

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY

Court of Common Pleas

Mikell R. Scarborough, Master-in-Equity

Case No. 2014-002661

John M. English,

Appellant,

v.

Ellen Sexton,

Respondent.

MEMORANDUM IN SUPPORT OF
MOTION TO BE NAMED AS A
RESPONDENT IN THIS APPEAL

John E. White, Jr.

5305 Sumters Run

North Charleston, South Carolina 29418

(843) 327-0850

Attorney for Appellant

Movant believes that he is required to withdraw as counsel for Appellant and be named as a Respondent in this appeal.

Movant must move (and has moved simultaneously with this motion) to be relieved as counsel for Appellant:

At the time that Movant, John E. White, Jr., filed his motion petitioning the Lower Court for its order to protect his fees, Movant and David A. Collins, Esquire were co-counsel of record for Appellant John M. English. Appellant's case had been settled and the remaining issues before the Lower Court were concerned with how Appellant's remaining funds from his settlement were to be disbursed.

The Lower Court granted Movant's motion to protect his attorney's fees and ordered the balance due to Movant be paid from the portion of Appellant's recovery which was still in Mr. Collins trust account. The Lower Court did not rule upon Movant's motion to be relieved as counsel (referenced at pages 4-5 of the Transcript).

Appellant appealed the Lower Court's order. Appellant's appeal contests the Lower Court's order requiring him to pay Respondent Ellen Sexton for the automobile Appellant had in his possession and had been driving for the last several years. It also contested the Lower Court's order to pay Movant's attorney's fees. Accordingly, the interests of Appellant and the interests of Movant are necessarily adverse and Movant believes he must withdraw as required by Rule 1.7 of the Rules of Professional Conduct, Rule 407 SCACR.

Movant's withdrawal as counsel for Appellant would not prejudice Appellant:

It should be noted that Movant completed his services for Appellant by obtaining recovery in the two cases which are the subject of this appeal. In fact, Appellant's initial brief, at page 3, refers to Movant as Appellant's "former attorney".

Movant properly should be named as a Respondent in this appeal.

It is respectfully submitted that Movant should be considered and be named as a Respondent in this appeal.

Rule 202(a), SCACR provides:

"(a) Designation of parties. The party appealing shall be known as the appellant and the adverse party as the respondent."

Appellant has appealed the Lower Court's order to pay Movant his fees. Movant is required to respond to Appellant's appeal. Appellant's appeal made Movant an adverse party for the purposes of this appeal.

It is respectfully submitted that Movant should properly be named as a respondent in this appeal.

CONCLUSION

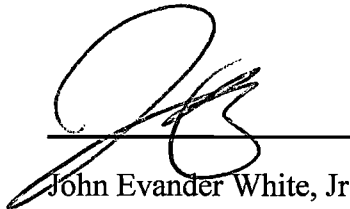
Appellant believes his interests have become adverse to the interests of the Appellant in this appeal. Additionally, the facts that:

- (1) Appellant has obtained his recovery; and,
- (2) Appellant no longer intends to use Movant's services any further in this matter; and,
- (3) Appellant now has other counsel

are evidence leading to the conclusion that Appellant would not be prejudiced by the granting of Movant's motion.

It is respectfully submitted that Movant's simultaneously served and filed motion to be relieved as counsel should be granted and that Movant should be named as a respondent in this appeal.

June 8, 2015



John Evander White, Jr.

5305 Sumters Run

North Charleston, South Carolina 29418

(843) 327-0850

STATE OF SOUTH CAROLINA

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In the Court of Appeals

JUN 10 2015

SC Court of Appeals

APPEAL FROM CHARLESTON COUNTY

Court of Common Pleas

Mikell R. Scarborough, Master-in-Equity

Case No. 2014-002661

Case Number 2010-CP-10-7241

John M. English,

Appellant

v.

Ellen Sexton,

Respondent.

PROOF OF SERVICE

I certify that I served the Respondent's Motion to Be Named as a Respondent in This Appeal and Memorandum in Support of Motion to Be Named as a Respondent in This Appeal upon Appellant and all other counsel of record by depositing a copy thereof in the United States mail, postage prepaid, on June 8, 2015, addressed as follows:

David A. Collins, Esquire

G. Thomas Hill, Esquire

Post Office Box 40978

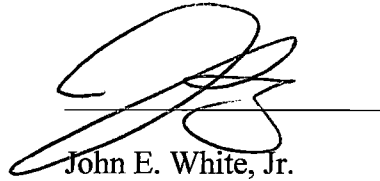
6209 Savannah Highway

North Charleston, SC 29423

Ravenel, SC 29470

Karen M. DeJong, Esquire
940 Johnnie Dodds Blvd., Ste 203
Mt. Pleasant, SC 29464

June 8, 2015

A handwritten signature in black ink, appearing to read "John E. White, Jr.", written over a horizontal line. The signature is stylized and cursive.

John E. White, Jr.

5305 Sumters Run

North Charleston, South Carolina 29418

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THE WHITE LAW FIRM, LLC

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June 8, 2015

The Honorable Jenny Abbott Kitchings
Clerk of Court, South Carolina Court of Appeals
1013 Sumter Street
Columbia, South Carolina 29201

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SC Court of Appeals

RE: John M. English v. Ellen Sexton
Case No. 2014-002661
Lower Court Case No. 2010-CP-10-7241

Dear Ms. Kitchings:

Please find enclosed herewith my check for the motion filing fee and the original and 7 copies of the following:

1. Motion to Be Named as a Respondent in This Appeal;
2. Memorandum in Support of Motion to Be Named as a Respondent in this Appeal; and,
3. Proof of Service

Please file the original and 6 copies of each and please return one copy to me in the self-addressed, stamped envelope provided. Should you have any questions or concerns, please do not hesitate to contact me.

Thank you.

Sincerely,



John E. White, Jr.

cc: David A. Collins, Esq.
G. Thomas Hill, Esq.
Karen M. DeJong, Esq.



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The Honorable Jenny Abbott Kitchings
Clerk of Court, South Carolina Court of Appeals
1013 Sumter Street
Columbia, South Carolina 29201

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SC Court of Appeals



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