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THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

APPEAL FROM YORK COUNTY

JOHN C. HAYES III, CIRCUIT COURT JUDGE

CASE NO. 2010-CP-46-02267

RECEIVED  
JUN 16 2015  
SC Court of Appeals

Marjorie Cato Burton as Trustee of the Sloan  
Marvin Burton and the Marjorie Cato Burton  
AB Living Trust by and through David A. Burton  
as Attorney in Fact, individually and in the  
right and on behalf of T. E. Cato Estate LLC,

Appellant.

vs.

Carroll M. Pitts Jr., Esq. and Robinson, Bradshaw  
& Hinson, P.A.,

Respondents.

MOTION TO WITHDRAW AS COUNSEL

COMES NOW Attorneys Desa Ballard and Harvey M. Watson III who hereby, pursuant to Rules 240 and 264, move this Honorable Court for an order relieving them as counsel in the above-referenced matter based on justifiable cause. In support of their motion, they respectfully submit the following:

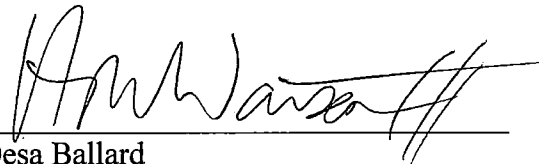
1. The undersigned have reached an impasse with Appellant, and believe sufficient grounds exist pursuant to Rule 1.16(b)(1), (4), (5) and (6), Rule 407, SCACR that create justifiable cause for withdrawal. If more detail or

explanation is required, the undersigned would respectfully request the opportunity to do so in camera.

2. Mr. Jellenik was trial counsel in the proceedings below, and thus has considerable knowledge and insight regarding Appellant's case, and remains as counsel for Appellant even in the absence of the undersigned.
3. Accordingly, the undersigned are informed and believe that an order approving withdrawal as counsel would not result in any material adverse effect upon the interests of Appellant.
4. The undersigned are serving a copy of this motion on Appellant at the address provided by co-counsel Mr. Jellenik, upon Mr. Jellenik, and opposing counsel.

Therefore, for the reasons set forth above, Attorneys Desa Ballard and Harvey M. Watson III respectfully request relief as counsel in the above-referenced action for justifiable cause.

Respectfully submitted,



Desa Ballard  
Harvey M. Watson III

Ballard & Watson  
P.O. Box 6338  
West Columbia, South Carolina 29171  
Telephone 803.796.9299  
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desab@desaballard.com  
harvey@desaballard.com

Attorneys for Appellant seeking relief as counsel

June 16, 2015  
West Columbia, South Carolina

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& Hinson, P.A.,

Respondents.


PROOF OF SERVICE

I, Beth Cogan, a paralegal with Ballard & Watson, Attorneys at Law, do hereby certify that on June 16, 2015, I served a copy of the **Motion to Withdraw as Counsel** in the above-captioned case on the following individuals by United States Mail, with sufficient first-class postage affixed, addressed as follows:

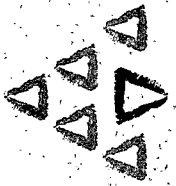
Samuel Outten, Esquire  
Nelson Mullins Riley & Scarborough, LLP  
Post Office Box 10084  
Greenville, South Carolina 29603

Roger Jellenik, Esquire  
Roger B. Jellenik, Attorney at Law  
1006 Little Street  
Camden, South Carolina 29020

Dr. David Burton  
412 Kaywoody Court  
Raleigh, North Carolina 27615

  
Beth Cogan, Paralegal

June 16, 2015  
West Columbia, South Carolina



**Ballard & Watson**  
Attorneys at Law  
PERSISTENT. UNWAVERING.

Desa Ballard  
Harvey M. Watson III

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226 State Street | West Columbia, SC 29169  
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June 16, 2015

Via Hand-Delivery

The Honorable Jenny Abbot Kitchings  
South Carolina Court of Appeals Clerk of Court  
1205 Pendleton Street  
Columbia, South Carolina 29201

Re: *Burton, et al. v. Pitts, et al.*  
Case No.: 2010-CP-46-2267

**RECEIVED**

JUN 16 2015

SC Court of Appeals

Dear Ms. Kitchings:

Enclosed for filing with your office, please find the original and seven (7) copies of the Motion to Withdraw as Counsel and Proof of Service for the above-referenced matter along with a check in the amount of \$25.00 representative of the filing fee. Please clock and return the clocked copy via our courier.

By copy of this letter and as evidenced by the Proof of Service, same has been served upon counsel for the Respondents. Thank you for your time in this matter. If you have any questions please do not hesitate to contact me.

With warm personal regards, I am,

Sincerely yours,

Beth Cogan, Paralegal  
[beth@desaballard.com](mailto:beth@desaballard.com)

cc: Via U.S. Mail  
Samuel Outten, Esquire  
Roger Jellenik, Esquire  
Dr. David Burton