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THE STATE OF SOUTH CAROLINA

OCT 10 2023

In The Court of Appeals

SC Court of Appeals

100011

APPEAL FROM THE ADMINISTRATIVE LAW COURT

S. Phillip Lenski, Administrative Law Judge

Case No. 14-ALJ-17-0552-CC

Appellate Case No. 2021-000031

Lowe's Home Centers, LLC .....Appellant,

v.

South Carolina Department of Revenue .....Respondent.

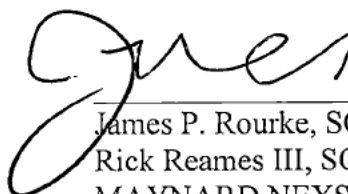
MOTION FOR ADMISSION OF MICHAEL J. MCCONNELL
PRO HAC VICE

Appellant Lowe's Home Centers, LLC hereby moves the Court for an Order, pursuant to Rule 404, SCACR, admitting Michael J. McConnell of Jones Day to practice before this Court pro hac vice, in association with James P. Rourke of Maynard Nexsen PC. Mr. Rourke is a member in good standing of the Bar of this Court. Mr. McConnell agrees to abide by the applicable statutes, laws and rules of the State of South Carolina and will familiarize himself with and comply with the South Carolina courts and Commission on Lawyer Conduct.

Exhibit A to this Motion is Mr. McConnell's Verified Application for Admission Pro Hac Vice. The Verified Application of Mr. McConnell has been submitted to the South Carolina Supreme Court Office of Bar Admissions along with the requisite \$250 filing fee. We have also

included a Certificate of Service indicating that the Application and filing fee have been filed with the Supreme Court.

Respectfully submitted,



James P. Rourke, SC Bar No. 79879  
Rick Reames III, SC Bar No. 68327  
MAYNARD NEXSEN PC  
1230 Main Street, Suite 700 (29201)  
Post Office Drawer 2426  
Columbia, South Carolina 29202-2426  
Telephone: (803) 771-8900  
jrourke@maynardnexsen.com  
rreames@maynardnexsen.com

John M. Allan  
JONES DAY  
1420 Peachtree Street NE, Suite 800  
Atlanta, Georgia 30309  
Telephone: (404) 581-8012  
jmallan@jonesday.com

October 10, 2023  
Columbia, South Carolina

*Attorneys for Appellant  
Lowe's Home Centers, LLC*

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Court of Appeals

VERIFIED APPLICATION FOR ADMISSION PRO HAC VICE  
IN THE STATE OF SOUTH CAROLINA

<u>Lowe's Home Centers, LLC</u> Plaintiff	<u>2021-000031</u> Case No.	<u>South Carolina Court of Appeals</u> Tribunal
vs.	Mailing Address of Tribunal:	Calhoun Building 1220 Senate Street Columbia, SC 29201
<u>South Carolina Department of Revenue</u> Defendant		

Comes now Michael J. McConnell, applicant herein, and respectfully represents the following:

1. Applicant resides at:  
115 Grogans Lake Drive  
 Street Address  
Atlanta                      Fulton                      GA                      30350  
 City                              County                      State                      Zip Code  
(404) 581-8526  
 Telephone

2. Applicant is an attorney and a member of the law firm of (or practices law under the name of) Jones Day, with offices at 1221 Peachtree Street, N.E., Suite 400  
 Street Address  
Atlanta                      Fulton                      GA                      30361-3580  
 City                              County                      State                      Zip Code  
(404) 581-8526                      (404) 581-8330                      mmcconnell@jonesday.com  
 Primary Telephone                      Cell Phone                      Fax Number                      Email Address

3. Applicant has been retained personally or as a member of the above-named law firm by Lowe's Home Centers, LLC to provide legal representation in connection with the above case now pending before the above-named tribunal of the State of South Carolina.

4. Since 26<sup>th</sup> of March of 1987, applicant has been, and presently is, a member in good standing of the bar of the highest court of the District of Columbia or the State of Georgia where applicant regularly practices law. Attached is a certificate of good standing dated within the last 90 days from the bar of the highest court of the District of Columbia or the State where applicant regularly practices law.

5. Applicant has been admitted to practice before the following courts: (List all of the following courts applicant has been admitted to practice before: United States District Courts; United States Circuit Courts of Appeals; the Supreme Court of the United States; and courts of other states or the District of Columbia.)

Court:	Date Admitted:
USDC, Northern District of Georgia	3/26/1987
USDC, Middle District of Georgia	8/8/1991
Court of Appeals of Georgia	3/26/1987
Supreme Court of Georgia	3/26/1987
US Circuit Court, Fourth Circuit	4/13/1992
US Circuit Court, Eleventh Circuit	10/13/2009
Supreme Court of the United States	3/1/1993
All State and Superior Courts of Georgia	11/18/1986

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.)

None.

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):

None.

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):

None.

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

None.

9. Local counsel of record associated with applicant in this case is James Peter Rourke of the Maynard Nexsen PC (formerly Nexsen Pruet) law firm, which has offices at:

1230 Main Street, Suite 700  
 Street Address  
Columbia Richland South Carolina 29201  
 City County State Zip Code  
(803) 540-2030 (803) 414-1443  jrouke@maynardnexsen.com  
 Primary Telephone Cell Phone Fax Number Email Address

South Carolina Bar Number

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).

