

THE STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

APPEAL FROM ANDERSON COUNTY  
Court of Common Pleas

**RECEIVED**

FEB 21 2014

The Honorable Alexander S. Macaulay, Circuit Court Judge **S.C. Supreme Court**

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Case Nos. 2010-CP-04-1845 and 2012-CP-04-1433  
Appellate Case No. 2012-213385

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JAMES ROBERT MALLOY, Plaintiff,

v.

SWAIN N. THOMPSON, JR., Defendant.

In the Matter of: ESTATE OF ROBERT L. CHAMBLEE.

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JAMES ROBERT MALLOY,..... Respondent

v.

SWAIN N. THOMPSON, JR.,  
MERRILL LYNCH, PIERCE, FENNER & SMITH, INC.,  
JOSEPH T. ARGO, AND GREENE AND COMPANY, L.L.P, .....Defendants,

In the Matter of: ESTATE OF ROBERT L. CHAMBLEE,

OF WHOM MERRILL LYNCH, PIERCE, FENNER & SMITH, INC. IS ..... Appellant.

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APPELLANT’S MOTION FOR ADMISSION PRO HAC VICE  
OF MARY H. TOLBERT

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The undersigned local counsel move for the admission, *pro hac vice*, of Mary H. Tolbert of Crowe & Dunlevy, Oklahoma City, Oklahoma, to represent Appellant Merrill Lynch, Pierce, Fenner & Smith, Inc., in this matter along with the undersigned, Christopher A. Ogiba and E. Brandon Gaskins, who are residents of and duly licensed to

practice in the state of South Carolina and in the Courts of this state. This motion is supported by the Application for Admission Pro Hac Vice (Exhibit "A") and Certificate of Good Standing (Exhibit "B").

WHEREFORE, Appellant Merrill Lynch, Pierce, Fenner & Smith, Inc. requests Mary H. Tolbert of Crowe & Dunlevy be admitted to represent it in this matter.

Respectfully submitted,



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Christopher A. Ogiba (S.C. Bar # 70666)  
E. Brandon Gaskins (S.C. Bar # 73274)  
MOORE & VAN ALLEN PLLC  
78 Wentworth Street  
P.O. Box 22828  
Charleston, SC 29413-2828  
Phone: (843) 579-7000  
Fax: (843) 579-7099  
Email: [chrisogiba@mvalaw.com](mailto:chrisogiba@mvalaw.com)  
[brandongaskins@mvalaw.com](mailto:brandongaskins@mvalaw.com)

ATTORNEYS FOR APPELLANT

February 18, 2014  
Charleston, South Carolina

EXHIBIT "A"

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

APPEAL FROM ANDERSON COUNTY  
Court of Common Pleas

The Honorable Alexander S. Macaulay, Circuit Court Judge

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JAMES ROBERT MALLOY, Plaintiff,

v.

SWAIN N. THOMPSON, JR., Defendant.

In the Matter of: ESTATE OF ROBERT L. CHAMBLEE.

---

JAMES ROBERT MALLOY .....RESPONDENT,

v.

SWAIN N. THOMPSON, JR.,  
MERRILL LYNCH, PIERCE, FENNER & SMITH, INC.,  
JOSEPH T. ARGO, AND GREENE AND COMPANY, L.L.P .....DEFENDANTS,

In the Matter of: ESTATE OF ROBERT L. CHAMBLEE,  
OF WHOM MERRILL LYNCH, PIERCE, FENNER & SMITH, INC. IS ..... APPELLANT.

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**VERIFIED APPLICATION FOR ADMISSION PRO HAC VICE  
BY MARY H. TOLBERT**

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Pursuant to Rule 404 of the South Carolina Appellate Court Rules, Mary H. Tolbert (“Applicant”) applies for admission *pro hac vice* in the above-captioned matter and respectfully represents the following:

1. Applicant resides at 520 N.W. 15<sup>th</sup> Street, Oklahoma City, OK 73103.
2. Applicant is an attorney and a member of the law firm of Crowe & Dunlevy, with offices at 20 North Broadway, Suite 1800, Oklahoma City, OK 73102, (405) 235-7700, Fax: (405) 272-5914.
3. Applicant has been retained by Appellant Merrill, Lynch, Pierce, Fenner & Smith, Inc. to provide legal representation in connection with the above case now pending before the Supreme Court for the State of South Carolina.
4. Since April 25, 1997, applicant has been, and presently is, a member in good standing of the bar of the highest court of the State of Oklahoma where applicant regularly practices law. Attached is a certificate of good standing.
5. Applicant has been admitted to practice before the following state and federal courts:

COURT	DATE ADMITTED
Supreme Judicial Court of the Commonwealth of Massachusetts	01/11/1994
Court of Appeals of the District of Columbia	12/02/1994
Supreme Court of the State of Oklahoma	04/25/1997
U.S District Court – District of Columbia	01/09/1995
U.S District Court – Western District of Oklahoma	11/08/2001
U.S District Court – Eastern District of Oklahoma	02/15/2002
U.S Court of Appeals for the Tenth Circuit	07/01/2002
U.S District Court – Northern District of Oklahoma	04/13/2006
United States Supreme Court	03/21/2011
U.S. Court of Appeals for the Second Circuit	06/27/2013

Applicant is presently a member in good standing of the bars of those courts listed above, except as listed below:       None.

6.       Applicant presently is not subject to any suspension or disbarment proceedings, and has not been formally notified of any complaints pending before a disciplinary agency.

