

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Larry B. Hyman, Circuit Court Judge

Case No. 2013-002133

Stephanie A. Smith, on behalf of herself and all others similarly situated.....Appellant

v.

Progressive Halcyon Insurance Company, n/k/a Progressive Direct Insurance Co., Progressive Max, and Progressive Casualty Insurance.....Respondents

NOTICE OF MOTION AND MOTION FOR ADMISSION
PRO HAC VICE OF THE RESPONDENT

RECEIVED

MAY 19 2014

SC Court of Appeals

Respondent Progressive Halcyon Insurance Company, n/k/a Progressive Direct Insurance Co., Progressive Max, and Progressive Casualty Insurance moves before this Honorable Court for the *pro hac vice* admission of counsel Zachary A. McEntyre and Jeffrey S. Cashden, Attorneys at Law, King & Spalding, 1180 Peachtree Street, Atlanta, Georgia, 30309. Mr. McEntyre and Mr. Cashden both practice in Georgia, and are members in good standing of the State Bar of Georgia and the Fulton County Bar. The Respondents have retained Mr. McEntyre and Mr. Cashden to represent them in the above-referenced matter along with local counsel Thomas C. Brittain, Esquire and A. Preston Brittain, Esquire of The Brittain Law Firm, PA.

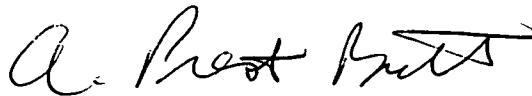
Pursuant to Rule 404, SCACR, Respondents are simultaneously filing with the South Carolina Supreme Court a copy of Mr. McEntyre's and Mr. Cashden's Verified Application For

Admission *Pro Hac Vice* in the State of South Carolina along with their Certificates of Good Standing along with the required filing fee.

WHEREFORE, in accordance with the provisions set forth in Rule 404, SCACR, the Respondent respectfully requests that this motion be granted.



Thomas C. Brittain, Esquire (SC No. 00893)
THE BRITTAIN LAW FIRM, P.A.
4614 Oleander Drive
Myrtle Beach, SC 29577
843-449-8562
843-497-6124 (fax)



A. Preston Brittain, Esquire (SC No. 73707)
THE BRITTAIN LAW FIRM, P.A.
4614 Oleander Drive
Myrtle Beach, SC 29577
843-449-8562
843-497-6124 (fax)

Of Counsel:

Jeffrey S. Cashdan
Zachary A. McEntyre
KING & SPALDING LLP
1180 Peachtree Street, N.E.
Atlanta, GA 30309-3521
(404) 572-4600
(404) 572-5100 (fax)

May 16, 2014

Attorneys for the Respondent

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Larry B. Hyman, Circuit Court Judge

Case No. 2013-002133

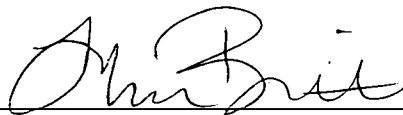
Stephanie A. Smith, on behalf of herself and all others similarly situated.....Appellant

v.

Progressive Halcyon Insurance Company, n/k/a Progressive Direct Insurance Co., Progressive Max, and Progressive Casualty Insurance.....Respondents

PROOF OF SERVICE

I certify that I have served the Notice of Motion and Motion for Admission Pro Hac Vice of Respondent Progressive Halcyon Insurance Company, n/k/a Progressive Direct Insurance Co., Progressive Max, and Progressive Casualty Insurance on Appellant Stephanie A. Smith by depositing a copy of same in the United States Mail, postage prepaid, on May 16, 2014, addressed to Appellant's attorneys of record, Nate Fata, Esq., Nate Fata, P.A., P.O. Box 16620, Surfside Beach, SC 29587 and Charles V. Leonard, Esq., Harris & Leonard, P.A., 4615 Oleander Drive, Suite 202, Myrtle Beach, SC 29577.



Thomas C. Brittain, Esquire
THE BRITTAIN LAW FIRM, P.A.
4614 Oleander Drive
Myrtle Beach, SC 29577
843-449-8562
Attorney for the Respondent

May 16, 2014

**VERIFIED APPLICATION FOR ADMISSION *PRO HAC VICE*
IN THE STATE OF SOUTH CAROLINA**

Stephanie A. Smith, on behalf of herself
and all others similarly situated,

2013-002133

South Carolina Court of
Appeals

Plaintiff

Case No.

Court

vs.

