

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

172508

J Derham Cole, Circuit Court Judge
&
William H. Seals, Jr., Circuit Court Judge
&
Cynthia Graham Howe, Master-In-Equity

Case No.: 2009-CP-26-5743

Hotel & Motel Holdings, LLC, Respondent,

v.

BJC Enterprises, LLC, Wendy J. Bellamy,
Americana, Inc., a/k/a Americana Motel of
Myrtle Beach, Inc., Mozingo & Wallace Architects, LLC,
Kersi S. Shroff, and Shroff Management, Inc., Defendants,

Of Whom BJC Enterprises, LLC, Wendy J. Bellamy, and
Americana, Inc. a/k/a Americana Motel of Myrtle Beach, Inc.
are the Appellants

MOTION TO BE RELIEVED AS COUNSEL

RECEIVED

JUN 16 2014

SC Court of Appeals

You will please take notice that James Edward Lewis, Jr., attorney for Appellants, moves before the South Carolina Court of Appeals to be relieved as counsel for appellants pursuant to Rule 264 of the South Carolina Appellate Court Rules and pursuant to Rule 240 of the South Carolina Appellate Court Rules. The grounds for this motion are set forth below:

1. Appellants have been represented by Cook & Roy, LLC and specifically Kathryn Cook, Esq. since the inception of the case at the lower court and have continued to be attorneys of record for appellants before the appellate court. Kathryn Cook, Esq. continues to represent appellants. Attorney Lewis represented appellants as second chair counsel to Attorney Cook.
2. Attorney Lewis left the employ of Cook & Roy, LLC on or about May 15, 2012. At that time, he notified appellants that he would no longer be involved with the case and appellants understood and consented. Attorney Cook continued and still continues to be counsel of record for appellants.
3. Attorney Lewis wrote the Clerk of Court for the South Carolina Court of Appeals on March 10, 2014 and on April 30, 2014, requesting to be removed as counsel. Copies of these letters are attached hereto as Exhibit A and Exhibit B, respectively.
4. Via a letter dated May 1, 2014, Clerk Kitchings sent a letter to Attorney Lewis stating that he needed to file a motion with the Court of Appeals to seek removal as counsel. This letter is attached hereto as Exhibit C.
5. Attorney Lewis spoke with the Court of Appeals on Thursday, May 22, 2014. The Clerk of Court informed Attorney Lewis that the letter dated May 1, 2014 had been returned to sender. Attorney Lewis requested that the letter be emailed to Attorney Lewis. Attorney Lewis received

the letter via email on May 22, 2014. Since then, Attorney Lewis has expeditiously worked to resolve this matter.

6. Pursuant to Rule 264 of the South Carolina Appellate Court Rules, an attorney of record may withdraw from a matter pending before the appellate court with the consent of the client or for justifiable cause. Attorney Lewis both has the consent of his client, as required by the Rule, and justifiable cause, as required by the Rule.

7. Appellants are aware of this motion for relief as counsel and have consented to the same. Appellants have always been under the understanding that Attorney Lewis's representation ceased when he left the employ of Cook & Roy, LLC on or about May 15, 2012.

8. Attorney Lewis emailed Wendy Jones Bellamy, who is personally an appellant and who also has the authority to consent on behalf of appellant BJC Enterprises, LLC and appellant Americana, Inc, explaining to her his wish to be formally relieved from this matter. See Exhibit D, attached hereto.

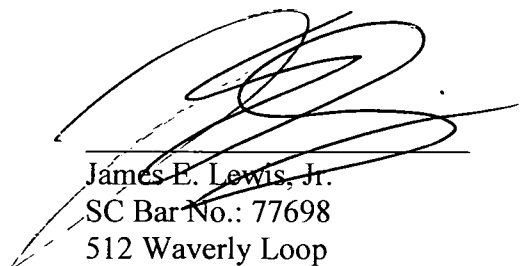
9. Wendy Jones Bellamy replied to the email stating "To the [J]udge: James Lewis is NO longer working on my case." See Exhibit D, attached hereto.

10. In addition to appellants' consent to withdrawal as counsel by attorney Lewis, all other parties to this action likewise consent. See Email correspondence with all opposing counsel, attached hereto as Exhibit E.

