

The South Carolina Court of Appeals

H. Thad White, Respondent,

v.

Petrel International, LLC, Appellant.

Appellate Case No. 2014-000147

RECEIVED

JUN 17 2014

SC Court of Appeals

The Honorable Paul M. Burch

Darlington County

Trial Court Case No. 2013CP1600366

Amended Motion For Rehearing  
and  
Motion For Full Panell Review

The appellant, Petrel International, LLC, hereby ~~moves~~ moves to amend the Motion For Rehearing and Motion For Full Panell Review, filed on June 16, 2014.

The appellant objects the order of May 30, 2014, filed by the clerk of this court. The order granted "the Motion to Relieve Counsel" by William J. Tuck, counsel for respondent, H. Thad White, without addressing on the Reply to the Motion For Relief, filed on March 21,

2014 by the appellant.

To protect the appellant's due process and equal protection rights, the appellant also moves to this court for a rehearing and for full panel review on the Motion To Relieve Counsel and the Reply to Motion for Relief. Attached for review, please find the correspondences between the parties on the issue.

June, 17, 2014

Petrel International, LLC  
by Haiyan Lin  
P.O. Box 1011  
Columbia, SC 29202  
803-404-7163



# The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1015 SUMTER STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1880  
FAX: (803) 734-1839  
[www.sccourts.org](http://www.sccourts.org)

March 04, 2014

Mr. William J. Tuck, Esquire  
PO Box 933  
Darlington SC 29540

Re: H. Thad White v. Petrel International  
Appellate Case No. 2014-000147

Dear Counsel:

This Court is in receipt of your correspondence dated January 28, 2014. You are considered a counsel of record because the order of December 9, 2013, shows you appeared as counsel at the trial. If you desire to be relieved as counsel in this court, you must file the appropriate motion to be relieved. See Rule 264(a), SCACR.

Very truly yours,

*V. Claire Allen, Deputy*

CLERK

cc: Haiyan Lin  
Bryan Wesley Braddock, Esquire

WILLIAM J. TUCK, P.A.  
ATTORNEY AT LAW  
54 PUBLIC SQUARE ♦ POST OFFICE BOX 933  
DARLINGTON, SOUTH CAROLINA 29540

Telephone: (843)393-2201  
Facsimile: (843)393-2216

Certified Circuit Court Mediator  
www.attorneywilliamjtuck.com

March 7, 2014

South Carolina Court of Appeals  
ATTN: V. Claire Allen, Deputy Clerk  
Post Office Box 11629  
Columbia, SC 29211

Re: H. Thad White v. Petrel International  
Appellate Case No.: 2014-000147

Dear Ms. Allen:

Pursuant to your attached letter dated March 4, 2014, please find enclosed the original and three (3) copies of a Motion to Relieve me as Respondent's Counsel in the above-captioned matter. It has been consented to by Bryan W. Braddock, Esquire, Attorney for the Respondent, and Respondent, H. Thad White, himself.

Please file the original, and please return the clocked copies to me in the enclosed envelope.

Should you have any questions or need anything else, please feel free to call me.

Thank you.

With kindest regards, I am,

Sincerely,

William J. Tuck, P.A.

By

William J. Tuck

WJT/mbw  
Enclosures

cc: Bryan Braddock, Esquire (w/ enc) (via U.S. mail)  
H. Thad White, Esquire (w/ enc) (via U.S. mail)  
Haiyan Lin (w/ enc) (via U.S. mail)

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MAR 11 2014  
SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM DARLINGTON COUNTY  
COURT OF COMMON PLEAS

Paul M. Burch, Circuit Court Judge

Case No. 2014-000147

H. Thad White,

Respondent,

vs.

Petrel International, LLC

Appellant.

