

**THE STATE OF SOUTH CAROLINA**

**In The Supreme Court**

Reid Harold Donze, Plaintiff

**RECEIVED**

AUG 29 2016

v.

**S.C. SUPREME COURT**

General Motors, LLC, Defendant.

Appellate Case No. 2016-001437

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MOTION FOR ADMISSION, PRO HAC VICE

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Pursuant to Rule 404 and Rule 244(d) of the South Carolina Appellate Court Rules, Joel H. Smith, Esquire, Angela G. Strickland, Esquire, and Kevin J. Malloy, Esquire of Bowman and Brooke LLP respectfully request the Court enter an Order permitting Michael P. Cooney, Esquire to appear *pro hac vice* in this matter as counsel for Defendant General Motors LLC and would show the Court as follows:

1. Michael P. Cooney, Esquire is a member in good standing of the Bar of highest court of the State of Michigan. Additionally, Mr. Cooney is an attorney with Dykema Gossett, PLLC, 400 Renaissance Center, Detroit Center, Michigan 48243.
2. Mr. Cooney is handling this matter in association with Joel H. Smith, Angela G. Strickland, and Kevin J. Malloy, who are members in good standing of the South Carolina Bar and the United States District Court for the District of South Carolina.
3. This application and motion are made pursuant to Rule 244(d), as this matter is before the court on an Order agreeing to answer certified questions dated August 18, 2016.
4. This motion is supported by the attached Verified Application for Admission *Pro Hac Vice* of Michael P. Cooney, a copy of which has been served via Hand Delivery on the South Carolina Supreme Court Office of Bar Admissions, without the application fee as outlined in Rule 244(d).

THEREFORE, the movants pray for an Order of this Court permitting the appearance of Michael P. Cooney, Esquire, *pro hac vice* in this action as counsel for the Defendant General Motors LLC.

BOWMAN AND BROOKE, LLP

By: Angela Strickland

Joel H. Smith

(SC Bar # 5266/Fed. ID # 3910)

[joel.smith@bowmanandbrooke.com](mailto:joel.smith@bowmanandbrooke.com)

Angela G. Strickland

(SC Bar # 73705/Fed. ID # 9824)

[angela.strickland@bowmanandbrooke.com](mailto:angela.strickland@bowmanandbrooke.com)

Kevin J. Malloy

(SC Bar #100170/Fed. ID #11419)

1441 Main Street, Suite 1200

Columbia, SC 29201

Tel: 803-726-7420

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

Reid Harold Donze	2016-001437	The Supreme Court of South Carolina
Plaintiff	Case No.	Tribunal
vs.		
General Motors LLC	Mailing Address of Tribunal:	1231 Gervais Street
Defendant		Columbia, SC 29201

Comes now Michael P. Cooney, applicant herein, and respectfully represents the following:

1. Applicant resides at:

3501 Halla Lane			
Street Address			
Bloomfield Hills	Oakland	Michigan	48301
City	County	State	Zip Code
248-540-7048			
Telephone			

2. Applicant is an attorney and a member of the law firm of (or practices law under the name of) Dykema Gossett PLLC, with offices at 400 Renaissance Center

Street Address			
Detroit	Wayne	Michigan	48243
City	County	State	Zip Code
313-568-6955	248-396-0318	313-568-6915	mcooney@dykema.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 General Motors LLC 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 November of 1986, 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 Michigan 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:
Michigan State Courts	11/86
U.S. District Court, Eastern District of Michigan	12/86

Court:	Date Admitted:
Sixth Circuit Court of Appeals	11/88
Supreme Court of Michigan	11/86

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.)

N/A

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):

No.

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):

Application denied in the Montana 18<sup>th</sup> Judicial District Court, Gallatin County due to the Montana rule that states, "No attorney or firm may appear *pro hac vice* in more than two actions or proceedings in any state court or administrative agency in Montana". W. William Leaphart, et al. v. Minear, et al., Case No. DV-12-490AZ. See attached order denying application.

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):

None.

9. Local counsel of record associated with applicant in this case is Joel H. Smith of the Bowman and Brooke law firm, which has offices at:

1441 Main Street, Suite 1200

Street Address

<u>Columbia</u>	<u>Richland</u>	<u>SC</u>	<u>29201</u>
City	County	State	Zip Code
<u>803-726-7422</u>		<u>803-726-7421</u>	<u>joel.smith@bowmanandbrooke.com</u>
Primary Telephone	Cell Phone	Fax Number	Email Address
<u>5266</u>			

South Carolina Bar Number

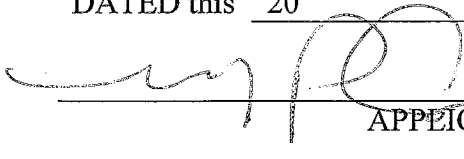
10. Applicant has previously filed an application to appear *pro hac vice* in the following South Carolina cases (give case name and status of litigation, date of application, local counsel of record in each case, and state whether application is pending or was granted).

