

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY

Court of Common Pleas

The Honorable Clifton B. Newman, Presiding Judge

Case No.: 2010-CP-26-10848
Appellate Court Case No.: 2015-001398

RECEIVED
MAY 05 2016
SC Court of Appeals

PAUL CURRY,

Appellant,

v.

TOWN OF ATLANTIC BEACH,

Respondent.

APPELLANT'S RETURN TO RESPONDENT'S COUNSEL'S
MOTION TO WITHDRAW AS COUNSEL FOR RESPONDENT

COMES NOW APPELLANT, by and through the undersigned attorneys, and would respond to Respondent's Counsel's Motion to Withdraw as Counsel received by Appellant and this Court on April 11, 2016, and pursuant to correspondence received from this Court on April 28, 2016 requesting Appellant file a Return to Respondent's Counsel's motion. Appellant would show unto this Court as follows:

1. That Appellant initiated this Appeal by filing the Notice of Intent to Appeal with this Court on June 23, 2015.
2. That on September 14, 2015, Appellant requested an Extension of Time to File his Initial Brief which was granted by this Court on October 7, 2015.

3. That Appellant filed his Initial Brief and Designation of Matter to be Included in the Record on Appeal in this matter on October 15, 2015.
4. That Respondent filed its Initial Brief and Designation of Matter to be Included in the Record on Appeal on February 11, 2016.
5. That Appellant filed his Initial Reply Brief on March 14, 2016 and began preparing the Record on Appeal and Final Briefs.
6. On April 1, 2016, Appellant filed a Motion to Strike Material Designated to be Included in the Record on Appeal by Respondent, seeking to strike Respondent's pre-trial Brief from being included in the Record on Appeal, in that Appellant was never provided a copy of the document prior to the filing of the Motion to Strike and the document was not contained in the Clerk of Court's file from the Trial of this matter.
7. On April 11, 2016, Appellant received a copy of Respondent's Counsel's Motion to Withdraw as Counsel for Respondent Town of Atlantic Beach.
8. Appellant has no formal position as it relates to Respondent's Counsel's Motion to Withdraw, and consents to her withdrawal as counsel; however, Appellant is concerned about a protracted delay caused by Respondent's Counsel's withdrawal.
9. This action was originally filed in the Trial Court on November 17, 2010 and did not proceed to Trial until January 13, 2014, due in part to Respondent Town's frequent substitution of counsel. Between the filing of this action and the Trial on the merits, Respondent Town was represented by at least Three (3) different attorneys. Subsequent to the Trial, there was a delay of approximately One (1) year and Four (4) months between the conclusion of the Trial and the Hearing on Appellant's Rule 59 (e) Motion, which was held on April 13, 2015.

10. During the Appellate phase of this litigation, there have been additional delays relating to the filing of Respondent's Initial Brief which was filed approximately Three (3) months and Twenty Seven (27) days after Appellant's Initial Brief was filed and served. Appellant is concerned about further unnecessary delays relating to this matter, should Respondent not obtain new counsel in a timely manner.
11. While Appellant does not object to Respondent's Counsel being allowed to withdraw, should this Court grant Respondent's counsel's Motion to Withdraw as Counsel, Appellant would request that this Court set forth a strict timeframe for Respondent to obtain new representation in this matter to alleviate further unnecessary delay.

Respectfully Submitted.

MULLINS LAW FIRM, P.A.

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Dated: May 21, 2016
North Myrtle Beach, South Carolina

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Court of Common Pleas

MAY 05 2016

Clifton B. Newman, Common Pleas Court Judge

SC Court of Appeals

2010-CP-26-10848
Appellate Case No.: 2015-001398

PAUL CURRY,

Appellant,

v.

TOWN OF ATLANTIC BEACH,

Respondent.

PROOF OF SERVICE

I certify that I have served a copy of the Appellant's Return to Respondent's Counsel's Motion to Withdraw as Counsel for Respondent via regular U.S. Mail addressed to the following:

Leah B. Moody, Esquire
PO Box 1015
Rock Hill SC 29731

JARROD E. OWNBEY SC Bar No.: 75417
MULLINS LAW FIRM, P.A.
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ATTORNEY FOR APPELLANT

Dated: May 2, 2016
N. Myrtle Beach, South Carolina

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MAY 05 2016

SC Court of Appeals

May 2, 2016

VIA CERTIFIED MAIL

Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
PO Box 11629
Columbia, SC 29211

Re: Paul Curry v. Town of Atlantic Beach
Civil Action No.: 2010-CP-26-10848
Appellate Case No.: 2015-001398
MLF File No.: 2010-312

Dear Clerk Kitchings:

Enclosed please find the original and one (1) copy each of the Appellant's Return to Respondent's Counsel's Motion to Withdraw as Counsel for Respondent and a Proof of Service.

Thank you for your assistance with this matter.

With warmest regards, I remain

Very truly yours,

MULLINS LAW FIRM, PA


Jarrod E. Ownbey

JEO/klc

Encls.

cc: Mr. Paul Curry
Leah B. Moody, Esquire

Sender:

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SC Court of Appeals

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Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
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