Progressive Halcyon Insurance Company,
et al

Mailing Address of Court: P.O. Box 11629
Columbia, SC 29211

Defendant

RECEIVED

MAY 19 2014

SC Court of Appeals

Comes now Jeffrey S. Cashdan, applicant herein, and respectfully represents the following:

1. Applicant resides at:

120 National Drive

Street Address

Duluth

Gwinnett

Georgia

30097

City

County

State

Zip Code

770-418-9914

Telephone

2. Applicant is an attorney and a member of the law firm of (or practices law under the name of) King &

Spalding LLP, with offices at, at

1180 Peachtree Street, NE

Street Address

Atlanta

Fulton

Georgia

30309

City

County

State

Zip Code

404-572-4600

Telephone

404-572-5100

Fax Number

3. Applicant has been retained personally or as a member of the above named law firm by the Defendants to provide legal representation in connection with the above case now pending before the above named court of the State of South Carolina.

4. Since December 6th of 2011, applicant has been, and presently is, a member in good standing of the bar of the highest court of the District of Columbia or the State of Georgia where applicant regularly practices law. Attached is a certificate of good standing.

5. Applicant has been admitted to practice before the following courts: (List all of the following courts applicant has been admitted to practice before: United States District Courts; United States Circuit Courts of Appeals; the Supreme Court of the United States; and courts of other states or the District of Columbia.)

Court:

Date Admitted:

Court:	Date Admitted:
Georgia State and Superior Courts	November 28, 1995
Supreme Court of Georgia	December 6, 2011
U.S. Court of Appeals, 3rd Circuit	March 5, 2007
U.S. Court of Appeals, 4th Circuit	December 30, 2005
U.S. Court of Appeals, 9th Circuit	July 13, 1993
U.S. Court of Appeals, 10th Circuit	October 1, 1993
See "Exhibit A" attached hereto for additional courts	

Applicant is presently a member in good standing of the bars of those courts listed above, except as listed below:
(List any court named in the preceding paragraph that applicant is no longer admitted to practice before.)

n/a

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, except as provided below (give particulars, e.g., jurisdiction, court, date):

n/a

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, except as provided below (give particulars, e.g., date, court, docket number, judge, circumstances; attach a copy of any order of denial or revocation):

n/a

8. Applicant never has had any certificate or privilege to appear and practice before any administrative body suspended or revoked, except as provided below (give particulars, e.g., date, administrative body, date of suspension and reinstatement):

n/a

9. Local counsel of record associated with applicant in this case is Thomas C. Brittain and A. Preston Brittain, of the Brittain law firm, which has offices at:

4614 Oleander Drive

Street Address

Horry

County

(843) 449-8562

Telephone

Myrtle Beach

City

SC

State

29577

Zip Code

If applicable list all other firms/attorneys you are associated with in this matter

n/a

10. Applicant has previously filed an application to appear *pro hac vice* in the following South Carolina cases (give case name and status of litigation, date of application, local counsel of record in each case, and state whether application is pending or was granted).

First Quality Tissue SE LLC v. Metson Paper USA Inc., 8:11-CV-2457-KFM; case is closed, date of application:

11/29/2011; application granted: 12/6/2011; local counsel: Beattie B. Ashmore

Stephanie A. Smith, on behalf of herself and all others similarly situated v. Progressive Halcyon Insurance Company, et

al, CA No: 2010-CP-26-10502; case is active; date of application: March 13, 2013; application granted: May 21, 2013;

local counsel: Thomas C. Brittain and A. Preston Brittain

11. Applicant agrees to comply with the applicable statutes, laws and rules of the State of South Carolina and will familiarize him/herself with and comply with the South Carolina Rules of Professional Conduct. Applicant consents to the jurisdiction of the South Carolina courts and Commission on Lawyer Conduct.

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

DATED this 14th day of May, 2014.

Jeffrey S. Cashdan
APPLICANT

VERIFICATION

STATE OF GEORGIA)

COUNTY OF FULTON)

I, Jeffrey S. Cashdan, 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.

Jeffrey S. Cashdan
APPLICANT/AFFIANT

Subscribed and sworn to before me this 14th day of May, 2014.

Julie R. Hawkins
NOTARY PUBLIC
STATE OF GEORGIA
My Commission Expires 11/17

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 16th day of May, 2014.

A. Fred Pratt
LOCAL COUNSEL OF RECORD

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of this application upon the South Carolina Supreme Court by mail addressed to: South Carolina Supreme Court Office of Bar Admissions, PO Box 11330, Columbia, SC 29211, accompanied by payment of the \$250 filing fee payable to the South Carolina Supreme Court on this 16th day of May, 2014.