USDC District of S. Carolina, Greenville Division, Reid Harold Donze v. General Motors LLC, Docket No. 6:13-cv-02153-TMC; Open 2014; Local Counsel: Joel H. Smith; Application Granted.  
 Court of Common Pleas, Brenda R. Brazell, et al. v. General Motors LLC, et al.; Docket No. 2013-CP-23-06438; Open: 2014; Local Counsel: Joel H. Smith; Application Granted.  
 USDC District of S. Carolina, Greenville Division, Brenda R. Brazell, et al. v. General Motors LLC, et al.; Docket 6:14-cv-04588-TMC; Open 2015; Local Counsel: Joel H. Smith; Application 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 20 day of July, 20 16

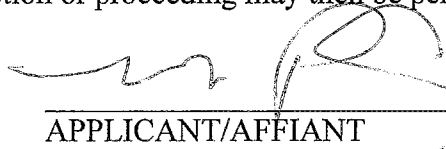
  
\_\_\_\_\_  
APPLICANT

**VERIFICATION**


STATE OF Michigan )

COUNTY OF Wayne )

I, Michael P. Cooney, 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.

  
\_\_\_\_\_  
APPLICANT/AFFIANT

Subscribed and sworn to before me this 20<sup>th</sup> day of July, 20 16

  
\_\_\_\_\_

Notary Public for the State of Michigan

My Commission Expires: PATRICIA A KINNEY  
Notary Public, State of Michigan  
County of Macomb  
My Commission Expires 12-28-2016  
Acting in the County of \_\_\_\_\_

**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 29<sup>th</sup> day of August, 20 16

  
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

29<sup>th</sup> day of August, 20 16

  
APPLICANT/AFFIANT

**THE SUPREME COURT of the STATE OF MICHIGAN**

I, Larry S. Royster, Clerk of the Michigan Supreme Court and Custodian of the Roll of Attorneys admitted to the practice of law in this state, do hereby certify that, as appears from the records,

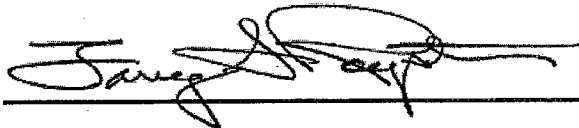
*Michael P. Cooney*

was admitted to the practice of law in the courts of the State of Michigan on

*November 21, 1986*

and has remained in good standing since then.

In Testimony Whereof, I set my hand and  
affix the seal of the Michigan Supreme  
Court on this date: July 13, 2016



Clerk

MPC FEB 05 2015

GALLATIN COUNTY CLERK  
OF DISTRICT COURT  
JENNIFER BRADY

2015 JRN 30 PM 4 13

FILED

MONTANA EIGHTEENTH JUDICIAL DISTRICT COURT, GALLATIN COUNTY, MONTANA <sup>DA</sup>  
DEPUTY

\* \* \* \* \*

W. WILLIAM LEAPHART, Guardian *Ad Litem*)  
JEREMY PAUL VANGSNES and MARK J. )  
VANGSNES, Individually, )

Plaintiffs, )

vs. )

SCOTT CHRISTOPHER MINEAR, NORTH )  
AMERICAN MISSION BOARD OF THE )  
SOUTHERN BAPTIST CONVENTION, INC., )  
and BRAD LARTIGUE, )

Defendants. )

Cause No. DV-12-490AX

**ORDER DENYING PRO  
HAC VICE APPLICATION**

On January 22, 2015, the Clerk of the District Court received a letter from Kathie Lynch, Pro Hac Vice Administrator of the State Bar of Montana. Attached to the letter is Pro Hac Vice Application by Michael P. Cooney of the Firm of Dykema Gossett PLLC, 400 Renaissance Center, Detroit, Michigan 48243. The Application is being made for Maxon Davis, attorney for Defendants North American Mission Board of the Southern Baptist Convention Inc. and Brad Fatigue.

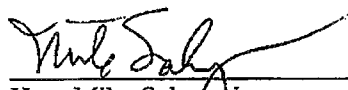
Ms. Lynch's letter states that this is the first appearance for Mr. Cooney and the third appearance of the firm, with which Mr. Cooney is associated. Section IV(C) of the Rules for Admission to the State Bar of Montana states "Except upon a showing of good cause, no attorney or firm may appear pro hac vice in more than two actions or proceedings in any state

court or administrative agency in Montana.” Although Mr. Cooney appears to have applied as an individual attorney, he would be appearing as an associate of the firm of Dykema Gossett PLLC.