11. Furthermore, and in addition to having the consent of the client and opposing counsel, Attorney Lewis has justifiable reason to withdraw as counsel, as he has not been involved in this matter since May 15, 2012, appellants have not been prejudiced by Attorney Lewis's lack of involvement, appellants will not be prejudiced by his withdrawal from this matter, appellants knew that after May 15, 2012, Attorney Lewis would not be involved with appellants' cases,

appellants do not wish that Attorney Lewis work on the case going forward and, in fact, acknowledge that Attorney Lewis is no longer on the case. See Exhibit D.

Based on the above, and pursuant to Rule 264 of the South Carolina Appellate Court Rules, I respectfully request to me relieved as counsel for appellants in the Hotel and Motel v. BJC Enterprises. Appellate Case No.: 2011-198106 case.



James E. Lewis, Jr.
SC Bar No.: 77698
512 Waverly Loop
Murrells Inlet, SC 29576
Phone: (843) 685-2758
Fax: (843) 361-9002
Email: james.lewis@unitedltc.com
Attorney for Appellants

EXHIBIT A

March 11, 2014

South Carolina Court of Appeals
Attn: Jenny Abbott Kitchings
P.O. Box 11629
Columbia, South Carolina 29211

RE: Hotel and Motel Holdings, LLC v. BJC Enterprises, LLC et.al.
Appellate Case No.: 2011-198106

Jenny:

Please note that I am no longer involved with this case. I no longer represent any parties. I used to work as an Associate with Kathryn M. Cook, Esq. on this matter, but have since taken another position at another company. Kathryn M. Cook, Esq. is still involved with this case and the clients are aware that I am no longer involved.

Please do not hesitate to contact me if you have any questions.

Sincerely,



James E. Lewis, Jr.

Chief Operating Officer
and General Counsel

EXHIBIT B

April 30, 2014

South Carolina Court of Appeals
Attn: Jenny Abbott Kitchings
P.O. Box 11629
Columbia, South Carolina 29211

RE: Hotel and Motel Holdings, LLC v. BJC Enterprises, LLC et.al.
Lower Court Case No. 2009CP2605743
Appellate Case No.: 2011-198106

Jenny:

This letter serves to follow up on my previous letter to the Court of Appeals, dated March 10, 2014. I worked with Kathryn Cook at Cook and Roy from May 2009 until May 2012. Since then, I have worked at UnitedLTC. With regard to the above referenced matter, I was second chair with Ms. Cook being and remaining as lead counsel. When I left Cook and Roy, LLC I notified our clients (BJC Enterprises, LLC, Wendy J. Bellamy, and Americana, Inc.) that I was taking a new position with a new company. All of our clients were made aware that I would no longer be representing them in the above referenced matter and, additionally, all agreed that Ms. Cook would still represent them in the above referenced matter.

Please remove me as attorney for parties BJC Enterprises, LLC, Wendy J. Bellamy, and Americana, Inc.) and any other party represented by Attorney Cook. Thank you for your attention to this matter. Should you need anything further from me, please do not hesitate to contact me by phone, mail, or email at james.lewis@unitedltc.com.

Sincerely,



James E. Lewis, Jr.

Chief Operating Officer
and General Counsel

CC: Judge John C. Few (By U.S. Mail and by Email)

EXHIBIT C



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) 734-1890
FAX: (803) 734-1839
www.sccourts.org

May 01, 2014

Mr. James Edward Lewis, Jr., Esquire

PO Box 350

N. Myrtle Beach SC 29597

Re: Hotel and Motel v. BJC Enterprises
Appellate Case No. 2011-198106

RECEIVED

MAY 20 2014

SC Court of Appeals

Dear Counsel:

This Court received your letters addressed to the Clerk and your email addressed to Chief Judge Few. Please direct any correspondence regarding your appeal to attention of the Clerk of Court, so that we are able to assist you. Furthermore, pursuant to Rule 262(a)(2) of the South Carolina Appellate Court Rules (SCACR), "[a]ny document filed with the appellate court shall be accompanied by proof of service of such document on all parties."

