

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF GREENVILLE )

IN THE COURT OF COMMON PLEAS

D&C Builders, Inc., )  
 )  
Plaintiff, )

C.A. No.: 2013-CP-23-1833

vs. )

Richard M. Buckley and )  
Wells Fargo National Association, )  
 )  
Defendants; )

Richard M. Buckley, )  
 )  
Third-Party Plaintiff, )

ORDER

vs. )

Scott Dodenhoff, )  
 )  
Third-Party Defendant. )

FILED CLERK OF COURT  
GREENVILLE CO. S.C.  
PAUL B. WICKENHISHER  
2013 JUL 16 A 9:02

Date of Hearing: July 8, 2013  
Judge: Honorable Edward W. Miller  
Attorney for D&C Builders, Inc.: Brian A. Martin, Esq.  
Attorney for Richard M. Buckley: M. Stokely Holder, Esq.

The instant matter came before me on the 8<sup>th</sup> day of July, 2013 pursuant to the Motion filed by Plaintiff D&C Builders, Inc. ("Plaintiff") to disqualify M. Stokely Holder, Esquire, and the law firm of Kenison, Dudley & Crawford, LLC (collectively, "KDC") from representing Defendant Richard M. Buckley.

Attorneys Townes B. Johnson, III, and John T. Crawford, Jr. of KDC represented Plaintiff D&C Builders, Inc. in a prior lawsuit that was filed in September, 2011 and dismissed with prejudice in July, 2012 (hereinafter, the "2011 Action"). Plaintiff D&C Builders, Inc., through separate counsel, initiated the underlying action against Defendant Buckley in February, 2013 (hereinafter, the "2013 Action"). Through a referral from another law firm, Defendant Buckley hired KDC in March 2013 to represent his interests in this 2013 Action.

It is the Plaintiff's contention that the present representation by KDC of Defendant Buckley in the current 2013 Action conflicts with KDC's prior representation of Plaintiff D&C Builders, Inc. in the 2011 Action. In particular, the Plaintiff claims that KDC's current employ is inconsistent with their duty to Plaintiff pursuant to their prior representation of Plaintiff in the 2011 Action. More specifically, the Plaintiff contends that KDC's representation of Defendant Buckley, in forwarding his interest in this 2013 Action, will injuriously affect the Plaintiff because KDC will be called on in this 2013 Action to use against the Plaintiff knowledge and information acquired by KDC in KDC's former representation of Plaintiff in the 2011 Action.

For the reasons that follow, the Plaintiff's Motion shall be held in abeyance.

The Plaintiff shall have until 5:00p.m. on July <sup>25</sup>~~19~~, 2013 to submit to this Court a privilege log containing the specific information and knowledge it contends that KDC acquired through its prior representation of Plaintiff which will injuriously affect Plaintiff in this 2013 Action. This information shall include, without limitation, copies of any and all documents evidencing same, together with dates, times, witnesses and

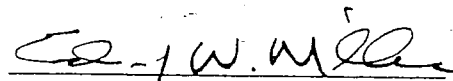
names of all parties alleged to be a part thereof. The Plaintiff shall provide a copy of its submission to counsel for Defendant Buckley.

Within ten (10) days from the receipt by the Court and KDC of Plaintiff's full submission, KDC shall be given ten (10) days from the date thereof to submit any response to the Court with copy to Plaintiff's counsel.

The submission by Plaintiff and any response provided by KDC shall be subject to this order of protection of the Court: The information submitted shall only be accessed by the office of Defendant's counsel, Plaintiff, and the office of Plaintiff's counsel. None of the information submitted shall be disseminated in any form or fashion at any time to anyone outside of the above named without the prior written consent of the Court.

IT IS THEREFORE ORDERED that Plaintiff's Motion to Disqualify is hereby held in abeyance subject to the terms herein, and the information produced by the parties in accordance with the terms herein shall be subject to the order of protection outlined above.

IT IS SO ORDERED!

  
Edward W. Miller  
Judge, 13<sup>th</sup> Judicial Circuit

July 15, 2013  
Greenville, South Carolina