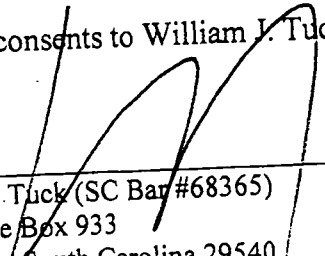
**RECEIVED**

MAR 11 2014

**SC Court of Appeals**

MOTION TO RELIEVE COUNSEL

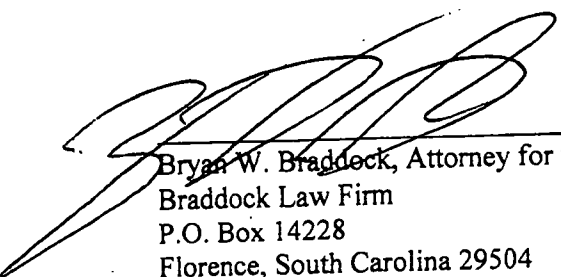
As reflected on the Order from the hearing itself, William J. Tuck of William J. Tuck, P.A. made a special appearance on behalf of Bryan W. Braddock of the Braddock Law Firm in this matter for a hearing held on November 21, 2013, from which the Appellant has filed a *pro se* Notice of Appeal. William J. Tuck seeks to be relieved as counsel for the Respondent, and, as evidenced by his signature below, Bryan W. Braddock is in agreement with the moving counsel being relieved as attorney of record, as Bryan W. Braddock will remain as attorney of record. Counsel has notified Respondent in writing of his intent to be relieved as counsel and, as evidenced by his signature below, Respondent consents to William J. Tuck being relieved as counsel of record for the Respondent.

  
William J. Tuck (SC Bar #68365)  
Post Office Box 933  
Darlington, South Carolina 29540  
(843) 393-2201  
Attorney for Respondent (in underlying action)

Florence, South Carolina


March \_\_\_\_, 2014

WE CONSENT TO WILLIAM J. TUCK BEING  
RELIEVED AS AN ATTORNEY OF RECORD:



---

Bryan W. Braddock, Attorney for the Respondent  
Braddock Law Firm  
P.O. Box 14228  
Florence, South Carolina 29504  
(843) 292-8780



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H. Thad White, Respondent



# The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

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[www.sccourts.org](http://www.sccourts.org)

March 04, 2014

Mr. William J. Tuck, Esquire  
PO Box 933  
Darlington SC 29540

Re: H. Thad White v. Petrel International  
Appellate Case No. 2014-000147

Dear Counsel:

This Court is in receipt of your correspondence dated January 28, 2014. You are considered a counsel of record because the order of December 9, 2013, shows you appeared as counsel at the trial. If you desire to be relieved as counsel in this court, you must file the appropriate motion to be relieved. See Rule 264(a), SCACR.

Very truly yours,

*V. Claire Allen, Deputy*

CLERK

cc: Haiyan Lin  
Bryan Wesley Braddock, Esquire

The state of South Carolina **RECEIVED**

MAR 21 2014

In the Court of Appeal

The Appellate Case No. 2014-000147 **SC Court of Appeals**

H. Thad White v. Petrel International

Reply to Motion for Relief

The appellant, Petrel International, LLC, hereby objects the Motion for Relief as Counsel by William J. Tuck.

First of all, the substitution of the counsel of record by William J. Tuck violated the Rules of SC RCP. Without the notice to the defendant and without consent order of the trial court, the appearance of William J. Tuck for the plaintiff was procedurally barred. Therefore, all of the orders as results of the motion hearing of Nov. 21, 2013 should be vacated according to the rules of SC RCP. The Motion To Vacate in the lower court is attached as a reference.

The Secondly, SCACR requires the continue legal representation from lower court. The lower court shall have

the jurisdiction to determine who is considered as the counsel of record for the case. Therefore, the Motion for Relief as counsel should be made in the lower court, not in appellate court.

Therefore, the appellant hereby requests this court to remand the case back to the lower court for a rehearing to correct errors of laws.

March 21, 2014

Hanyan Lin  
Petrel International,  
P.O. Box 1011  
Columbia, SC 29202.  
803-404-7163.

State of South Carolina  
County of Darlington  
In the Court of Common Pleas  
Case No. 2013-CP-16-00366

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MAR 21 2014  
S.C. Court of Appeals

Motion To Vacate

Thad White, Plaintiff V. Petrel International, LLC defendant

The defendant, Petrel International, LLC, hereby moves to this court to vacate both the order of default, filed on Dec. 17, 2013, and the Consent Order of Reference, filed on Jan. 23, 2014.

