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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

Thomas L. Hughston, Circuit Court Judge

Case No. 2015-CP-18-1308

RECEIVED
MAY 13 2016
SC Court of Appeals

Adrian Smalls,

Respondent,

v.

Brenda Lee Barnett,

Appellant.

**MOTION TO BE RELIEVED
AS COUNSEL AND FOR STAY TIME LIMITATIONS
AND TO OTHERWISE EXTENT
TIME FOR FILING OF BRIEF**

NOW COMES undersigned Counsel and requests this Court for an Order to be relieved as counsel, for stay of time limitations until the motion is ruled upon by this Court, and to otherwise extend the time for filing of the initial brief by Appellant. The grounds include, to wit:

1. Rule 264 affords counsel the right to petition for withdrawal for good cause. Undersigned counsel is seeking relief as provided in Rule 1.16(b)(5) and (6). The Appellant Brenda Barnett has failed to pay attorney fees and was provided ample notice via text messages, emails and phone calls of the intent to be relieved as counsel in the event the attorney fees were not made current. Appellant was non-responsive and responded only after undersigned counsel called from a different phone number to reach Appellant. Appellant gave adequate assurances of follow-up thereafter of her intentions but failed to do so in the time frame allotted.

Undersigned counsel takes the position that the aforementioned rules provide good cause for withdrawal from representation. Continued representation would be unduly burdensome as counsel afforded representation even in the light of substantial reduced fees and has incurred significant expense. In that accord, undersigned counsel seeks relief from this Court and prays this Court finds there is good cause for the same.

2. As to Stay of Time Limitations, undersigned counsel craves reference to 264(b) of

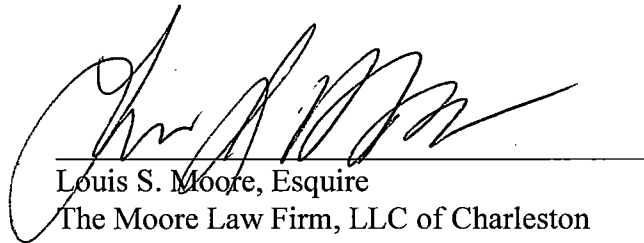
SCACR. The rule provides for an automatic stay in light of a Motion to be relieved as counsel. Here, as detailed above, Counsel for Appellant is seeking relief and, consistent with the aforementioned rule, an automatic stay of time limitations is appropriate.

3. As to the timing for filing of the Initial Brief, should this court determine withdrawal is appropriate, undersigned counsel would petition this Court pursuant to Rule 263(b) for an extension of time for the filing of the Initial Brief as may be appropriate so that Appellant Barnett will not be prejudiced during pendency of this Court's determinations on the foregoing Motion(s) by undersigned counsel.

WHEREFORE, Counsel prays the requested relief is granted.

I so Move!

This 10th day of April 2016.



Louis S. Moore, Esquire
The Moore Law Firm, LLC of Charleston
Charleston, South Carolina 29407
(443) 469-4635 (P)
(843) 491-4438 (Fax)
lou@themoorelawfirmllc.com
Attorney for Appellant

Other Counsel of Record:
Kevin D. Hackler, Esquire
Theron W. Sandy II, Esquire
Attorney for Respondent
(843) 641-0146
(843) 581-1610

Cc: Brenda Lee Barnett, Appellant
22 Stratton Drive
N. Charleston, SC 29420

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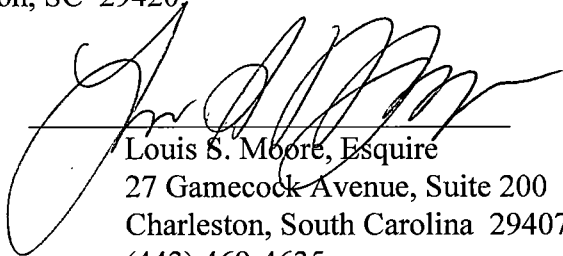
Brenda Lee Barnett,

Appellant.

PROOF OF SERVICE

I certify that I have served the Motion to be relieved as counsel, for stay of time limitations, and for extension of time to file initial brief on Adrian Smalls by depositing a copy of it in the United States Mail, postage prepaid, on 10th day of May, 2016 addressed to his attorneys of record, Kevin D. Hackler and Theron W. Sandy, II 3 Broad Street, 2d Floor, Charleston, South Carolina 29401. I also certify service of the aforementioned Motions upon Brenda Barnett at her residence at 22 Stratton Drive, N. Charleston, SC 29420.

May 10, 2016



Louis S. Moore, Esquire
27 Gamecock Avenue, Suite 200
Charleston, South Carolina 29407
(443) 469-4635
Attorney for Appellant

THE MOORE LAW FIRM, LLC

Of Charleston

May 10, 2016

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MAY 13 2016

SC Court of Appeals

The Honorable Jenny Abbott Kitchings

Clerk, South Carolina Court of Appeals

Post Office Box 11629

Columbia, South Carolina 29211

RE: Adrian Smalls, Respondent vs Brenda Lee Barnett, Appellant,

Case No. 2016-000100

Receipt of Transcript

Dear Ms. Kitchings:

This is written in response to your letter concerning the receipt of the Transcript in the above Appellate matter.

I apologize for any delay in response as I have been out of the office and received the same only as recent as Thursday, April 28, 2016.

The Transcript was received on April 11, 2016. I forwarded a copy to Respondent's counsel, Kevin Hackler, on April 12, 2016. However, as per the attached motion, I am seeking to be relieved as counsel as my client has been non-responsive and has failed to pay attorney fees. In that connection, I am also asking for a stay of proceedings until the court can make ruling on my motion to be relieved and afford Ms. Barnett additional time to find new counsel and submit the initial brief.

If you have any added questions or concerns, I can be reached at 843.471-0174 or 443.469-4635.

s/ Louis S. Moore



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The Moore Law Firm, LLC
Barnett vs. Smalls
Case Status- Receipt of Transcript- 10 April 2016
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Enclosure: Motion To Be Relieved and For Stay/Ext Time

Other Counsel of Record:

Kevin D. Hackler, Esquire
Theron W. Sandy II, Esquire
3 Broad Street, 2d Floor
Charleston, South Carolina 29401

Cc: Brenda Barnett
22 Stratton Drive
N. Charleston, SC 29420

PRIORITY MAIL

FROM:

*Moore Law Firm
27 Gamewood Ave.
Ste 200
Char SC 29407*

RECEIVED

MAY 13 2016

SC Court of Appeals

TO:

*Hon. Jerry Kitchings
Clerk of Court Appeals
PO Box 11629
Columbia, SC 29211
Attn: Monika Amik
Re: Smalls vs. Barnett
Case # 2016-0100*

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