

8

79483

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

RECEIVED

MAY 25 2016

Doyet A. Early, III, Circuit Court Judge

SC Court of Appeals

Trial Court Case Nos. 2013-CP-02-02849 and 2013-CP-02-02850
Appellate Case No. 2015-002417

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

Tommie Rae Brown.....Respondent,

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 whom David C. Sojourner, Jr., in his capacity as
Limited Special Administrator and Limited Special Trustee,
Deanna Brown-Thomas, Yamma Brown, Venisha Brown,
Terry Brown, Michael Deon Brown and Daryl Brown are the Appellants.

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.

May 25, 2016

Respectfully submitted,



Robert C. Byrd, SC Bar #1069
bobbybyrd@parkerpoe.com
Parker Poe Adams & Bernstein LLP
200 Meeting Street, Suite 301
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

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

Doyet A. Early, III, Circuit Court Judge

Trial Court Case Nos. 2013-CP-02-02849 and 2013-CP-02-02850
Appellate Case No. 2015-002417

RECEIVED

MAY 25 2015

SC Court of Appeals

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

Tommie Rae Brown Respondent,

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 whom David C. Sojourner, Jr., in his capacity as
Limited Special Administrator and Limited Special Trustee,
Deanna Brown-Thomas, Yamma Brown, Venisha Brown,
Terry Brown, Michael Deon Brown and Daryl Brown are the Appellants.

PROOF OF SERVICE

The undersigned hereby certifies that on May 25, 2016 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.
Erin Casey, Esq.
Rosen Law Firm, LLC
18 Broad Street, Suite 201
Charleston, SC 29401

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

T. Heyward Carter, Jr., Esq.
Andrew Chandler, Esq.

David L. Michel, Esq.
15 State Street

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

Charleston, SC 29401

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

John F. Beach, Esq.
Lyndey Ritz Zwing, Esq.
Adams and Reese LLP
1501 Main Street, Fifth Floor
PO Box 2285 (29202)
Columbia, SC 29201

Davis C. Sojourner, Jr.,
Limited Special Trustee
Adams and Reese LLP
1501 Main Street, Fifth Floor
PO Box 2285 (29202)
Columbia, SC 29201

David B. Bell, Esq.
David Bell Law Firm
619 Greene Street
PO Box 1011 (30903-1011)
Augusta, GA 30901

Matthew Day Bodman, Esq.
Matt Bodman, P.A.
1500 Calhoun Street
Columbia, SC 29201

Louis Levenson, Esq.
Levenson & Associates
125 Broad Street, SW
Atlanta, GA 30303

Scott Keniley, Esq.
Keniley Kumar LLC
Two Ravinia Drive, Suite 500
Atlanta, GA 30346

John A. Donsbach, Esq.
Donsbach & King, LLC
504 Blackburn Drive
PO Box 212139 (30917)
Augusta, GA 30907

A. Peter Shahid, Jr., Esq.
Shahid Law Office, LLC
89 Broad Street
Charleston, SC 29401

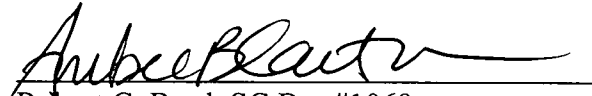
William Joseph Barr, Esq.
Vera Gilford, Esq.
Barr Law LLC
108 N. Academy Street
Kingstree, SC 29556-3422

J. David Black, Esq.
Fred L. Kingsmore, Jr., Esq.
Nexsen Pruet, LLC
PO Drawer 2426 (29202-2426)
1230 Main Street, Suite 700
Columbia, SC 29201

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

James Mixon Griffin, Esq.
Griffin & Davis Law Firm
1527 Blanding Street
Columbia, SC 29201



Robert C. Byrd, SC Bar #1069
bobbybyrd@parkerpoe.com
Parker Poe Adams & Bernstein LLP
200 Meeting Street, Suite 301
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

Columbia, South Carolina



Amber B. Carter
Associate
Telephone: 803.253.6866
Direct Fax: 803.255.8017
ambercarter@parkerpoe.com

Charleston, SC
Charlotte, NC
Columbia, SC

Raleigh, NC
Spartanburg, SC

May 25, 2016

MAY 25 2016

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 and the original and one copy of the Verified Application for Admission *Pro Hac Vice* in the State of South Carolina 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. A copy of the Verified Application for Admission *Pro Hac Vice* in the State of South Carolina has been filed with the South Carolina Supreme Court Office of Bar Admissions along with the admission fee of \$250.00.