Jeffrey S. Cashdan
APPLICANT/AFFIANT

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MAY 19 2014

SC Court of Appeals

Exhibit A

U.S. Court of Appeals, 11th Circuit	October 15, 2012
U.S. Court of Appeals for the District of Columbia Circuit	February 20, 2003
U.S. District Court, Northern District of Georgia	January 16, 1996
U.S. District Court, Northern District of Illinois	January 14, 1994



Supreme Court
State of Georgia

STATE JUDICIAL BUILDING

Atlanta 30334

HUGH P. THOMPSON, CHIEF JUSTICE
P. HARRIS HINES, PRESIDING JUSTICE
ROBERT BENHAM
CAROL W. HUNSTEIN
HAROLD D. MELTON
DAVID E. NAHMIA
KEITH R. BLACKWELL
JUSTICES

THÉRÈSE S. BARNES, CLERK
JEAN RUSKELL, REPORTER

May 15, 2014

I hereby certify that Jeffrey Scott Cashdan, Esq., was admitted on the 6th day of December, 2011, as a member of the bar of the Supreme Court of Georgia, the highest court of this State; and, since that date he has been and is now a member of this bar in good standing, as appears from the records and files in this office.

Witness my signature and the seal of this Court
hereto affixed the day and year first above written.

Therese S Barnes, Clerk

**VERIFIED APPLICATION FOR ADMISSION *PRO HAC VICE*
IN THE STATE OF SOUTH CAROLINA**

Stephanie A. Smith, on behalf of herself
and all others similarly situated,

2013-002133

South Carolina Court of
Appeals

Plaintiff

Case No.

Court

vs.

Progressive Halcyon Insurance Company,
et al

Mailing Address of Court: P.O. Box 11629
Columbia, SC 29211

Defendant

RECEIVED

MAY 19 2014

SC Court of Appeals

Comes now Zachary A. McEntyre, applicant herein, and respectfully represents the following:

1. Applicant resides at:

466 Hascall Road

Street Address

Atlanta

Fulton

Georgia

30309

City

County

State

Zip Code

404-572-4600

Telephone

2. Applicant is an attorney and a member of the law firm of (or practices law under the name of) King &

Spalding LLP, with offices at, at

1180 Peachtree Street, NE

Street Address

Atlanta

Fulton

Georgia

30309

City

County

State

Zip Code

404-572-4600

404-572-5100

Telephone

Fax Number

3. Applicant has been retained personally or as a member of the above named law firm by the Defendants to provide legal representation in connection with the above case now pending before the above named court of the State of South Carolina.

4. Since April 30th of 2007, applicant has been, and presently is, a member in good standing of the bar of the highest court of the District of Columbia or the State of Georgia where applicant regularly practices law. Attached is a certificate of good standing.

5. Applicant has been admitted to practice before the following courts: (List all of the following courts applicant has been admitted to practice before: United States District Courts; United States Circuit Courts of Appeals; the Supreme Court of the United States; and courts of other states or the District of Columbia.)

Court:

Date Admitted:

Court:	Date Admitted:
Georgia State and Superior Courts	October 27, 2006
Supreme Court of Georgia	April 30, 2007
Georgia Court of Appeals	April 30, 2007
U.S. District Court for the Northern District of Georgia	January 16, 2007
U.S. Court of Appeals, 11 th Circuit	November 14, 2007
U.S. Court of Appeals, 7 th Circuit	November 17, 2009
Southern District of California (pro hac vice)	February 19, 2014

Applicant is presently a member in good standing of the bars of those courts listed above, except as listed below:
(List any court named in the preceding paragraph that applicant is no longer admitted to practice before.)

n/a

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, except as provided below (give particulars, e.g., jurisdiction, court, date):

n/a

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, except as provided below (give particulars, e.g., date, court, docket number, judge, circumstances; attach a copy of any order of denial or revocation):

n/a

8. Applicant never has had any certificate or privilege to appear and practice before any administrative body suspended or revoked, except as provided below (give particulars, e.g., date, administrative body, date of suspension and reinstatement):

n/a

9. Local counsel of record associated with applicant in this case is Thomas C. Brittain and A. Preston Brittain, of the Brittain law firm, which has offices at:

4614 Oleander Drive

Street Address

Horry

County

(843) 449-8562

Telephone

Myrtle Beach

City

SC

State

29577

Zip Code

If applicable list all other firms/attorneys you are associated with in this matter

n/a

10. Applicant has previously filed an application to appear *pro hac vice* in the following South Carolina cases (give case name and status of litigation, date of application, local counsel of record in each case, and state whether application is pending or was granted).

