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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

SEP 01 2023

APPEAL FROM LANCASTER COUNTY
Court of Common Pleas
The Honorable Brian M. Gibbons

SC Court of Appeals

Appellate Case No.: 2023-001210

Nextgear Capital, Inc., Respondent,

v.

Express Automotive Sales & Rental, LLC d/b/a Express Automotive
Sales & Rentals, and Vonis Emoray Waiters, Appellants.

**NOTICE OF MOTION AND MOTION TO BE
RELIEVED AS COUNSEL**

NOW COMES, the Attorney for the Appellants, Vonis Emoray Waiters and Express Automotive Sales & Rental, LLC, Appellants in the above matter and would show the Court the following:

1. On or about April 25, 2023 the Appellants retained the undersigned to defend a domestication of foreign judgment in Common Pleas Court in Lancaster County, South Carolina.
2. The Retainer specifically says that "The Attorney's duties do not continue to an appeal of Order from Common Pleas."
3. The Appellants asked the attorney to file the Notice of Appeal to protect their rights and indicated that they were hiring appellate counsel. As a courtesy to the client and to protect their rights, counsel filed the Notice of Appeal.

4. The Attorney has not been retained or paid to pursue an appeal on behalf of Appellants.

5. Consistent with Rule 407 of the Appellate Court Rules, and specifically, Rule 1.16(b) of the Rules of Professional Conduct, there is at least one ground which supports the permissive withdrawal of the undersigned counsel. Such grounds include:

a. Subpart (b) (1): Withdrawal can be accomplished without material adverse effect on the interest of the client;

b. Subpart (b)(5): The client fails substantially to fulfill an obligation to the lawyer regarding the lawyer's services or payment therefore has been given reasonable warning that the lawyer will withdrawal unless the obligation is fulfilled;

c. Subpart (b)(6): The representation will result in an unreasonable financial burden on the lawyer or has been rendered unreasonably difficult by the client; and/or

d. Subpart (b)(7): Other good cause for withdrawal exists.

6. The undersigned has been informed by Appellants that they had hired or were hiring an appellate attorney. A Consent Motion for Substitution of Counsel was sent to the Rutherford Law Firm but as of today, the substitution has not been consented to by proposed appellate counsel. (See Ex. A – Attached Letter and Motion for Substitution).

7. Upon information and belief, Appellants have consented to a withdrawal of counsel.

8. The above-described matters constitute an irreconcilable difference and good cause for withdrawal.

9. Prior to filing this Motion, the undersigned counsel advised the Defendant's counsel of the relief sought by this Motion, and the Defendant's counsel has consented to the Motion.

WHEREFORE, having fully stated the basis for this Motion, the undersigned counsel respectfully requests as Order from the Court which allows him to withdraw as counsel for the Appellants in this matter and asks that this Court give Appellants sufficient time to substitute counsel.



D. Bradley Jordan
S.C. Bar No. 015288
Jordan Law Firm, PC
P.O. Box 11785
Rock Hill, SC 29731
(803) 817-7999
Attorney for Appellants

August 31, 2023
Rock Hill, South Carolina

WE CONSENT:

Vonis E. Walters

Vonis Emoray Walters, Individually and d/b/a
Express Automotive Sales & Rental, LLC
Appellants

EXHIBIT A

Jordan Law Firm, P.C.

Attorneys and Counselors at Law

546 East Main Street
Post Office Box 11785 (29731)
Rock Hill, South Carolina 29730
Telephone: (803) 817-7999
Fax: (803) 817-9704

*D. Bradley Jordan**

** Licensed in SC & DC*

August 11, 2023

J. Todd Rutherford
The Rutherford Law Firm, LLC
1315 Blanding Street
Columbia, SC 29201

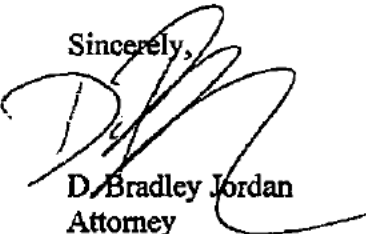
RE: Nextgear Capital, Inc. v. Express Automotive Sales & Rental, LLC, D/B/A
Express Automotive Sales & Rentals, and Vonis Emoray Waiters
Case No.: 2023CP2900022

Dear Mr. Rutherford:

Enclosed please find the original Notice of Motion and Motion for Substitution of Counsel regarding the above referenced matter. Please sign the Consent and forward it back to me in the self-addressed stamped envelope provided.

If you should have any questions, please do not hesitate to contact me.

Sincerely,


D. Bradley Jordan
Attorney

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM LANCASTER COUNTY
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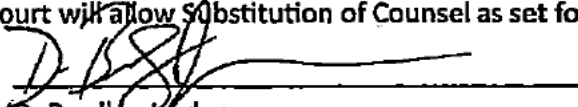
Nextgear Capital, Inc., Respondent,
v.
Express Automotive Sales & Rental, LLC d/b/a Express Automotive
Sales & Rentals, and Vonis Emoray Waiters, Appellants.

NOTICE OF MOTION AND MOTION FOR
SUBSTITUTION OF COUNSEL

NOW COMES, Vonis Emoray Waiters and Express Automotive Sales & Rental, LLC, Appellants in the above matter and would show the Court the following:

The Appellants wish to substitute counsel. D. Bradley Jordan of Jordan Law Firm, PC, currently represents Appellants as attorney of records. By agreement, the below signed Attorneys wish to withdraw, and Appellants wish to substitute J. Todd Rutherford of the Rutherford Law Firm, LLC as Attorney of Record for Vonis Emoray Waiters and Express Automotive Sales & Rental, LLC.

THEREFORE, the Appellants pray that this Court will allow Substitution of Counsel as set forth herein.


D. Bradley Jordan
S.C. Bar No. 015288
Jordan Law Firm, PC
P.O. Box 11785
Rock Hill, SC 29731
(803) 817-7999
Attorney for Appellants

August 7, 2023
Rock Hill, South Carolina

WE CONSENT:

Vonis Emoray Waiters

Vonis Emoray Waiters, Individually and d/b/a
Express Automotive Sales & Rental, LLC
Appellants

THE RUTHERFORD LAW FIRM, LLC

J. Todd Rutherford
The Rutherford Law Firm, LLC
1315 Blanding Street
Columbia, SC 29201
803-256-3003

Substituting Counsel for Appellants
Express Automotive Sales & Rental, LLC and
Vonis Emoray Waiters

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APPEAL FROM LANCASTER COUNTY
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Case No.: 2023CP2900022

NETGEAR CAPITAL, INC., Respondent

v.

EXPRESS AUTOMOTIVE SALES & RENTAL, LLC, D/B/A EXPRESS AUTOMOTIVE SALES &
RENTALS, AND VONIS EMORAY WAITERS, Appellant

PROOF OF SERVICE

I certify that I have served the Notice of Motion and Motion to be Relieved as Counsel by depositing a copy of same, postage prepaid, via us mail delivery on September 1, 2023 addressed to Benjamin E. Grimsley, Esquire, D'Alberto, Graham & Grimsley, LLC, P.O. Box 11682, Columbia, SC 29211 and Mr. Emoray Waiters-Prestige Pain and Body, 2938 Flat Creek Road, Lancaster, SC 29720

Rock Hill, South Carolina
September 1, 2023



D. Bradley Jordan
S.C. Bar No. 015288
Jordan Law Firm, PC
P.O. Box 11785
Rock Hill, SC 29731
(803) 817-7999
Attorney for Appellant