

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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FEB 04 2015

SC Court of Appeals

74439

APPEAL FROM YORK COUNTY
Court of Common Pleas

Hon. S. Jackson Kimball, III
Master in Equity

Appellate Case No. 2015-000079

Nadine Brantley..... Appellant,

v.

The City of Rock Hill Respondents.

PETITION TO BE RELIEVED AS COUNSEL
FOR APPELLANT

January 28, 2015

J. Cameron Halford
Halford Niemiec & Freeman, L.L.P.
238 Rockmont Drive
Fort Mill, South Carolina 29708
803-547-6618
803-547-6638 (fax)

YOU WILL TAKE NOTICE that the undersigned will, within ten (10) days after the service of this motion, petition the court for an ORDER relieving the undersigned firm and attorneys as counsel for Appellant, Nadine Brantley, in the above-captioned matter. The undersigned here certifies that pursuant to counsel's duty of consultation that communication regarding this motion has been attempted with Appellant prior to the necessity of bringing this motion. **Appellant is here notified to appear and show cause why the court should not issue an order relieving counsel.**

Counsel's motion is based upon the South Carolina Rules of Professional Conduct, Rules of Court, and the undersigned's retainer agreement, to wit:

1. That the Appellant signed a retainer with the law firm of Halford, Niemiec & Freeman, L.L.P. on or about November 17, 2011.
2. That said retainer requires an affirmative commitment by Appellant to the firm in the following particulars, to wit:
 - a. Cooperation with firm attorneys to assist the attorneys in actively representing and defending the Appellant, defending and prosecuting Appellant's case.
 - b. Payment of costs associated with services required to properly represent Appellants.
 - c. Payment of attorney's fees and costs associated with on-going services required to properly represent Appellant.
 - d. Appearances as required after proper notice.
 - e. Maintaining of contact and communication with the attorneys during pendency of the litigation with regard to loss mitigation efforts.
 - f. Appeals litigation was excluded from the retainer agreement.
3. That Appellant has materially breached the terms and conditions of the firm's retainer agreement.

4. That further representation by the firm attorneys has become impracticable wherein the attorney(s) cannot adequately represent the Appellant's interests per the South Carolina Rules of Professional Conduct.
5. That the firm retainer permits the attorneys and firm to withdraw for failure to comply with the terms of the contract for legal representation after notice and failure to cure.
6. The undersigned is informed and believes that granting the motion would be in the best interest of the Appellant and would not prejudice the claims or defenses of the Appellant.

WHEREFORE, Appellant's counsel prays that the court issue an Order relieving J. Cameron Halford and the firm of Halford Niemiec & Freeman, LLP of further representation in the above case and requiring Appellant to proceed pro se.

Respectfully submitted,
HALFORD, NIEMIEC & FREEMAN, LLP



J. Cameron Halford (SC Bar 17184)
238 Rockmont Drive,
Fort Mill, South Carolina 29708
803-547-6618
803-547-6638 (fax)

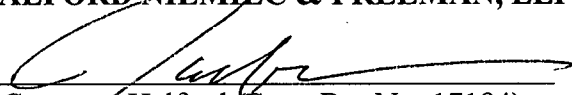
CERTIFICATE OF SERVICE

I hereby certify that I am the attorney for the Appellant in the above captioned case and that I did on January 28, 2015 serve a copy of the foregoing **PETITION TO BE RELIEVED AS COUNSEL FOR APPELLANT** upon Appellant and counsel for Respondents by depositing a copy of the same in the United States mail, postage prepaid, and addressed as follows:

Mrs. Nadine Brantley
9501 Greyson Ridge Drive
Charlotte, NC 28277
Appellant

William Mark White, Esquire
Jeremy Daniel Melville, Esquire
Spencer & Spencer, P.A.
Post Office Box 790
Rock Hill, SC 29731
Attorneys for Respondents

HALFORD NIEMIEC & FREEMAN, LLP



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803-547-6618
803-547-6638 fax
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January 28, 2015
Fort Mill, South Carolina

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LAW OFFICES
HALFORD NIEMIEC & FREEMAN LLP

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J. Cameron Halford, LLC
Matthew R. Niemiec, LLC
P. John Freeman, LLC

January 28, 2015

Jenny Abbott Kitchings, Clerk of Court
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

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Re: Nadine Brantley v. The City of Rock Hill
Appellate Case No.: 2015-000079

Dear Ms. Kitchings:

Enclosed please find an original and one copy of my Petition to be Relieved as Counsel for Appellant along with the proof of service regarding the above-referenced matter. I have also enclosed my check in the amount of \$25.00 for the cost of the filing fee. Please file the original and return a filed copy to my office in the envelope provided. Please contact me with any questions or concerns, and thank you for your assistance.

With regards, I remain

Respectfully,


J. Cameron Halford

JCH:tml

Enclosures

cc: Mrs. Nadine Brantley
w/enclosure
William M. White, Esquire
Jeremy D. Melville, Esquire
w/enclosure

Halford, Niemiec & Freeman
238 Rockmont Drive
Fort Mill SC 29708



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Jenny Abbott Kitchings, Clerk of Court
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