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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

RECEIVED

DEC 14 2015

Doyet A. Early, III, Circuit Court Judge

SC Court of Appeals

Appellate Case No. 2015-002417

In Re: The Estate of James Brown a/k/a James Joseph Brown,

Tommie Rae Brown..... Petitioner below,

v.

David C. Sojourner, Jr., in his capacity
as Limited Special Administrator and
Limited Special Trustee, Deanna Brown-Thomas,
Yamma Brown, Venisha
Brown, Larry Brown, Terry Brown and
Daryl Brown..... Respondents below,

Of which Deanna Brown-Thomas, Yamma Brown, Venisha
Brown are the Appellants,

and

Tommie Ray Brown is the Respondent.

MOTION FOR PRO HAC VICE ADMISSION

NOW COME Robert C. Byrd and Amber B. Carter, counsel for Appellants
Deanna Brown-Thomas, Dr. Yamma Brown, and Venisha Brown, members in good
standing of the bar of the State of South Carolina admitted to practice before this Court,
and hereby move for the admission and appearance in the above-captioned case of Marc

Toberoff, an attorney admitted and authorized to practice law in the highest court of the State of California, as verified in the attached application, which is incorporated herein by reference. This Motion is made upon and is supported by the verified application *pro hac vice* in the State of South Carolina of Marc Toberoff, which has been filed with the South Carolina Supreme Court Office of Bar Admissions along with the \$250.00 filing fee pursuant to Rule 404, SCACR.

December 14, 2015

Respectfully submitted,



Robert C. Byrd, SC Bar #1069
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Parker Poe Adams & Bernstein LLP
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Charleston, SC 29401
(843) 727-2650

Amber B. Carter, SC Bar #78706
ambercarter@parkerpoe.com
Parker Poe Adams & Bernstein LLP
1201 Main Street, Suite 1450
Columbia, SC 29201
(803) 255-8000

Attorneys for Appellants Deanna Brown-Thomas, Dr. Yamma Brown, and Venisha Brown

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as Limited Special Administrator and
Limited Special Trustee, Deanna Brown-Thomas,
Yamma Brown, Venisha
Brown, Larry Brown, Terry Brown and
Daryl Brown.....

Respondents below,

Of which Deanna Brown-Thomas, Yamma Brown, Venisha
Brown are the

Appellants,

and

Tommie Ray Brown is theRespondent.

PROOF OF SERVICE

The undersigned hereby certifies that on December 14, 2015 s/he has caused a copy of the Motion for *Pro Hac Vice* Admission of Marc Toberoff to be served upon all parties of record by mailing a copy of the Motion addressed as follows:

Robert N. Rosen, Esq.
Corey T. Rosen, Esq.
Rosen Law Firm, LLC
18 Broad Street, Suite 201

S. Alan Medlin, Esq.
USC School of Law
1713 Phelps Street
Columbia, SC 29205

Charleston, SC 29401

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Andrew Chandler, Esq.
M. Jean Lee, Esq.
Evans, Carter, Kumes & Bennett, PA
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PO Box 369 (29402-0369)
Charleston, SC 29401

Sen. Arnold S. Goodstein
Goodstein Law Firm, LLC
PO Box 2350
Summerville, SC 29484-2350

Davis C. Sojourner, Jr.,
Limited Special Trustee
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1501 Main Street, Fifth Floor
PO Box 2285 (29202)
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Augusta, GA 30907

William Joseph Barr, Esq.
Vera Gilford, Esq.
Barr Law LLC
108 N. Academy Street
Kingstree, SC 29556-3422

Russell L. Bauknight, Estate Trustee and
Personal Representative
Bauknight Pietras & Stormer, P.A.
1517 Gervais Street
PO Box 1330 (29202)

Columbia, SC 29201

C. Havird Jones, Jr., Esq.
Office of the SC Attorney General
PO Box 11549
Columbia, SC 29211-1549

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James Mixon Griffin, Esq.
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1527 Blanding Street
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Columbia, South Carolina



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Charleston, SC
Charlotte, NC
Columbia, SC
Raleigh, NC
Spartanburg, SC

RECEIVED

December 14, 2015

DEC 14 2015

SC Court of Appeals

VIA HAND DELIVERY
The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

Re: *In Re: The Estate of James Brown a/k/a James Joseph Brown, Tommie Rae Brown v. David C. Sojourner, Jr., et al.*
Appellate Case No. 2015-002417

Dear Ms. Kitchings:

Enclosed for filing please find an original and one copy of Marc Toberoff's Motion for *Pro Hac Vice* Admission in the above-referenced appeal. Also enclosed please find the Proof of Service and this firm's check in the amount of \$25 in satisfaction of the Court of Appeals' filing fee.