In your letter, you notify the Court that you no longer represent the appellants in this matter. However, pursuant to Rule 264(b), SCACR, you are an attorney of record for the appellants until you file a motion to be relieved and that motion is granted by order of the Court. If you wish to be relieved as counsel, you must file a motion pursuant to Rule 240, SCACR, within ten days of the date of this letter.

Very truly yours,

Handwritten signature of Jenny A. Kitchings in cursive script.

CLERK

cc: Audra McCall Byrd, Esquire
Kathryn M. Cook, Esquire
R. Wayne Byrd, Esquire
W. W. DesChamps, Jr., Esquire
William Wayne DesChamps, III, Esquire
William Harold Short, Jr., Esquire
Sarah Patrick Spruill, Esquire
Bhumi Amit Patel, Esquire



South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS, CLERK
POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211

COLUMBIA SC 292

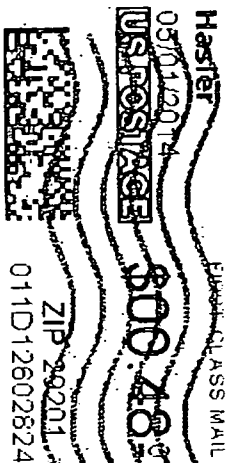
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MAY 20 2014

SC Court of Appeals
JAMES EDWARD LEWIS, JR.
PO BOX 350

N. MYRTLE BEACH SC 29597



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RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

BC: 29211162929 *2054-09372-01-41

29557930353 629

EXHIBIT D

James Lewis

From: Wendy Bellamy [wjbellamy1@aol.com]
Sent: Thursday, May 29, 2014 6:04 PM
To: James Lewis
Subject: RE: Hotel Motel Case

To the judge: James Lewis is NO longer working on my case. This is the first time a judge even cared enough to ask anything. Wendy Jones Bellamy

----- Original message -----

From: James Lewis
Date: 05/27/2014 1:24 PM (GMT-05:00)
To: wjbellamy1@aol.com
Subject: Hotel Motel Case

Wendy:

It's JJ. I used to work with Kif a few years ago. As you know, I am no longer with Kif and have not been for some time. Also, as you know, I have not done any work on your case since I stopped working with Kif. As you also know, Kif continues to represent you in the above referenced matter.

I wish to be formerly removed from your case by the Court. However, I need your consent to do so. This will not in any way impact your relationship with Ms. Cook and it is my understanding that she will continue to represent you in the above referenced matter.

Please respond to this email and indicate that you consent to the fact that I no longer represent you in this matter so that I can pass that information along to the Court.

I hope you are well.

Sincerely,

James E. Lewis, Jr., LTCP

Chief Operating Officer

and General Counsel

UnitedLTC Network, LLC

P.O. Box 350

North Myrtle Beach, SC 29597

☎ 843.361.9000 x228

✉ james.lewis@unitedltc.com

🌐 www.unitedltc.com



EXHIBIT E

James Lewis

From: Kif Cook [kifcook55@gmail.com]
Sent: Thursday, May 22, 2014 2:33 PM
To: james.lewis@unitedltc.com
Cc: Kif Cook
Subject: Fwd: H&M v. BJC Appellate Case 2011-198106

JJ, of course I will consent. Please use my new email if you need to contact me, which is kifcook55@gmail.com. I am no longer at Waccamaw .

On Thursday, May 22, 2014, David Bishop <david@mywcf.org> wrote:

David Bishop-Board Chair
Waccamaw Community Foundation
[843-357-4483](tel:843-357-4483)

----- Forwarded message -----

From: James Lewis <james.lewis@unitedltc.com>
Date: Thu, May 22, 2014 at 9:50 AM
Subject: H&M v. BJC Appellate Case [2011-198106](#)
To: kif@mywcf.org

Kif:

I hope this email finds you well. As you know, I have recently requested to be removed as counsel in the above referenced matter. The Court has asked that I file a motion for relief of counsel. I just received their letter dated May 1, 2014 today.

As you know, I took another position over 2 years ago and have not been involved in this case for some time. Our folks were made aware of this at the time that I took the new position and there was and there has been no issue.