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.
Erin Casey, 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, E

VERIFIED APPLICATION FOR ADMISSION *PRO HAC VICE*
IN THE STATE OF SOUTH CAROLINA

RECEIVED

MAY 25 2016

SC Court of Appeals

In Re: Estate of James Brown, of
which Deanna Brown-Thomas,
Yamma Brown, and Venisha Brown
are Appellants

Civil Action Nos: 2013-CP-
02-02849 and 2013-CP-02-
02850
Appellate Case No: 2015-
CP-002417

South Carolina Court of Appeals
Tribunal

Appellants
and

Case No.

Tommie Rae Brown is the
Respondent

Mailing Address of Tribunal:

Calhoun Building

Respondent

1220 Senate Street

Columbia, South Carolina 29201

Comes now Marc Toberoff, applicant herein, and respectfully represents the following:

1. Applicant resides at:

20546 Pacific Coast Highway

Street Address

Malibu

Los Angeles

CA

90265

City

County

State

Zip Code

(310) 246-3333

Telephone

2. Applicant is an attorney and a member of the law firm of (or practices law under the name of)

Toberoff & Associates, P.C., with offices at

23823 Malibu Road, Suite 50-363

Street Address

Malibu

Los Angeles

California

90265

City

County

State

Zip Code

(310) 246-3333

(310) 246-3101

mtoberoff@toberoffandassociates.com

Primary Telephone

Cell Phone

Fax Number

Email Address

3. Applicant has been retained personally or as a member of the above-named law firm by

Venisha Brown, Deanna Brown-Thomas, and Yamma Brown to provide legal representation in connection with the above case now pending before the above-named tribunal of the State of South Carolina.

4. Since June 4 of 1997, applicant has been, and presently is, a

member in good standing of the bar of the highest court of the District of Columbia or the State of California where applicant regularly practices law. Attached is a certificate of good standing dated within the last 90 days from the bar of the highest court of the District of Columbia or the State where applicant regularly practices law.

5. Applicant has been admitted to practice before the following courts: (List all of the following courts applicant has been admitted to practice before: United States District Courts; United States Circuit Courts of Appeals; the Supreme Court of the United States; and courts of other states or the District of Columbia.)

Court:	Date Admitted:
United States District Court Central District of California	1999
Ninth Circuit Court of Appeals	2007
United States District Court South 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

<u>Charleston</u>	<u>Charleston</u>	<u>South Carolina</u>	<u>29401</u>
City	County	State	Zip Code
<u>(843) 727-2650</u>			<u>bobbybyrd@parkerpoe.com</u>
Primary Telephone	Cell Phone	Fax Number	Email Address

1069

South Carolina Bar Number

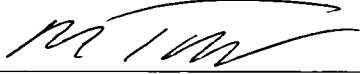
10. Applicant has previously filed an application to appear *pro hac vice* in the following South Carolina cases (give case name and status of litigation, date of application, local counsel of record in each case, and state whether application is pending or was granted).

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 9th day of May, 2016



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 9th day of May, 2016

[Signature]
Bevan Y. Cobb,
Notary Public for the State of California
My Commission Expires: March 17, 2020



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 May, 2016

[Signature] LOCAL COUNSEL OF RECORD
with permission by [Signature] SC Bar No. 78706

CERTIFICATE OF SERVICE

hand delivered
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

25 day of May, 2016

[Signature]
APPLICANT/AFFIANT



RECEIVED

MAY 25 2016

Supreme Court of California

SC Court of Appeals

FRANK A. McGUIRE

Court Administrator and Clerk of the Supreme Court

CERTIFICATE OF THE CLERK OF THE SUPREME COURT

OF THE

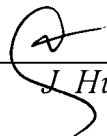
STATE OF CALIFORNIA

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 9th day of May, 2016.*

FRANK A. McGUIRE
Clerk of the Supreme Court

By:  _____
J. Hunter, Senior Deputy Clerk