By copy of this letter, we are serving all parties of record with a copy of the Motion. Should you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

Amber B. Carter

Enclosures

cc: Robert N. Rosen, Esq.
Corey T. Rosen, Esq.
S. Alan Medlin, Esq.
T. Heyward Carter, Jr., Esq.
Andrew Chandler, Esq.
M. Jean Lee, Esq.
David L. Michel, Esq.
Sen. Arnold S. Goodstein
John F. Beach, Esq.
Lyndey Ritz Zwing, Esq.
Davis C. Sojourner, Jr.,
Limited Special Trustee
David B. Bell, Esq.

Matthew Day Bodman, Esq.
Louis Levenson, Esq.
Scott Keniley, Esq.
John A. Donsbach, Esq.
A. Peter Shahid, Jr., Esq.
William Joseph Barr, Esq.
Vera Gilford, Esq.
J. David Black, Esq.
Fred L. Kingsmore, Jr., Esq.
Russell L. Bauknight, Estate Trustee and Personal Representative
C. Havird Jones, Jr., Esq.
James Mixon Griffin, Esq.

PPAB 3025134v1

Court:	Date Admitted:
United States District Court Central District of California	1999
Ninth Circuit Court of Appeals	2007
United States District Court Southern District of New York	1981
Second Circuit Court of Appeals	March 14, 2006
United States Supreme Court	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.)

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):

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):

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

9. Local counsel of record associated with applicant in this case is Robert C. Byrd
of the Parker Poe Adams & Bernstein LLP law firm, which has offices at:

200 Meeting Street, Suite 301

Street Address

Charleston

City

(843) 727-2650

Primary Telephone

1069

South Carolina Bar Number

Charleston

County

Cell Phone

South Carolina

State

Fax Number

29401

Zip Code

bobbybyrd@parkerpoe.com

Email Address

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).

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 tribunal for this case only.

DATED this 20th day of November, 2015

/s/ Marc Toberoff



APPLICANT

VERIFICATION

STATE OF CALIFORNIA)

COUNTY OF LOS ANGELES)

I, Marc Toberoff, 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. I understand that I am under a continuing duty to promptly update the information provided in the application until the tribunal has ruled on the motion for admission pro hac vice. Further, if the motion is granted, I understand that I am under a continuing duty to promptly update the information provided in the application as long as I continue to appear pro hac vice in the action or proceeding. Any updated information shall be provided to both the tribunal that granted the motion and to the tribunal in which the action or proceeding may then be pending.

[Signature]

APPLICANT/AFFIANT

Subscribed and sworn to before me this 20 day of November, 20 15

[Signature]

Rochelle R. Smith notary public
Notary Public for the State of California

My Commission Expires: May 16, 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 11th day of December, 20 15

[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 14 day of December, 20 15

[Signature]
APPLICANT/AFFIANT

JURAT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Los Angeles

Subscribed and sworn to (or affirmed) before me on this 20 day of November,
2015 by Marc Toberoff

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

[Signature]
Signature (Seal)



OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages _____ Document Date _____

Additional information

INSTRUCTIONS

The wording of all Jurats completed in California after January 1, 2015 must be in the form as set forth within this Jurat. There are no exceptions. If a Jurat to be completed does not follow this form, the notary must correct the verbiage by using a jurat stamp containing the correct wording or attaching a separate jurat form such as this one which does contain the proper wording. In addition, the notary must require an oath or affirmation from the document signer regarding the truthfulness of the contents of the document. The document must be signed AFTER the oath or affirmation. If the document was previously signed, it must be re-signed in front of the notary public during the jurat process.

- State and county information must be the state and county where the document signer(s) personally appeared before the notary public.
- Date of notarization must be the date the signer(s) personally appeared which must also be the same date the jurat process is completed.
- Print the name(s) of the document signer(s) who personally appear at the time of notarization.
- Signature of the notary public must match the signature on file with the office of the county clerk.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different jurat form.
 - ❖ Additional information is not required but could help to ensure this jurat is not misused or attached to a different document.
 - ❖ Indicate title or type of attached document, number of pages and date.
- Securely attach this document to the signed document with a staple.



Supreme Court of California

FRANK A. McGUIRE

Court Administrator and Clerk of the Supreme Court

CERTIFICATE OF THE CLERK OF THE SUPREME COURT

OF THE

STATE OF CALIFORNIA

MARC TOBEROFF

I, FRANK A. McGUIRE, Clerk of the Supreme Court of the State of California, do hereby certify that MARC TOBEROFF, #188547, was on the 4th day of June, 1997, duly admitted to practice as an attorney and counselor at law in all the courts of this state, and is now listed on the Roll of Attorneys as a member of the bar of this state in good standing.

*Witness my hand and the seal of the court
on the 24th day of November, 2015.*

FRANK A. McGUIRE
Clerk of the Supreme Court

By: 

J. Hunter, Senior Deputy Clerk