7.       Applicant never has had any application for admission *pro hac vice* in this or any other jurisdiction denied or any *pro hac vice* admission revoked.

8.       Applicant never has had any certificate or privilege to appear and practice before any administrative body suspended or revoked.

9.       Local counsel of record associated with applicant in this case are Christopher A. Ogiba and E. Brandon Gaskins of Moore & Van Allen, PLLC, 40 Calhoun Street, Suite 300, Charleston, SC 29401, (843) 579-7000.

10.      Applicant has previously filed an application to appear *pro hac vice* in the following South Carolina cases:       None.

11.      Applicant agrees to comply with the applicable statutes, laws and procedural rules of the State of South Carolina and will familiarize himself with and comply with the South Carolina Rules of Professional Conduct. Applicant consents to the jurisdiction of the South Carolina courts and the South Carolina disciplinary process.

12.      Applicant respectfully requests to be admitted to practice in the above named court for this case only.

DATED this 11th day of February 2014.

  
\_\_\_\_\_  
Mary H. Tolbert

VERIFICATION

STATE OF OKLAHOMA )

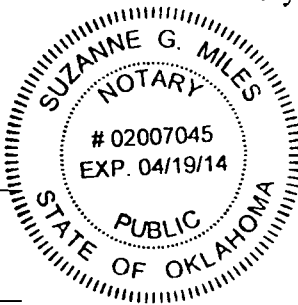
COUNTY OF OKLAHOMA )

I, Mary H. Tolbert, do hereby swear or affirm under penalty of perjury that I am the applicant in the above styled matter; that I have read the foregoing application and know the contents thereof; and that the contents are true of my own knowledge, except as to those matters stated on information and belief, and that as to those matters I believe them to be true.

Mary H. Tolbert  
Mary H. Tolbert

Subscribed and sworn to before me  
this 11 day of February, 2014.

Suzanne G. Miles  
Notary Public for the State of Oklahoma



My Commission Expires: 4-19-14

LOCAL COUNSEL CONSENT

I hereby consent, as local counsel of record, to the association of applicant in this cause pursuant to Rules Governing Admission *Pro Hac Vice* to the South Carolina Bar.

DATED this 18<sup>th</sup> day of February, 2014.

E. Brandon Gaskins  
E. Brandon Gaskins (S.C. Bar # 73274)  
Moore & Van Allen PLLC  
40 Calhoun Street  
P.O. Box 22828  
Charleston, SC 29413-2828  
Phone: (843) 579-7000  
Fax: (843) 579-7099  
Email: [brandongaskins@mvalaw.com](mailto:brandongaskins@mvalaw.com)

EXHIBIT "B"

**IN THE SUPREME COURT OF THE STATE OF OKLAHOMA**

**CERTIFICATE**

I, Michael S. Richie, Clerk of the Supreme Court of the State of Oklahoma, do hereby certify that Mary H. Tolbert, of Oklahoma City, Oklahoma, was admitted to practice in the Supreme Court of the State of Oklahoma upon examination, on April 25, 1997, and is now an attorney and counselor at law in good standing at the Bar of said State.

**WITNESS**, my hand and the Seal of the Supreme Court of the State of Oklahoma, this the 10th day of February, 2014.

**MICHAEL S. RICHIE, CLERK  
SUPREME COURT OF OKLAHOMA**

S-E-A-L

By: \_\_\_\_\_



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JOSEPH T. ARGO, AND GREENE AND COMPANY, L.L.P.....DEFENDANTS,

In the Matter of: ESTATE OF ROBERT L. CHAMBLEE,

OF WHOM MERRILL LYNCH, PIERCE, FENNER & SMITH, INC. IS APPELLANT.

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PROOF OF SERVICE

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This is to certify that I have this day served copies of the foregoing *Motion for Admission Pro Hac Vice of Mary H. Tolbert*, by depositing same in the United States Mail with adequate postage affixed thereon to ensure delivery, addressed as follows:

William M. Hogan, Esquire  
James Gilreath, Esquire  
The Gilreath Law Firm , P.A.  
P.O. Box 2147  
Greenville, SC 29602  
ATTORNEYS FOR RESPONDENT JAMES MALLOY

S. Alan Medlin, Esquire  
University of South Carolina School of Law  
1713 Phelps Street  
Columbia, SC 29205  
ATTORNEY FOR RESPONDENT JAMES MALLOY

Harold P. Threlkeld, Esquire  
P.O. Box 1385  
Anderson, SC 29622-1385  
ATTORNEY FOR DEFENDANT SWAIN N. THOMPSON, JR.

John M. O'Rourke, Esquire  
P.O. Box 1190  
Anderson, SC 29622-1190  
ATTORNEY FOR DEFENDANT SWAIN N. THOMPSON, JR.

Michael T. Smith, Esquire  
Logan, Jolly & Smith, LLP  
P.O. Box 259  
Anderson, SC 29622  
ATTORNEY FOR DEFENDANTS JOSEPH T. ARGO and  
GREEN and COMPANY, L.L.P.

February 18, 2014.



Christopher A. Ogiba (S.C. Bar No. 70666)  
E. Brandon Gaskins (S.C. Bar No. 73274)  
MOORE & VAN ALLEN, PLLC  
40 Calhoun Street, Suite 300  
Post Office Box 22828  
Charleston, SC 29413-2828  
Telephone: (843) 579-7000  
Facsimile: (843) 579-8749

ATTORNEYS FOR APPELLANT