Stephanie A. Smith, on behalf of herself and all others similarly situated v. Progressive Halcyon Insurance Company, et al, CA No: 2010-CP-26-10502; case is active; date of application: March 13, 2013; application granted: May 21, 2013; local counsel: Thomas C. Brittain and A. Preston Brittain

11. Applicant agrees to comply with the applicable statutes, laws and rules of the State of South Carolina and will familiarize him/herself with and comply with the South Carolina Rules of Professional Conduct. Applicant consents to the jurisdiction of the South Carolina courts and Commission on Lawyer Conduct.

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

DATED this 14th day of May, 2014.

[Signature]
APPLICANT

VERIFICATION

STATE OF GEORGIA)

COUNTY OF FULTON)

I, Zachary A. McEntyre, 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.

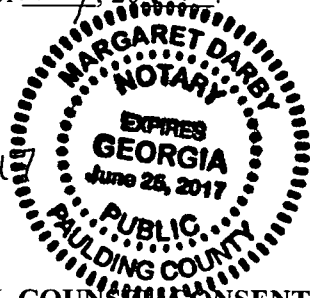
[Signature]
APPLICANT/AFFIANT

Subscribed and sworn to before me this 14th day of May, 2014.

Margaret Darby

Notary Public for the State of Georgia

My Commission Expires: June 25, 2017



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 16th day of May, 2014.

[Signature]
LOCAL COUNSEL OF RECORD

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of this application upon the South Carolina Supreme Court by mail addressed to: South Carolina Supreme Court Office of Bar Admissions, PO Box 11330, Columbia, SC 29211, accompanied by payment of the \$250 filing fee payable to the South Carolina Supreme Court on this 16th day of May, 2014.

[Signature]
APPLICANT/AFFIANT

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MAY 19 2014

SC Court of Appeals



Supreme Court
State of Georgia

STATE JUDICIAL BUILDING

Atlanta 30334

HUGH P. THOMPSON, CHIEF JUSTICE
P. HARRIS HINES, PRESIDING JUSTICE
ROBERT BENHAM
CAROL W. HUNSTEIN
HAROLD D. MELTON
DAVID E. NAHMIA
KEITH R. BLACKWELL
JUSTICES

THÉRÈSE S. BARNES, CLERK
JEAN RUSKELL, REPORTER

May 15, 2014

I hereby certify that Zachary Andrew McEntyre, Esq., was admitted on the 30th day of April, 2007, as a member of the bar of the Supreme Court of Georgia, the highest court of this State; and, since that date he has been and is now a member of this bar in good standing, as appears from the records and files in this office.

Witness my signature and the seal of this Court
hereto affixed the day and year first above written.

Therese S Barnes, Clerk

THE BRITTAIN LAW FIRM, P.A.

ATTORNEYS AT LAW
4614 OLEANDER DRIVE
MYRTLE BEACH, SOUTH CAROLINA 29577

THOMAS C. BRITTAİN
MARY MADISON BRITTAİN LANGWAY
A. PRESTON BRITTAİN
T. CASE BRITTAİN, JR.

843-449-8562
FAX 843-497-6124
www.brittainlawfirm.com

May 16, 2014

Via Federal Express

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1015 Sumter Street
Columbia, SC 29201

RE: Stephanie A. Smith, on behalf of herself and all others similarly situated v.
Progressive Halcyon Insurance Company, et al
Appellate Case No. 2013-002133

Dear Ms. Kitchings:

Enclosed please find the **original** Verified Application for Admission *Pro Hac Vice* in the State of South Carolina along with the **original** Certificate of Good Standing for both Jeffrey Cahsdan, Esquire and Zachary McEntyre, Esquire. Please be advised that, pursuant to Rule 404, a copy of these documents, along with the appropriate fee of \$250.00 per applicant, has simultaneously been sent to the South Carolina Supreme Court for filing.

Also enclosed please find the original and six (6) copies of Respondent's Motion for Admission Pro Hac Vice along with a check in the amount of \$25.00.

With warm regards, I am
Yours truly,

THE BRITTAİN LAW FIRM. P.A.


Thomas C. Brittain

TCB/all

cc: Val H. Stieglitz, Esq.
Nate Fata, Esq.
Jeffrey Cashdan, Esq.
Zachary McEntyre, Esq.

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MAY 19 2014
SC Court of Appeals