1. The defendant does not aware of a motion or an application for substituting attorney for the plaintiff, Thad White. There was no Consent Order for substituting counsel ever being filed or served. Therefore, the defendant has not been given an opportunity in opposition to such substitution.

2. The defendant hereby object to the substitution of counsel by the plaintiff, without giving notice and without obtaining consent order. According to Rule 11, SCRPC, such substitution is in violation of South Carolina Rules of Civil procedure. Therefore, the oral representation for the ~~of~~ plaintiff by William J. Tucker during the motion hearing of Nov. 20, 2013 was procedurally barred. Therefore, the defendant

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DARLINGTON COUNTY, SC  
TRUE CERTIFIED COPY  
W. B. JAMES  
CLERK OF COURT  
DARLINGTON COUNTY, SC

moves to this Court to stricke the entire pleading made by him on Nov. 21, 2013.

3. Further, any order now signed by this court as results of the motion hearing on Nov. 21, 2013, shall be null and void. Pursuant to Rule 59, SCRPC, the defendant requests this court to vacate the order of default.

4. It is in fact that the defendant has properly filed the responsive pleadings and counter claims on the plaintiff's Summons and Complaint. It is in fact that judge Paul M. Burch has allowed Haiyan Lin as prose to represent the defendant during the motion hearing of Nov. 21, 2013. It is in fact that the plaintiff has filed the Reply on the defendant's counter claim on Dec. 19, 2013.

5. There was no motion was served or filed for the Consent Order of Reference. Therefore the Consent Order of Reference is in violation of Rule 53, SCRPC. It shall be null and void. Therefore, the defendant requests this court to vacate the Consent Order of Reference.

March 17, 2014.

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2014 MAR 07 PM 11:11  
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CLERK OF COURT  
DARLINGTON COUNTY, SC  
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Scott B. Suggs  
CLERK OF COURT/RMC  
DARLINGTON COUNTY, SC  
Haiyan Lin  
Petrel International, LLC

State of South Carolina  
County of Darlington  
In the Court of Common Pleas  
Case No. 13-CP-16-0366

H. Thad White ----- Plaintiff  
Vs.  
Petrel International, LLC ----- Defendant

Certificate of Service

I certify that I have served a copy of Motion to Vacate, (for order of default & Consent Order of Reference), by depositing it in US mail on March 17, 2014 to

The Braddock Law Firm, LLC  
2231 W. Palmetto St. #2  
Florence, SC 29503

March 17, 2014

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SCOTT B. SUGGS  
CLERK OF COURT/RMC  
DARLINGTON COUNTY, S.C.

FILED

Hanyan Liu  
P.O. Box 1011  
Columbia, SC 29202

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Scott B. Suggs  
CLERK OF COURT/RMC  
DARLINGTON COUNTY, SC

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MAR 17 2014

Appeal

# The South Carolina Court of Appeals

H. Thad White, Respondent,

v.

Petrel International, LLC, Appellant.

Appellate Case No. 2014-000147

The Honorable Paul M. Burch  
Darlington County  
Trial Court Case No. 2013CP1600366

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## ORDER

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We have received a "Motion to Relieve Counsel" by William J. Tuck, counsel for respondent, H. Thad White. The motion is Granted; and William J. Tuck is removed as an attorney of record in this appeal. Bryan W. Braddock will remain as counsel for the respondent, H. Thad White.


FOR THE COURT

BY

  
CLERK

Columbia, South Carolina

**FILED**

5-30-14 

cc:

Haiyan Lin

William J. Tuck, Esquire  
Bryan Wesley Braddock, Esquire

# The South Carolina Court of Appeals

H. Thad White, Respondent,

v.

Petrel International, LLC, Appellant.

Appellate Case No. 2014-000147

RECEIVED

JUN 17 2014

SC Court of Appeals

The Honorable Paul M. Burch  
Darlington County  
Trial Court Case No. 2013CP1600366

## Certificate of Services

I, Haiyan Lin, certify that I have served a copy of the Amended Motion for Rehearing and Motion For Full Panel Review by depositing it in US Mail on June 17, 2014 to

The Braddock Law Firm, LLC  
cc. William J. Tuck  
2231 W. Palmetto St. #203  
Florence SC 29503

June 17, 2014

Haiyan Lin  
803-404-7163