 11, 2013.



*Christie S. Cameron Roeder*

Christie S. Cameron Roeder  
Clerk of the Supreme Court  
of the State of North Carolina



# The Supreme Court of South Carolina

DANIEL E. SHEAROUSE  
CLERK OF COURT

BRENDA F. SHEALY  
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330  
COLUMBIA, SOUTH CAROLINA 29211  
TELEPHONE: (803) 734-1080  
FAX: (803) 734-0394

July 5, 2013

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
1015 Sumter Street  
Columbia, South Carolina 29201

RE: Phillip Morgan v. SC Department of Revenue, et al.  
Case No. 2013-001096

Dear Ms. Kitchings:

I certify that the Office of Bar Admissions has received a copy of a verified application requesting Theodore F. Claypoole be admitted *pro hac vice* in the above action. The \$250 filing fee for the applicant has been paid.

Yours truly,

*Gayle B. Watts* <sup>sem</sup>  
Deputy Clerk for Bar Admissions

GBW/sbm

\_\_\_\_\_  
**PROOF OF SERVICE**  
\_\_\_\_\_

I, Edwin T. Mathis, Legal Secretary of Womble Carlyle Sandridge & Rice, LLP, do hereby certify that a copy of the **MOTION FOR ADMISSION *PRO HAC VICE* OF *THEODORE F. CLAYPOOLE*** was served on all other parties to this matter by depositing a copy of the same in the United States Mail, postage prepaid, on July 1, 2013, addressed as follows to counsel of record:

John D. Hawkins, Esq.  
C. Logan Rollins, Esq.  
The Hawkins Law Firm  
Post Office Box 5048  
Spartanburg, SC 29304

Robert E. Stepp, Esq.  
Sowell Gray  
Post Office Box 11449  
Columbia, SC 29211

James G. Long, Esq.  
Nexsen Pruet, LLC  
PO Draw 2426  
Columbia, SC 29202

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By: \_\_\_\_\_

  
Edwin T. Mathis



1727 Hampton Street  
Columbia, SC 29201

Telephone: (803) 454-6504  
Fax: (803) 454-6509  
www.wcsr.com

Direct Dial: 803-454-7730  
Direct Fax: 803-381-9130  
E-mail: Todd.Carroll@wcsr.com

July 1, 2013

The Honorable Jenny Abbott Kitchings  
Clerk of Court, South Carolina Court of Appeals  
1015 Sumter Street  
Columbia, SC 29201

Re: Phillip Morgan v. SC Dept. of Revenue  
Appellate Case No. 2013-001096

Dear Ms. Kitchings:

Enclosed please find Respondents' Consent Motion for Admission Pro Hac Vice. Please file the original and return a clocked copy to us via our courier.

Sincerely yours,

M. Todd Carroll

MTC/tm

cc: John C. Hawkins  
C. Logan Rollins  
Robert E. Stepp  
James G. Long

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**S.C. Supreme Court**

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