In any event, I now will need to file a motion to be relieved. Will you consent to the motion?

Thanks

James E. Lewis, Jr., LTCP

Chief Operating Officer

and General Counsel

UnitedLTC Network, LLC

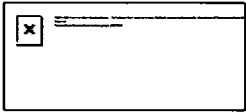
P.O. Box 350

North Myrtle Beach, SC 29597

☎ [843.361.9000](tel:843.361.9000) x228

✉ james.lewis@unitedltc.com

🌐 www.unitedltc.com



James Lewis

From: Trey DesChamps [trey@deschampsllaw.com]
Sent: Thursday, May 22, 2014 10:22 AM
To: 'James Lewis'
Subject: RE: Hotel and Motel v. BJC Appellate Case 2011-198106

Yes.

From: James Lewis [mailto:james.lewis@unitedltc.com]
Sent: Thursday, May 22, 2014 9:53 AM
To: 'Trey DesChamps'
Subject: Hotel and Motel v. BJC Appellate Case 2011-198106

Trey:

I hope this email finds you well. As you know, I have recently requested to be removed as counsel in the above referenced matter. The Court has asked that I file a motion for relief of counsel. I just received their letter dated May 1, 2014 today.

As you know, I took another position over 2 years ago and have not been involved in this case for some time. Our folks were made aware of this at the time that I took the new position and there was and there has been no issue.

In any event, I now will need to file a motion to be relieved. Will you consent to the motion?

Thanks

James E. Lewis, Jr., LTCP
Chief Operating Officer
and General Counsel

UnitedLTC Network, LLC
P.O. Box 350
North Myrtle Beach, SC 29597

☎ 843.361.9000 x228
✉ james.lewis@unitedltc.com
🌐 www.unitedltc.com



James Lewis

From: Spruill, Sarah [sspruill@hsblawfirm.com]
Sent: Thursday, May 22, 2014 10:11 AM
To: James Lewis
Subject: RE: Hotel and Motel v. BJC Appellate Case 2011-198106

Ok by me.

From: James Lewis [mailto:james.lewis@unitedltc.com]
Sent: Thursday, May 22, 2014 9:56 AM
To: Spruill, Sarah
Subject: Hotel and Motel v. BJC Appellate Case 2011-198106

Sarah:

I hope this email finds you well. As you know, I have recently requested to be removed as counsel in the above referenced matter. The Court has asked that I file a motion for relief of counsel. I just received their letter dated May 1, 2014 today.

As you know, I took another position over 2 years ago and have not been involved in this case for some time. Our folks were made aware of this at the time that I took the new position and there was and there has been no issue.

In any event, I now will need to file a motion to be relieved. Will you consent to the motion?

Thanks

James E. Lewis, Jr., LTCP
Chief Operating Officer
and General Counsel

UnitedLTC Network, LLC
P.O. Box 350
North Myrtle Beach, SC 29597

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🌐 www.unitedltc.com



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was not intended or written to be used, and it cannot be used, for the purpose of avoiding federal tax penalties that may be imposed on you or for the purpose of promoting, marketing or recommending to another party any tax-related matters.

James Lewis

From: Byrd, Audra M. [AByrd@TurnerPadget.com]
Sent: Thursday, May 22, 2014 10:08 AM
To: 'James Lewis'
Subject: RE: Hotel and Motel v. BJC Appellate Case 2011-198106

Yes, of course. I hope you are doing well!

From: James Lewis [<mailto:james.lewis@unitedltc.com>]
Sent: Thursday, May 22, 2014 9:49 AM
To: Byrd, Audra M.
Subject: Hotel and Motel v. BJC Appellate Case 2011-198106

Audra:

I hope this email finds you well. As you know, I have recently requested to be removed as counsel in the above referenced matter. The Court has asked that I file a motion for relief of counsel. I just received their letter dated May 1, 2014 today.

As you know, I took another position over 2 years ago and have not been involved in this case for some time. Our folks were made aware of this at the time that I took the new position and there was and there has been no issue.

In any event, I now will need to file a motion to be relieved. Will you consent to the motion?

