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Apr 01 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM KERSHAW COUNTY
Court of Common Pleas
Warren R. Herndon, Jr., Special Referee for Kershaw County

Appellate Case No. 2025-002472

Jay and Amber Weber, Respondents,

v.

Progressive Home Builders, Inc., Appellant.

MOTION TO WITHDRAW AS COUNSEL FOR APPELLANT PROGRESSIVE HOME BUILDERS, INC.

COMES NOW Kirby D. Shealy III, counsel of record for Progressive Home Builders, Inc. (hereinafter “Appellant”), and respectfully moves this Honorable Court for an Order granting leave to withdraw as attorney of record in the above-captioned matter. In support thereof, undersigned counsel states as follows:

1. Undersigned counsel was retained to represent Progressive Home Builders, Inc. in this action and has served as counsel of record since November 6, 2025.
2. Irreconcilable differences have arisen between counsel and Appellant that have resulted in the breakdown of the attorney-client relationship. These differences are of such a nature that

continued representation has become unreasonably difficult, and counsel can no longer effectively represent Appellant in this matter.

3. Pursuant to Rule 1.16(b)(6) of the Rules of Professional Conduct (Rule 407, SCACR), withdrawal is permitted when the client and lawyer have experienced a fundamental disagreement or breakdown in communication that renders continued representation unreasonably difficult.

WHEREFORE, undersigned counsel respectfully requests that this Court enter an Order:

(a) Granting leave for Kirby D. Shealy III, Esquire and Adams & Reese, LLP to withdraw as counsel of record for Progressive Home Builders, Inc. in this matter;

(b) Directing Progressive Home Builders, Inc. to retain substitute counsel within a reasonable time; and

(c) Granting such continuances of the pending deadline to file the Initial Brief of Appellant as may be necessary to prevent prejudice to Progressive Home Builders, Inc.

Respectfully submitted,

/s/ Kirby D. Shealy III
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Attorney for Progressive Home Builders, Inc.

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PROOF OF SERVICE

I, Monica Gende, an employee of Adams and Reese, LLP, hereby certify that I have served a copy of **Counsel for Appellant Progressive Home Builders Inc.'s Motion to Withdraw as Counsel for Appellant Progressive Home Builders** by emailing copies of the same electronic mail only to counsel of record at the following e-mail address, and via USPS First Class Mail and electronic mail to Appellant at the following address:

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Progressive Home Builders, Inc.
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Monica Gende
Adams and Reese LLP

April 1, 2026.