

RECEIVED

Sep 18 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Jessica A. Savini, Circuit Court Judge

Appellate Case No.: 2024-002176
Circuit Case No.: 2023-CP-10-00305

JOHN NICK,

Respondent,

v.

EMILY PRIOLEAU,

Appellant.

**RESPONDENT'S RESPONSE AND RETURN TO APPELLANT'S MOTION
REGARDING OPPOSING COUNSEL'S CONDUCT**

The Respondent, John Nick, by his undersigned attorney, hereby files Respondent's Response and Return to the Appellant's Motion Regarding Opposing Counsel's Conduct, dated August 4, 2025.

On July 29, 2025 at 9:30 a.m., there were two hearing before the Charleston County Court of Common Pleas in the action bearing Circuit Case No. 2023-CP-10-00305 scheduled for hearing before Judge Jennifer B. McCoy: 1. A Motion by attorney Matthew Billingsley to be relieved as Appellant's counsel in the Circuit Court case; and 2. Respondent's Motion for Appellant to Post Appeal Bond.

Before the Motion Roster was called and before Judge McCoy appeared in the courtroom, your undersigned greeting attorney Mathew Billingsley, who has served as trial counsel for the Appellant before Judge Savini in 2024, whose Order is the subject of this appeal. I asked if Mr. Billingsley was aware that Appellant was asserting his alleged ineffective assistance of counsel at trial as a grounds for appeal of Judge Savini's Order. Mr. Billingsley replied he was not and had further words that this case was not a criminal case.

I advised Mr. Billingsley of the fact that his argument was being advance as a courtesy because it is my understanding that attorneys cannot represent clients under the applicable cannons of ethics when a client is adverse to his or her attorney. I believed that if I was in Mr. Billingsley's shoes, this information would be something I'd like to know before I argued that I should be relieved as counsel for an existing client. No judicial officer heard the few words I had with Mr. Billingsley because no judicial officer was present and the Motion Roster had not been called to order. My statement to Mr. Billingsley was not false and did not a communication of any privileged, confident or non-public information.

There was no interference in the administration of justice by my exchange with Mr. Billingsley. The information, which was and is true, was not mentioned by Mr. Billingsley in his argument on the merits of his Motion to be relieved. I consented to Mr. Billingsley's motion without comment, and it is my recollection that the Appellant indicated to Judge McCoy that she did not wish to be heard on the merits of Mr. Billingsley's Motion to be Relieved. Judge McCoy granted the motion without comment. The undersigned is unaware of the relevance of his matter to this appeal and can only speculate the

Appellant's actual purpose of raising this matter is an attempt to create an issue where none actually exists. Appellant has not identified any basis to claim she has been prejudiced somehow by the brief, two sentence exchange between the undersigned and Mr. Billingsley. The only argument advanced is based on bare conclusory assertions without evidentiary support or relevance to this appeal. The Respondent gained no "tactical advantage" from anything which is the basis of Appellant's Motion, nor did Appellant suffer any "tactical disadvantage" from the exchange at issue. The matter is wholly irrelevant and immaterial to the issues on this appeal.

For such reasons, Respondent respectfully submits Appellant's instant Motion should be denied.

Dated: Mount Pleasant, S.C.
September 18, 2025

Respectfully submitted,

s/William B. Jung, Esq.
1156 Bowman Road, Ste. 200
Mount Pleasant, S.C. 29464
(843) 576-4200
bradjung@msn.com
S.C. Bar No. 00688788

Attorney for Respondent John Nick

RECEIVED

Sep 18 2025

SC Court of Appeals

PROOF OF SERVICE

I, William B. Jung, Esq., certify under penalty of perjury that on September 17, 2025, I served a copy of the Respondent's Response and Return to Motion Regarding Opposing Counsel's Conduct to by emailing and mailing a true and complete copy thereof the Appellant:

Ms. Emily Prioleau
5528 Flanders Avenue
North Charleston, S.C. 29406
eprioleau1976@gmail.com

Dated: September 18, 2025

s/William B. Jung, Esq.
1156 Bowman Road, Ste. 200
Mount Pleasant, S.C. 29464
(843) 576-4200
bradjung@msn.com
S.C. Bar No. 00688788

Attorney for Respondent John Nick