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Oct 16 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas
The Honorable R. Keith Kelly

Case No. 2021-CP-42-01189
Appellate Case No. 2024-000954

Yuri and Alla Kovaleyvch,

Respondents,

v.

Bella's Granite, LLC, V&L Contracting, LLC, and Vladimir Levchenko,

Appellants,

AND

Vladimir Levchenko,

Third Party Plaintiff,

v.

HomeTrust Bank and Mortgage Electronic Registration Systems, Inc.

Third Party Defendants.

MOTION TO BE RELIEVED AS COUNSEL

The undersigned attorney, David L. Paavola, and Kenison, Dudley & Crawford, LLC,
move to be relieved as counsel for Bella's Granite, LLC, V&L Contracting, LLC, and Vladimir

Levchenko (“Appellants”) who have appealed the Honorable R. Keith Kelly’s Order and Judgment, entered February 8, 2024, from Spartanburg County Common Pleas.

Under Rule 1.16(b) of the South Carolina Rules of Professional Conduct, Rule 407, SCACR, an attorney may withdraw from representing a client if: “The client fails substantially to fulfill an obligation to the lawyer regarding the lawyer’s services or payment thereof and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled.” Rule 1.16(b).

The undersigned counsel has made repeated attempts over several months to communicate with the client concerning this appeal, including but not limited to, phone calls, emails, and written correspondence sent via email as well as to the client’s last known address on September 24, 2024, indicating that the undersigned would move to withdraw if the client does not make contact and fulfill certain obligations, including the payment of court reporter costs, within ten days. The client has not responded. The lack of communication has hindered the ability to effectively represent the client’s interests in this appeal and has created a situation where counsel cannot prepare or present arguments on behalf of the client.

Given that multiple attempts have been made to reach out to the client and no response has been received, good cause exists for withdrawal.

A copy of this Motion will be sent to client’s last known address at 172 Lake Bowen Drive, Inman, S.C. 29349 as well as emailed to him at vladlevchenko@msn.com, informing them of this motion and advising them to seek new counsel promptly.

Pursuant to the above, David L. Paavola and Kenison, Dudley & Crawford, LLC requests that they be relieved of their duties in this appeal as they relate to Bella’s Granite, LLC, V&L Contracting, LLC, and Vladimir Levchenko (“Appellants”). For these reasons, it is respectfully

requested that this Court grant permission to counsel to withdraw from representing client in this appeal. The undersigned also requests that the Court order Appellants to reimburse Kenison, Dudley & Crawford, LLC for the transcript costs that will be incurred, which is \$2,911.25, as reflected on the invoice attached to this motion as **Exhibit 1**. Such invoice was received on October 16, 2024, and will be paid by Kenison, Dudley, and Crawford, LLC.

WHEREFORE, based on all foregoing reasons, Counsel requests that this Honorable Court enter an Order permitting withdrawal as counsel for Appellants, order Appellants to pay the trial transcript costs, and grant such other relief as may be just and proper.

s/David L. Paavola

David L. Paavola, SC Bar No.: 100714
KENISON, DUDLEY & CRAWFORD, LLC
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Columbia, South Carolina 29201
(864) 242-4899
Email: paavola@conlaw.com

Attorney for Appellants

October 16, 2024

EXHIBIT 1

PAMELA E. GREEN - Circuit Court Reporter

Post Office Box 819 Reidville, SC 29375
pgreen@sccourts.org

16-Oct-24

David L. Paavola - Kenison, Dudley & Crawford, LLC
1122 Barnwell Street Ste B
Columbia, SC 29201

For
Transcript

Details	Amount
Yuri and Alla Kovalevych v. Bella's Granite et al	
2021-CP-42-1189	
685 Pages at \$4.25 per page	\$2,911.25
Subtotal	\$2,911.25
Other Costs	
Total Cost	\$2,911.25

Payment is due upon receipt of transcript

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Vladimir Levchenko,

Third Party Plaintiff,

v.

HomeTrust Bank and Mortgage Electronic Registration Systems, Inc.,

Third Party Defendants.

PROOF OF SERVICE

I certify that I have served the Motion to be Relived as Counsel on Chelsea R. Rikard, counsel for Respondents Yuri and Alla Kovaleyvch, by email sent to her primary e-mail address listed in the Attorney Information System, corr@abizlaw.com, on October 16, 2024. See attached email.

s/ David L. Paavola

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Attorney for Appellants

October 16, 2024

Yuri Kovalevych v. Bella's Granite, LLC - Appellate Case No. 2024-000954

From Angelia Shaw <shaw@conlaw.com>
Date Wed 10/16/2024 3:07 PM
To crr@abizlaw.com <crr@abizlaw.com>
Cc David Paavola <paavola@conlaw.com>

 1 attachments (863 KB)
20241016_Motion to Be Relieved as Counsel.pdf;

Dear Ms. Rikard:

Attached please find Counsel for Appellants Motion to be Relived as Counsel with Exhibit 1 regarding *Yuri Kovalevych v. Bella's Granite, LLC* (Appellate Case No. 2024-000954). This will be filed with the Court momentarily.

Sincerely,



Angelia Shaw
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