

THE SOUTH CAROLINA COURT OF APPEALS

Harleysville Group Insurance, A Pennsylvania Corporation,  
Appellant/Respondent,

v.

Heritage Communities, Inc., a South Carolina Corporation;  
Heritage Magnolia North, Inc., a South Carolina Corporation;  
Buildstar Corporation, a South Carolina Corporation, Magnolia  
North Horizontal Property Regime, Magnolia North Property  
Owners Association, Inc., a South Carolina Corporation and  
National Surety Corp., Defendants,

Of whom Heritage Communities, Inc., a South Carolina  
Corporation; Heritage Magnolia North, Inc., a South Carolina  
Corporation; Buildstar Corporation, a South Carolina Corporation,  
and National Surety Corp. are Respondents,

And Magnolia North Horizontal Property Regime, Magnolia North  
Property Owners Association, Inc., a South Carolina Corporation  
are Respondents/Appellants.

Appellate Case No. 2013-001281

The Honorable John M. Milling  
Horry County  
Trial Court Case No. 2009CP2611862

\_\_\_\_\_  
MOTION FOR ADMISSION  
*PRO HAC VICE*  
\_\_\_\_\_

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AUG 05 2013

SC Court of Appeals

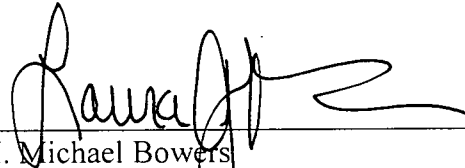
Now comes Laura J. Evans, Esquire a member in good standing with this court and she hereby moves this court to enter its Order *Pro Hac Vice* admitting Karin McCarthy, Esquire of Rivkin Radler LLP, Uniondale, New York, to appear in this Court on behalf of Defendant National Surety Corp. by comity and in support of said motion shows:

69320

1. That Karin McCarthy is a member in good standing with the State of New York and is admitted to practice before the U.S. District Court for the Southern District of New York, U.S. District Court for the Eastern Districts of New York, and United States District Court for the District of Colorado. As evidenced by the attached Verified Application for Admission *Pro Hac Vice* in the State of South Carolina, Affidavit of Karin McCarthy and Certificate of Good Standing from the Appellate Division of the Supreme Court of the State of New York.

2. That a copy of the Verified Application for Admission *Pro Hac Vice* in the State of South Carolina for Karin McCarthy, along with her Affidavit and copy of Certificate of Good Standing from the Appellate Division of the Supreme Court of the State of New York, has been filed with the Supreme Court of South Carolina with the appropriate fee.

WHEREFORE, the undersigned respectfully requests this Court grant Karin McCarthy, non-resident attorney, admission to practice as an associate of a resident attorney in this particular case without taking oath for admission to the South Carolina Bar after payment of the appropriate fee, therefore, pursuant to Rule 404 of the South Carolina Appellate Court Rules.



H. Michael Bowers  
Laura J. Evans  
SMITH MOORE LEATHERWOOD LLP  
25 Calhoun Street, Suite 250  
Charleston, South Carolina 29401  
Ph. 843.300.6600; Fax 843.300.6700  
[mike.bowers@smithmoorelaw.com](mailto:mike.bowers@smithmoorelaw.com)  
[laura.evans@smithmoorelaw.com](mailto:laura.evans@smithmoorelaw.com)

Attorneys for National Surety Corp.

July 31, 2013  
Charleston, South Carolina

CERTIFICATE OF SERVICE

I certify that this 31 day of July, 2013, I served a true and correct copy of the foregoing Motion for Admission *Pro Hac Vice* via electronic mail and/or U.S. First Class Mail, postage prepaid, upon counsel of record addressed as follows:

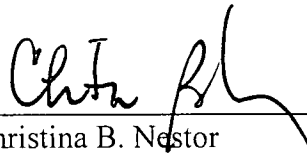
John P. Henry, Esquire  
PO Box 1740  
Conway, SC 29528  
[PHenry@thompsonlaw.com](mailto:PHenry@thompsonlaw.com)

Robert C. Calamari, Esquire  
McAngus Goudelock & Courie  
2400 N. Oak Street, Suite 401  
Myrtle Beach, SC 29577  
[bob.calamari@mgclaw.com](mailto:bob.calamari@mgclaw.com)

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**SC Court of Appeals**



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AUG 05 2013

**SC Court of Appeals**

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

Harleysville Group Insurance, a  
Pennsylvania Corporation

2013-001281

South Carolina Court of  
Appeals

Plaintiff

Case No.

Court

vs.

Mailing Address of Court: PO Box 11629  
Columbia, SC 29211

Heritage Communities, Inc., et al.