*In re International Textile Group, Inc. Merger Litigation*, Court of Common Pleas, C.A. No. 2009-CP-23-3346, County of Greenville, State of South Carolina. Application date was November 2, 2009. H. Sam Mabry, III (SC Bar No. 3490) was local counsel of record for Defendants. Application was granted.

11. Does Applicant agree to comply with the applicable statutes, laws and rules of the State of South Carolina and familiarize him/herself with and comply with the South Carolina Rules of Professional Conduct? Does Applicant consent to the jurisdiction of the South Carolina courts and Commission on Lawyer Conduct. Yes.

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

DATED this 5<sup>th</sup> day of October, 2023

  
APPLICANT

VERIFICATION

STATE OF GEORGIA )

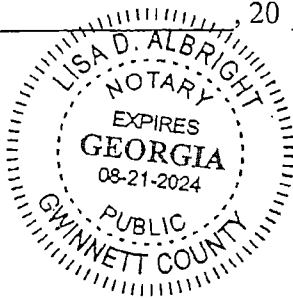
COUNTY OF FULTON )

I, Michael J. McConnell, 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. I understand that I am under a continuing duty to promptly update the information provided in the application until the tribunal has ruled on the motion for admission pro hac vice. Further, if the motion is granted, I understand that I am under a continuing duty to promptly update the information provided in the application as long as I continue to appear pro hac vice in the action or proceeding. Any updated information shall be provided to both the tribunal that granted the motion and to the tribunal in which the action or proceeding may then be pending.

[Signature]  
APPLICANT/AFFIANT

Subscribed and sworn to before me this 5<sup>th</sup> day of October, 20 23

[Signature]  
Notary Public for the State of Georgia  
My Commission Expires: Aug. 21, 2024



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 6<sup>th</sup> day of October, 20 23

[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 6<sup>th</sup> day of OCTOBER, 20 23

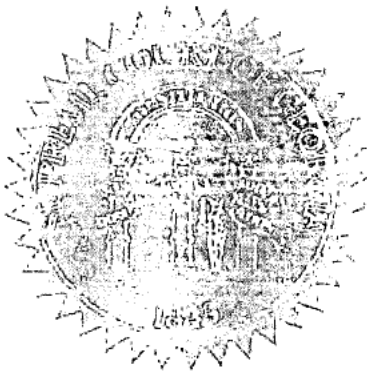
[Signature]  
APPLICANT/AFFIANT

Supreme Court  
State of Georgia  
NATHAN DEAL JUDICIAL CENTER  
Atlanta 30334

September 1, 2023

I hereby certify that Michael J. McConnell, Esq., was admitted on the 26<sup>th</sup> day of March, 1987, as a member of the bar of the Supreme Court of Georgia, the highest court of this State; and, since that date he has been and is now a member of this bar in good standing, as appears from the records and files in this office.

Witness my signature and the seal of this Court  
hereto affixed the day and year first above written.



*Thomas J. Bane*, Clerk

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**THE STATE OF SOUTH CAROLINA**  
**In The Court of Appeals**

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**APPEAL FROM THE ADMINISTRATIVE LAW COURT**

S. Phillip Lenski, Administrative Law Judge

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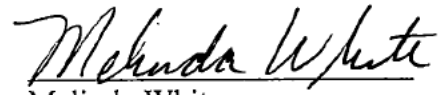
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**PROOF OF SERVICE**

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I hereby certify, on this 10<sup>th</sup> day of October 2023, Maynard Nexsen has served this Motion for Admission of Michael J. McConnell *Pro Hac Vice* via electronic mail to the attorneys of record at the following address:

Jason P. Luther, Esq.  
Wayne A. Myrick, Jr., Esq.  
South Carolina Department of Revenue  
Jason.Luther@dor.sc.gov  
Allen.Myrick@dor.sc.gov

  
Melinda White  
Maynard Nexsen PC  
1230 Main Street, Suite 700  
Columbia, SC 29201  
(803) 771-8900

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OCT 10 2023  
SC Court of Appeals  
James P. Rourke, J.D., LL.M.  
Shareholder

October 10, 2023

**VIA HAND DELIVERY**

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
1220 Senate Street  
Columbia, South Carolina 29201

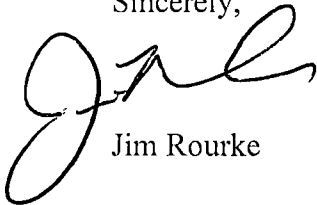
Re: Lowe's Home Centers, LLC vs. South Carolina Department of Revenue  
Appellate Case No. 2021-000031

Dear Ms. Kitchings:

In connection with the above-referenced matter, enclosed please find an original and one copy of the Appellant's Motion for Admission of Michael J. McConnell *Pro Hac Vice*, Proof of Service and our check for the filing fee. We would appreciate return of a clocked-in copy to our office via our courier.

Please do not hesitate to contact me should you have any questions. Thank you for your assistance.

Sincerely,



Jim Rourke

Enclosures

cc: Jason P. Luther, Esq.  
Allen Myrick, Jr., Esq.