Thanks

James E. Lewis, Jr., LTCP
Chief Operating Officer
and General Counsel

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CONFIDENTIAL & PRIVILEGED:

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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

J Derham Cole, Circuit Court Judge
&
William H. Seals, Jr., Circuit Court Judge
&
Cynthia Graham Howe, Master-In-Equity

Case No.: 2009-CP-26-5743

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v.

BJC Enterprises, LLC, Wendy J. Bellamy,
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Myrtle Beach, Inc., Mozingo & Wallace Architects, LLC,
Kersi S. Shroff, and Shroff Management, Inc., Defendants,

Of Whom BJC Enterprises, LLC, Wendy J. Bellamy, and
Americana, Inc. a/k/a Americana Motel of Myrtle Beach, Inc.
are the Appellants

CERTIFICATE OF SERVICE

RECEIVED

JUN 16 2014

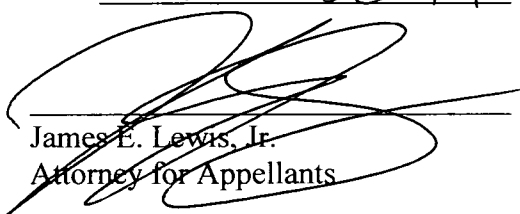
SC Court of Appeals

I certify that on this 13th day of June, 2014, I served a copy of the **Motion to be Relieved as Counsel** by mailing to each of the parties at their last known address by depositing in the U.S.

Mail, in an envelope with sufficient postage affixed, addressed as follows:

1. R. Wayne Byrd, Esq.
Audra M. Byrd, Esq.
Turner Padgett Graham and Laney, P.A.
P.O. Box 2116
Myrtle Beach, South Carolina 29578
Attorneys for Respondent Hotel and Motel Holdings, LLC
2. Kathryn M. Cook, Esq.
Cook and Roy, LLC
P.O. Box 4086
N. Myrtle Beach, SC 29597
Attorney for Appellants
3. Sarah P. Spruill
Haynesworth Sinkler Boyd, P.A.
P.O. Box 2048
Greenville, SC 29602
Attorney for First Palmetto Savings Bank, FSB
4. William W. DesChamps, Jr., Esq.
William W. DesChamps, III, Esq.
Bhumi Amit Patel, Esq.
DesChamps Law Firm
P.O. Box 2402
Myrtle Beach, SC 29578
Attorneys for Bhupendra Patel

Date: June 13 2014


James E. Lewis, Jr.
Attorney for Appellants



National Distribution
Long-Term Care Insurance

June 13, 2014

South Carolina Court of Appeals
Attn: Jenny Abbott Kitchings
P.O. Box 11629
Columbia, South Carolina 29211

UnitedLTC Network, LLC
2406 Madison Drive
North Myrtle Beach, SC 29582
Tel 843.361.9000
800.434.0321
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www.unitedltc.com

RE: Hotel and Motel Holdings, LLC v. BJC Enterprises, LLC et.al.
Lower Court Case No. 2009CP2605743
Appellate Case No.: 2011-198106

Mailing Address:
P.O. Box 350
North Myrtle Beach, SC
29597

Jenny:

Enclosed please find my motion to be relieved as counsel in the above referenced matter. All parties have consented to this motion. I have sent a consent order to all counsel and once signed, I will forward that to the Court as well.

Should you need anything further from me, please do not hesitate to contact me by phone, mail, or email at james.lewis@unitedltc.com.

Sincerely,

James E. Lewis, Jr.

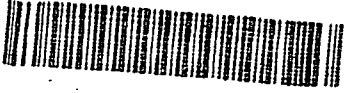
Chief Operating Officer
and General Counsel

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JUN 16 2014

SC Court of Appeals

PS0000000013



USA

Country of Destination: / Pays de destination:

Columbia, SC 29211

PO Box 11629

Attn: Jenny Abbot Kitchings
South Carolina Court of Appeals

To: / Destinataire:

NMB, SC 29597

PO Box 350

James Lewis

From: / Expéditeur:

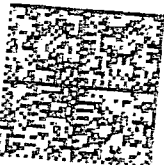
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SC Court of Appeals

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