Defendant

Comes now Karin McCarthy, applicant herein, and respectfully represents the following:

1. Applicant resides at:

17 Sunnywoods Drive

Street Address

South Huntington

Suffolk

New York

11746

City

County

State

Zip Code

631-425-0403

Telephone

2. Applicant is an attorney and a member of the law firm of (or practices law under the name of) Rivkin

Radler LLP, with offices at, at

926 RXR Plaza

Street Address

Uniondale

Nassau

New York

11596

City

County

State

Zip Code

516-357-3000

Telephone

516-357-3333

Fax Number

3. Applicant has been retained personally or as a member of the above named law firm by National Surety Corp. to provide legal representation in connection with the above case now pending before the above named court of the State of South Carolina.

4. Since 1993 of August, 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 New York where applicant regularly practices law. Attached is a certificate of good standing.

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:

United States District Court for the Southern District	May 1996
US District Court for the Eastern Districts of New York	May 1996
United States District Court for the District of Colorado	June 1998

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 administrative body suspended or revoked, except as provided below (give particulars, e.g., date, administrative body, date of suspension and reinstatement):

None

9. Local counsel of record associated with applicant in this case is Laura J. Evans, of the Smith Moore Leatherwood LLP law firm, which has offices at:

25 Calhoun Street, Suite 250

Street Address

Charleston

Charleston

South Carolina

29401

County

City

State

Zip Code

843-300-6634

Telephone

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

None

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).

Harleysville Group Insurance, a Pennsylvania Corporation v. Heritage Communities (Riverwalk) - Horry County Court of Common Pleas

Harleysville Group Insurance, a Pennsylvania Corporation v. Heritage Communities (Magnolia North) - Horry County Court of Common Pleas

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 15<sup>th</sup> day of July, 2013.

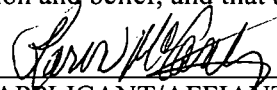
APPLICANT

VERIFICATION

STATE OF NEW YORK)

COUNTY OF NASSAU)

I, KARIN MCCARTHY, 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.

  
APPLICANT/AFFIANT

Subscribed and sworn to before me this 12<sup>th</sup> day of July, 2013.

  
\_\_\_\_\_

Notary Public for the State of NY

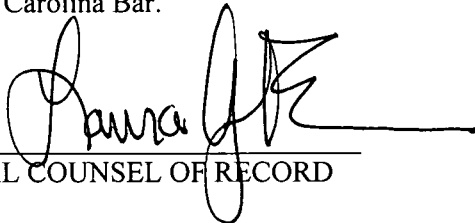
My Commission Expires:

**ANDREA M. SAWYERS**  
Notary Public, State of New York  
NO. 01SA6023562  
Qualified in Nassau County  
Commission Expires June 20, 2015

LOCAL COUNSEL CONSENT

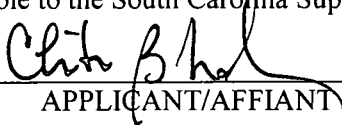
I hereby consent, as local counsel of record, to the association of applicant in this cause pursuant to Rules Governing Admission *Pro Hac Vice* to the South Carolina Bar.

DATED this 31 day of July, 2013.

  
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 31 day of July, 2013.

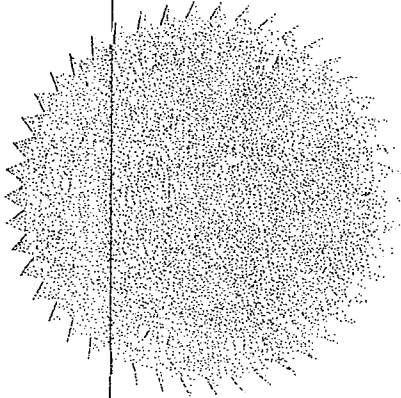
  
APPLICANT/AFFIANT



Appellate Division of the Supreme Court  
of the State of New York  
Second Judicial Department

I, James Edward Pelzer, Clerk of the Appellate Division of the Supreme Court of the State of New York, Second Judicial Department, do hereby certify that **Karin McCarthy** was duly licensed and admitted to practice as an Attorney and Counselor-at-Law in all the courts of the State, according to the laws of the State and the court rules and orders, on the 9<sup>th</sup> day of **June 1993**, has duly taken and subscribed the oath of office prescribed by law, has been enrolled in the Roll of Attorneys and Counselors-at-Law on file in my office, has duly registered with the administrative office of the courts, and according to the records of this court is in good standing as an Attorney and Counselor-at-Law.

In Witness Whereof, I have hereunto set  
my hand and affixed the seal of said  
Appellate Division on **March 15, 2010**.



*James Edward Pelzer*

Clerk of the Court