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Jul 17 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BERKELEY COUNTY
Court of Common Pleas

Thomas L. Hughston, Jr., Circuit Court Judge

Appellate Case No. 2023-001703

Mia Anderson, on Behalf of the

Appellant,

Estate of Jessie Heyward a/k/a
Jessie Bell Anderson

v.

Richard Miles Thompson, M.D., and
ACS Primary Care Physicians – Southeast, P.C.

Respondents.

Motion to Relieve Appellate Counsel

Appellant moves to relieve her counsel, Lynn Seithel and Frederick J. Jekel, as appellate counsel in this case and to substitute Brooks R. Fudenberg as appellate counsel. The reason is that while Ms. Seithel and Mr. Jekel have extensive trial experience, and will remain as trial counsel on any remand, Mr. Fudenberg has extensive appellate experience.

Opposing counsel state they have no objection.

Appellant asks that the Court toll deadlines while considering this matter, and reset the schedule based on Mr. Fudenberg having appeared in the case only yesterday.

I SO MOVE:

LAW OFFICES OF BROOKS R. FUDENBERG, LLC

s/ Brooks R. Fudenberg

Brooks R. Fudenberg

S.C. Bar #72019

14 Ashe Steet

Charleston, SC 29403

(843) 416-2558

Brooks.R.Fudenberg@Fudenberglaw.com

WE CONSENT:

WE CONSENT:	
SEITHEL LAW, LLC By: <u>s/ Lynn Seithel</u> Lynn Seithel, SC Bar No.: 69728 Post Office Box 1929 Charleston, SC 29457 843-557-1699 lynn@seithellaw.com	LEVENTIS & RANSOM By: <u>s/ Frederick J. Jekel</u> Frederick J. Jekel, SC Bar No.: 66491 P.O. Box 110671 Columbia, SC 29211 (803) 765-2383 Fritz@j-dlaw.com

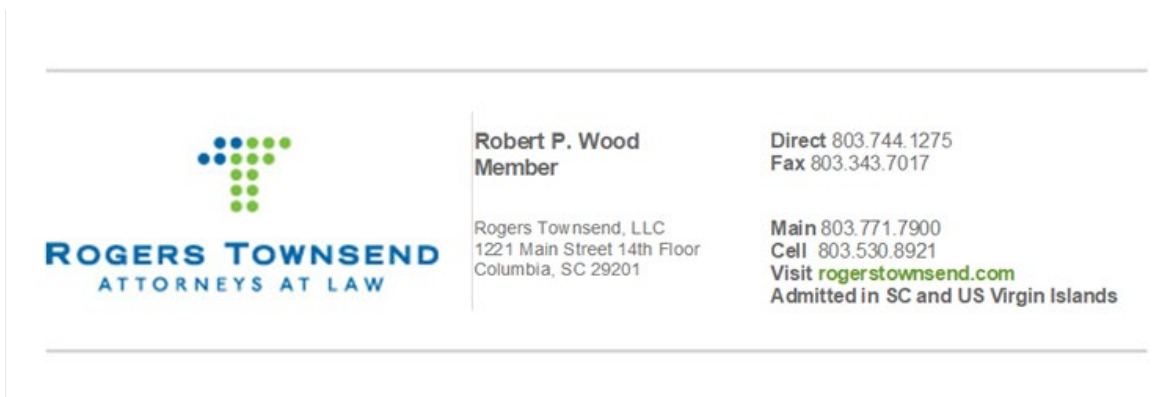
From: [Brooks R. Fudenberg](#)
To: [Robert P. Wood](#)
Cc: [Lynn Seithel](#)
Subject: RE: Anderson vs. ACS Primary Care Physicians -- Southeast, P.C. and Thompson, 2023-001703
Date: Wednesday, July 17, 2024 10:03:00 AM
Attachments: [image001.png](#)

Thank you.

From: Robert P. Wood <Robert.Wood@rogerstownsend.com>
Sent: Wednesday, July 17, 2024 9:59 AM
To: Brooks R. Fudenberg <Brooks.R.Fudenberg@FudenbergLaw.com>
Cc: Lynn Seithel <lynn@seithellaw.com>
Subject: RE: Anderson vs. ACS Primary Care Physicians -- Southeast, P.C. and Thompson, 2023-001703

This is fine with me.

Bob



From: Brooks R. Fudenberg <Brooks.R.Fudenberg@FudenbergLaw.com>
Sent: Wednesday, July 17, 2024 9:35 AM
To: Robert P. Wood <Robert.Wood@rogerstownsend.com>
Cc: Lynn Seithel <lynn@seithellaw.com>
Subject: RE: Anderson vs. ACS Primary Care Physicians -- Southeast, P.C. and Thompson, 2023-001703

****External Email****

Bob,

In an abundance of caution, do we have your consent to move to relieve Lynn and Fritz as appellate counsel?

I have attached what we hope to file.

Thanks,

Brooks

Brooks R. Fudenberg
Law Office of Brooks R. Fudenberg, LLC
14 Ashe Street
Charleston SC 29403
843-696-8911
910-401-1242 (eFax)

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From: Robert P. Wood <Robert.Wood@rogerstownsend.com>
Sent: Monday, July 15, 2024 3:06 PM
To: Brooks R. Fudenberg <Brooks.R.Fudenberg@FudenbergLaw.com>
Cc: Lynn Seithel <lynn@seithellaw.com>
Subject: Re: Anderson vs. ACS Primary Care Physicians -- Southeast, P.C. and Thompson, 2023-001703

We talked, and I said I didn't think I had one. Hence the thought about y'all calling down there.

