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**MOTION TO BE RELIEVED AS COUNSEL**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

**RECEIVED**  
MAR 01 2016  
SC Court of Appeals

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

Letitia H. Verdin, Circuit Court Judge

Case No. 2014-CP-40-03748

Appellate Case No. 2016-000288

NATHANIEL BARNES,

Appellant,

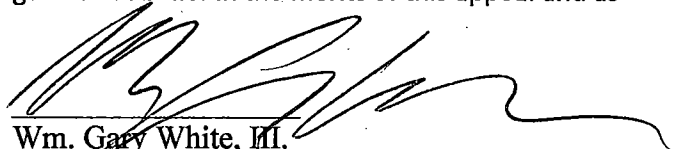
v.

GARY GIEGER,

Respondent

**MOTION TO BE RELIEVED AS COUNSEL**

Counsel for Appellant hereby moves pursuant to Rule 11 of the South Carolina Rules of Civil Procedure to be removed as counsel for the Appellant, on the grounds that counsel cannot represent Appellants interests, as counsel does not have a good faith belief in the merits of this appeal and as further set forth in counsel's .



Wm. Gary White, III.  
2009 Lincoln Street  
Columbia, South Carolina 29201  
(803) 767-3953  
Attorney for Appellant

February 29, 2016

**MEMORANDUM IN SUPPORT OF MOTION TO BE RELIEVED AS COUNSEL**

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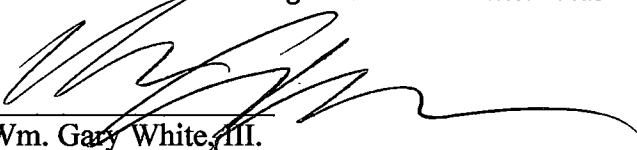
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**MEMORANDUM IN SUPPORT OF MOTION TO BE RELIEVED AS COUNSEL**

Rule 11 of the South Carolina Rules of Civil Procedure states, "An attorney may be changed by consent, or upon cause shown, and upon such terms as shall be just, upon application, by order of Court, *and not otherwise.*" Movant in his affidavit sets out good cause why he should not represent Appellant as it would be just to Appellant to have counsel who does not agree as to the merits of his claim and cannot in good faith present them.

  
Wm. Gary White, III.  
2009 Lincoln Street  
Columbia, South Carolina 29201  
(803) 767-3953  
Attorney for Appellant

February 29, 2016

**CERTIFICATE OF SERVICE OF  
MOTION TO BE RELIEVED AS COUNSEL**

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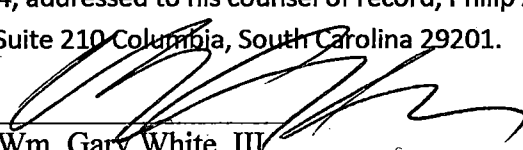
v.

GARY GIEGER,

Respondent

**CERTIFICATE OF SERVICE OF  
MOTION TO BE RELIEVED AS COUNSEL**

I certify that I have served the Motion on Appellant by depositing a copy of it in the United States Mail, postage prepaid, on February <sup>19</sup> 8, 2014, addressed to his counsel of record, Philip A. Curiale, Esq. and Brian L. Boger, 1331 Elmwood Avenue, Suite 210 Columbia, South Carolina 29201.

  
Wm. Gary White, III  
2009 Lincoln Street  
Columbia, South Carolina 29201  
(803) 767-3953  
Attorney for Appellant

February 29, 2016

**CERTIFICATE OF SERVICE OF  
MOTION TO BE RELIEVED AS COUNSEL**

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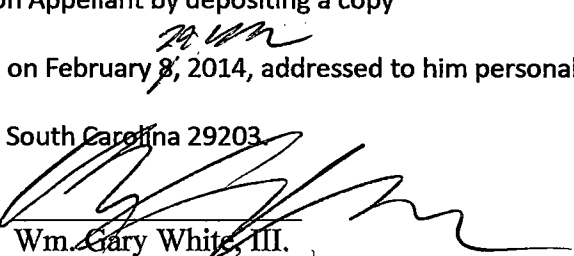
v.

GARY GIEGER,

Respondent

**CERTIFICATE OF SERVICE OF  
MOTION TO BE RELIEVED AS COUNSEL**

I certify that I have served the Motion on Appellant by depositing a copy  
of it in the United States Mail, postage prepaid, on February 8, 2014, addressed to him personally  
, Nathaniel Barnes, 359 Nina Lee Dr., Columbia, South Carolina 29203.

  
Wm. Gary White, III.  
2009 Lincoln Street  
Columbia, South Carolina 29201  
(803) 767-3953  
Attorney for Appellant

February 29, 2016

**AFFIDAVIT OF COUNSEL**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

Letitia H. Verdin, Circuit Court Judge

Case No. 2014-CP-40-03748

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NATHANIEL BARNES,

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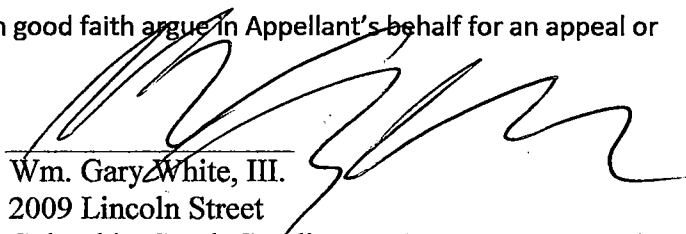
v.

GARY GIEGER,

Respondent

**AFFIDAVIT OF COUNSEL**

I, Wm. Gary White, III, Counsel for Appellant, being first duly sworn, do depose and state, that upon receiving the final order in this case, I duly met with the Appellant to discuss it with him. Appellant's immediate response was he wanted to appeal. I told him, I did not think he should, that I did not feel there were grounds having any merit or upon which he had any chance of success, that appeals were specifically exempted from our retainer agreement and that at 67 years of age I would not endeavor such an undertaking alone. I cannot in good faith argue in Appellant's behalf for an appeal or represent his interests further.

  
Wm. Gary White, III.  
2009 Lincoln Street  
Columbia, South Carolina 29201  
(803) 767-3953  
Attorney for Appellant

February 29, 2016

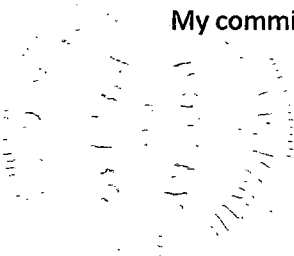
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SWORN TO before me this 2<sup>nd</sup> day of February 2016

Cathy P. Martin

NOTARY PUBLIC FOR SOUTH CAROLINA

My commission expires: 8-16-14



**WM. GARY WHITE, III**  
**ATTORNEY AT LAW**  
**2009 Lincoln Street**  
**Columbia, S.C. 29201**  
**Phone: 803-767-3953**  
**Email: attygarywhite@yahoo.com**

South Carolina Court of Appeals  
1220 Senate Street  
P.O. Box 11629  
Columbia, S.C. 29211

February 29, 2016

Re: Nathaniel Barnes v. Gary Geiger  
Appellate Case No. 2016-000288

Dear Sir or Madam:

Please find enclosed herewith, an original and six copies of: Motion to be Relieved as Counsel; Memorandum in Support, Affidavit of Counsel and two Certificates of Service and check for \$25.00.

Sincerely,

  
Wm. Gary White, III

10170



SC 29211



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Columbia, SC 29211

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