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Jun 23 2026
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Veron F. Dunbar, Circuit Court Judge

Appellate Case No: 2026-000307

Bruce Wilson,, Appellant

vs.

Ennis M. Fant....., Respondent.

**APPELLANT'S REPLY TO NOTICE OF
APPEARANCE OF JOSHUA SNOW KENDRICK, ESQ.**

TO: THIS HONORABLE COURT

PRELIMINARY STATEMENT

Appellant Bruce Wilson, appearing pro se, respectfully submits this reply to the Notice of Appearance filed on June 19, 2026, by Joshua Snow Kendrick, Esq. of Kendrick and Leonard, P.C., as purported substitute counsel for Respondent Ennis M. Fant. Appellant does not file this reply as a motion and does not seek any affirmative relief requiring a filing fee. Appellant files this reply to place the Court on notice that the Notice of Appearance is inconsistent with the Court's Order of June 5, 2026, that it constitutes a functional circumvention of that Order, and that Appellant objects to any effort by incoming counsel to reopen or supplement the briefing record in this fully briefed appeal.

**THE COURT'S JUNE 5, 2026 ORDER REMAINS
BINDING AND HAS NOT BEEN VACATED**

On June 5, 2026, this Court entered an Order expressly denying the motion of Austin D. Nichols, Esq. and J. Todd Rutherford, Esq. to withdraw as counsel for Respondent. The Court cited Rule 264(b), SCACR, which provides that an attorney of record in a matter pending before an appellate court may not withdraw from representation without justifiable cause, the consent of the client, proper written notice, a petition to the Court, and a written order permitting withdrawal. The Court found those requirements unsatisfied and denied the motion after considering Appellant's objections filed April 21, 2026.

That Order has not been vacated, modified, or superseded. Nothing in the record before this Court reflects any subsequent grant of relief to prior counsel. The Rutherford Law Firm, through Mr. Nichols and Mr. Rutherford, remains counsel of record for Respondent by virtue of that Order. Respondent cannot terminate that relationship, for purposes of this appellate proceeding, without this Court's authorization. A unilateral decision by Respondent to retain new counsel does not extinguish the obligations of existing counsel who remain under a court order to continue their representation.

**THE NOTICE OF APPEARANCE CONSTITUTES
A CIRCUMVENTION OF THE JUNE 5 ORDER**

The practical effect of Mr. Kendrick's Notice of Appearance, if it is permitted to stand without restriction, is to accomplish through substitution what the Court's June 5 Order refused to allow through withdrawal. The sequence bears repeating. On April 20, 2026, five days after the Court accepted Respondent's Initial Brief by Order, prior counsel moved to withdraw. Appellant objected, identifying both a procedural defect in the caption and substantial prejudice flowing from withdrawal at the fully briefed stage of this appeal. The Court sustained those objections and denied withdrawal on June 5, 2026. Fourteen days later, on June 19, 2026, new counsel filed a Notice of Appearance covering the same party in the same appeal.

Courts consistently hold that parties may not accomplish indirectly what they are forbidden to accomplish directly. The filing of a Notice of Appearance by new counsel, without prior counsel having been properly relieved by written court order as Rule 264(b) requires, is precisely such an indirect maneuver. The June 5 Order denied withdrawal because the briefing record was complete and because permitting exit at that stage would create prejudice to Appellant. Those facts have not changed in the fourteen days since that Order was entered. The entry of new counsel on those same facts, through a different procedural vehicle, does not cure the prejudice the Court identified.

Appellant further notes that Mr. Kendrick's letter to the Clerk of Court disclosed the existence of a pending disciplinary complaint against him arising in part from a request that he not contact Appellant by email in matters between them. Mr. Kendrick cited that complaint as the reason he did not copy Appellant on his email filing and instead served him by United States mail. Appellant does not raise this disclosure to impugn counsel's character, but it is relevant context for the Court's consideration of how this representation may proceed and whether the entry of this particular counsel into this appeal serves the goal of orderly disposition on the existing briefing record.

THE BRIEFING RECORD IS CLOSED
AND CANNOT BE REOPENED BY INCOMING COUNSEL

Regardless of how the Court addresses the appearance question, Appellant places the Court on notice of his position that the briefing record in this appeal is closed and may not be reopened. Respondent's Initial Brief was filed and accepted by Order of April 15, 2026. Appellant's Final Brief and Final Reply Brief were filed April 13, 2026. The Record on Appeal was transmitted pursuant to Rule 262, SCACR. This appeal is fully briefed and stands ready for disposition.

Rule 208(a)(4), SCACR, does not provide a respondent any right to file a supplemental or amended brief upon substitution of counsel. The briefing right has been exercised. Incoming

counsel steps into the position held by prior counsel at the time of appearance, without the benefit of any additional opportunity to brief issues that have already been submitted. Any motion by Mr. Kendrick seeking leave to file a new, supplemental, or amended respondent's brief would be without basis in the Rules and would constitute an additional layer of prejudice to Appellant, who has already completed all of his obligations as a pro se litigant without institutional resources.

Appellant further notes that, to the extent any substitution of counsel is recognized, incoming counsel should be deemed to have accepted service of all prior filings in this appeal, including Appellant's Final Brief, Appellant's Final Reply Brief, and the Record on Appeal, as of the date of the Notice of Appearance. Appellant should not be required to re-serve materials already served on prior counsel of record.

CONCLUSION

Appellant Bruce Wilson respectfully submits this reply to notify the Court of the inconsistency between the June 19, 2026 Notice of Appearance and the June 5, 2026 Order denying withdrawal of prior counsel, and to state on the record his objection to any effort by incoming counsel to reopen the briefing record or impose additional procedural burdens on Appellant. Appellant requests that this appeal proceed to disposition on the existing briefs without further delay.

Respectfully submitted,

By: /s/ Bruce Wilson
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Appellant, Pro Se

June 23, 2026
Greenville, South Carolina

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CERTIFICATE OF SERVICE

I hereby certify that on June 23, 2026, I served a copy of the foregoing Appellant's Reply to Notice of Appearance upon the following via United States Mail, postage prepaid:

Austin D. Nichols, Esq.
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By: /s/ Bruce Wilson
Bruce Wilson,
Appellant, Pro Se
June 23, 2026