Bob

Sent from my Verizon, Samsung Galaxy smartphone
Get [Outlook for Android](#)

From: Brooks R. Fudenberg <Brooks.R.Fudenberg@FudenbergLaw.com>
Sent: Monday, July 15, 2024 1:51:47 PM
To: Robert P. Wood <Robert.Wood@rogerstownsend.com>
Cc: Lynn Seithel <lynn@seithellaw.com>
Subject: RE: Anderson vs. ACS Primary Care Physicians -- Southeast, P.C. and Thompson, 2023-001703

****External Email****

Bob,

Thanks. There seems to be a glitch in going from me to Lynn to you. I am informed the thing for us to do is to file a motion to relieve Lynn and Fritz. Lynn told me she was going to ask you if you happen to have a motion to relieve appellate counsel handy that we could plagiarize.

I appreciate your cooperative attitude!

Thanks,

Brooks

From: Robert P. Wood <Robert.Wood@rogerstownsend.com>

Sent: Monday, July 15, 2024 1:36 PM

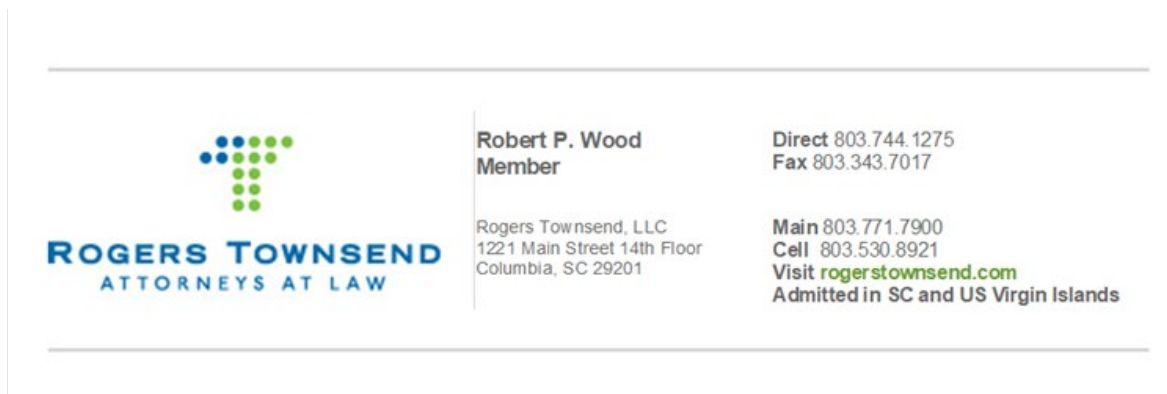
To: Brooks R. Fudenberg <Brooks.R.Fudenberg@FudenbergLaw.com>; 'Lynn Seithel (lynn@seithellaw.com)' <lynn@seithellaw.com>

Cc: Chilton Grace Simmons <Chilton.Simmons@rogerstownsend.com>; Elizabeth Ballentine Mason <Elizabeth.Mason@rogerstownsend.com>; Jennifer L. Tucker <Jennifer.Tucker@rogerstownsend.com>

Subject: RE: Anderson vs. ACS Primary Care Physicians -- Southeast, P.C. and Thompson, 2023-001703

Brooks, Lynn called just now. If they two of you want to call the clerk of court and explain your request for an extension, you are more than welcome to, even without me on the phone. If you would feel more comfortable with me on the phone, I'll be right here at my desk. I do not object at all to your request for an extension.

Bob



From: Brooks R. Fudenberg <Brooks.R.Fudenberg@FudenbergLaw.com>

Sent: Monday, July 15, 2024 8:30 AM

To: Robert P. Wood <Robert.Wood@rogerstownsend.com>; Chilton Grace Simmons <Chilton.Simmons@rogerstownsend.com>; Elizabeth Ballentine Mason <Elizabeth.Mason@rogerstownsend.com>; Jennifer L. Tucker <Jennifer.Tucker@rogerstownsend.com>

Subject: RE: Anderson vs. ACS Primary Care Physicians -- Southeast, P.C. and Thompson, 2023-001703

****External Email****

Hi,

Will you consent to a thirty-day extension to provide me time to prepare the initial brief?

Brooks R. Fudenberg
Law Office of Brooks R. Fudenberg, LLC
14 Ashe Street
Charleston SC 29403
843-696-8911
910-401-1242 (eFax)

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From: Brooks R. Fudenberg
Sent: Saturday, July 13, 2024 9:24 PM
To: Robert.Wood@rogerstownsendsend.com; Chilton.Simmons@rogerstownsendsend.com;
Elizabeth.Mason@rogerstownsendsend.com; Jennifer.Tucker@rogerstownsendsend.com
Subject: Anderson vs. ACS Primary Care Physicians -- Southeast, P.C. and Thompson, 2023-001703

Hi All,

Please see the attached Notice of Appearance in the above-referenced case, which I hereby serve upon your client.

I look forward to working with you.

Brooks R. Fudenberg
Law Office of Brooks R. Fudenberg, LLC
14 Ashe Street
Charleston SC 29403
843-696-8911
910-401-1242 (eFax)

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Estate of Jessie Heyward a/k/a
Jessie Bell Anderson

v.

Richard Miles Thompson, M.D., and
ACS Primary Care Physicians – Southeast, P.C. Respondents.

Proof of Service

I certify that I have today served the Appellant’s Motion to Relieve Appellate Counsel on
the Respondent via email to their attorney of record, Robert Wood, Esq., via email to:

Robert.Wood@rogerstownsends.com

July 17, 2024

s/ Brooks R. Fudenberg
Brooks R. Fudenberg
LAW OFFICES OF BROOKS R. FUDENBERG,
LLC
14 Ashe Steet
Charleston, SC 29403
(843) 416-2558
Brooks.R.Fudenberg@Fudenberglaw.com