

Dennis Waldrep
209 Amethyst Way
Seneca SC 29672

March 2, 2012

Tanya Gee

SC Court of Appeals
1015 Sumter Street
Columbia SC 29201

RECEIVED

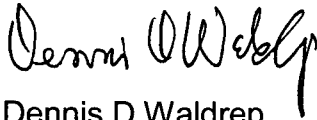
MAR 05 2012

SC Court of Appeals

RE: Jerry Holtzclaw, dba Green
Thumb Landscape & Irrigation
v. Dennis Waldrep
Case # 2008-CP-37-415

I have corresponded with Jo Rice my Court Reporter about the transcripts of my trial and I was going to order them today and I have a meeting next week or the following week with a few attorney's about representing me in the Appeal and one of the attorney's suggested that we meet before the transcripts are ordered After my meeting with the attorney's I will then order the full transcripts or do what they suggest.

Regards,



Dennis D Waldrep

cc: Office of Court Administration
cc: William C. Hood

**PETITION TO BE RELIEVED AS COUNSEL FOR
DEFENDANT/APPELLANT**

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM OCONEE COUNTY
Court of Common Pleas

R Lawton McIntosh, Circuit Court Judge

Case No 2012207852

Jerry Holtzclaw, d/b/a Green
Thumb Landscape &
Irrigation,

Respondent,

v

Dennis Waldrep,

Appellant

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MAR 05 2012

SC Court of Appeals

**PETITION TO BE RELIEVED AS COUNSEL FOR
DEFENDANT/APPELLANT**

Pursuant to South Carolina Appellate Court Rule 264 and Rules 1 7 and 1 16 of the South Carolina Rules of Professional Conduct, Catherine J Berger, respectfully petitions the Court for an Order relieving her as counsel for Defendant/Appellant, Dennis Waldrep In support of this Petition, the undersigned counsel states as follows

1. That on January 25, 2012, counsel terminated the attorney/client relationship and legal representation between herself and Defendant, Dennis Waldrep, with regard to this matter via letter submitted via first class mail, via telefax and via electronic submission That a copy of said letter is not attached hereto for the reason that it contains other privileged and confidential

matters between the parties. That counsel had represented the Defendant in a contested non-jury common pleas trial, including the preparation of post-trial motions, all of which were decided by the Trial Court. Counsel further advised Defendant of the steps necessary to file a Notice of Appeal and informed him of the deadlines for appealing the matters, should he so desire, and advised she would not be filing any appeal on Defendant's behalf. That counsel's letter complied fully with the South Carolina Code of Professional Conduct as set forth in Rule 1.16.

2. That on February 22, 2012, counsel sent a letter to Defendant enclosing the final Order of the Trial Court ruling on the last remaining post-trial motion in the case. Counsel further advised the Defendant of Supreme Court Rule 203 requirements for appealing the Trial Court's rulings and the specific deadlines for filing a notice of appeal. Again, a copy of this letter is not attached hereto because it contains other privileged and confidential matters between attorney and client.

3. That on information and belief, the Defendant/Appellant has filed a Notice of Appeal in this matter as a pro se litigant.

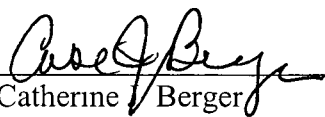
4. That counsel received a letter dated February 29, 2012, from the Clerk of The South Carolina Court of Appeals on March 1, 2012, a copy of which is attached hereto.

5. In addition, the undersigned counsel seeks an order allowing her to withdraw representation of Defendant/Appellant under Rule 1.16(b) of the South Carolina Rules of Professional Conduct. There exists good and justifiable cause for counsel to be relieved as

counsel for Defendant/Appellant based on non-payment of attorney's fees and costs and related issues

WHEREFORE, counsel for Defendant/Appellant respectfully requests that she be relieved as attorney of record for Defendant/Appellant

March 2, 2012


Catherine Berger
Attorney at Law
P.O. Box 10
Piedmont, SC 29673
(864)845-3367

GRANTED
JOHN CANNON FEW, C.J.
FOR THE COURT

By: 
~~(Clerk)~~ (Deputy Clerk)

FILED
3/2/12 UAF



The South Carolina Court of Appeals

TANYA A GEE
CLERK

V CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA SOUTH CAROLINA 29201
TELEPHONE (803) 734-1890
FAX (803) 734-1839
www.sccourts.org

February 29, 2012

Catherine Joan Berger, Esquire
P.O. Box 10
Piedmont, SC 29673-0010

Re: Holtzclaw, Jerry v. Waldrep, Dennis
2012207852

Dear Ms. Berger:

A Notice of Appeal was filed in the above referenced case.

The Notice of Appeal was filed by Dennis Waldrep in the above case. According to South Carolina Appellate Court Rule 264, the attorneys of the respective parties in the court below shall be deemed the attorneys of the same parties in the appellate court until withdrawal is approved.

If you choose not to represent Mr. Waldrep in this appeal, this court requires an original petition to be relieved as counsel, six (6) copies, proof of service on opposing counsel, and Mr. Waldrep, and a \$25 filing fee.

We request that you advise the Court of the status of your representation of Mr. Waldrep within ten (10) days of this letter.

Very truly yours,

V. Claire Allen, Deputy
CLERK

TAG/laf

cc: Dennis Waldrep
William C. Hood, Esquire

**PROOF OF SERVICE OF A PETITION TO BE RELIEVED AS COUNSEL
FOR DEFENDANT**

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM OCONEE COUNTY
Court of Common Pleas

R. Lawton McIntosh, Circuit Court Judge

Case No. 2012207852

Jerry Holtzclaw, d/b/a Green
Thumb Landscape &
Irrigation,

Respondent,

v

Dennis Waldrep,


Appellant

PROOF OF SERVICE

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I certify that I have served the Petition to be Relieved as Counsel for the Defendant/Appellant on Dennis Waldrep, c/o Legacy Planning Group, 273 Applewood Center Place, P O. Box 302, Seneca, SC 29678 and William C Hood, Attorney at Law, attorney of record for Plaintiff/Respondent, 505 North McDuffie Street, Anderson, SC 29621, by depositing copies of it in the United States Mail, postage prepaid, on March 2, 2012

March 2, 2012


Catherine J. Berger
Attorney at Law
P O Box 10
Piedmont, SC 29673
(864)845-3367

Catherine J. Berger
Attorney at Law

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Phone (864) 845-3367 • Fax (864) 845-6467
Licensed in IL and SC

March 2, 2012

Ms. Tanya A. Gee
Clerk of The South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RE: Holtzclaw, Jerry v. Waldrep, Dennis
2012207852

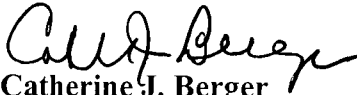
Dear Clerk of Court:

Pursuant to your letter dated February 29, 2012, I enclose the following:

1. Original and five copies of Petition to be Relieved as Counsel for Defendant/Appellant together with Proof of Service;
2. My check in the amount of \$25.00 for filing fees.

By copy of this letter, I am serving all parties of record with same.

Very truly yours,


Catherine J. Berger

CJB:eb
Encls.

cc Dennis Waldrep
William C. Hood, Esq.

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SC Court of Appeals