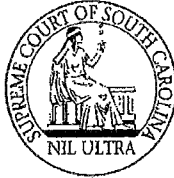
Because Dykema Gossett has appeared pro hac vice on two prior occasions, there needs to be a showing of good cause to consider Mr. Cooney’s application. There has been no showing of good cause. Therefore, the Pro Hac Vice Application should be denied.

IT IS HEREBY ORDERED that Michael Cooney’s Application to appear pro hac vice is **DENIED**.

Dated this 30<sup>th</sup> day of January, 2015.

  
\_\_\_\_\_  
Hon. Mike Salvagni  
District Judge

c: { Alexander Blewett, III / Anders Blewett  
EMAIL 2/2/2015 { Kevin M. Funiyak  
Maxon R. Davis  
Kathie Lynch, Pro Hac Vice Administrator - MAIL  
Michael Cooney, Dykema Gossett, 400 Renaissance Center, Detroit, MI 48243 - MAIL



## The Supreme Court of South Carolina

DANIEL E. SHEAROUSE  
CLERK OF COURT

BRENDA F. SHEALY  
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330  
COLUMBIA, SOUTH CAROLINA  
29211  
1231 GERVAIS STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1080  
FAX: (803) 734-1499  
[www.sccourts.org](http://www.sccourts.org)

July 08, 2016

The Honorable Timothy M. Cain  
P O Box 678  
205 West Main Street  
Walhalla SC 29691-0678

Re: Reid Harold Donze v. General Motors, LLC.  
Appellate Case No. 2016-001437

Dear Judge Cain:

This Court has received the certified question in this matter. You will be advised when action has been taken.

This matter has been assigned the appellate case number that appears above. Please use this number on all future correspondence relating to this matter.

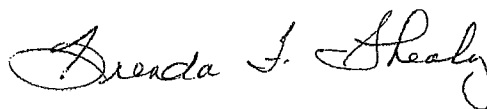
All parties to this matter are advised that all filings must comply with the requirements of Rule 267 of the South Carolina Appellate Court Rules (SCACR). The SCACR are available online at [www.sccourts.org/courtreg](http://www.sccourts.org/courtreg). Additionally, any filings submitted by counsel admitted in South Carolina must include counsel's bar number.

The attention of the parties is directed to the order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals. The order can be found at [www.sccourts.org/courtOrders/HTMLFiles/2007-08-13-02.htm](http://www.sccourts.org/courtOrders/HTMLFiles/2007-08-13-02.htm). Please note that the responsibility for insuring that information is redacted

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7-11-16  
54145

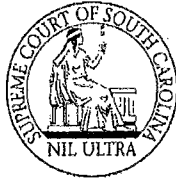
or sealed as required by this order rests with counsel and the parties. This office will *not* review filings for redaction or to determine if materials should be sealed.

Very truly yours,

A handwritten signature in cursive script that reads "Brenda J. Shealy". The signature is written in black ink and is centered on the page.

Chief Deputy Clerk

cc: Austin Howell Crosby, Esquire  
Bert Glenn Utsey, III, Esquire  
Charles Thomas Slaughter, Esquire  
Ronnie Lanier Crosby, Esquire  
S. Kirkpatrick Morgan, Jr., Esquire  
Angela Gilbert Strickland, Esquire  
Joel Haywood Smith, Esquire  
Matthew Brooks Miller, Esquire  
Brian Thomas Smith, Esquire  
Kelly R Houk, Esquire  
Michael P Cooney, Esquire



# The Supreme Court of South Carolina

DANIEL E. SHEAROUSE  
CLERK OF COURT

BRENDA F. SHEALY  
CHIEF DEPUTY CLERK

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TELEPHONE: (803) 734-1080  
FAX: (803) 734-1499  
[www.sccourts.org](http://www.sccourts.org)

July 08, 2016

Brian Thomas Smith, Esquire  
Dykema Gossett  
39577 Woodward Avenue  
Suite 300  
Bloomfield Hills MI 48304

Kelly R Houk, Esquire  
Dykema Gossett  
400 Renaissance Center  
36th Floor  
Detroit MI 48243

Michael P Cooney, Esquire  
Dykema Gossett  
400 Renaissance Center  
35th Floor  
Detroit MI 48243

Re: Reid Harold Donze v. General Motors, LLC.  
Appellate Case No. 2016-001437

Dear Counsel:

This Court has received Certified Questions in the above matter. Because you are not admitted to practice law in South Carolina, you must file an application for admission pro hac vice. The specific requirements are outlined in Rule 244(d) of

**received**  
7-11-16  
54145

the South Carolina Appellate Court Rules (SCACR) and are available at [www.sccourts.org/courtreg](http://www.sccourts.org/courtreg).

The **original** application for admission pro hac vice with an **original** certificate of good standing of the Bar from the highest court of any state or the District of Columbia in which you are admitted to practice law must be filed with this Court. A **copy** of the completed application form, including the \$250 filing fee and any required attachments, must be filed with the South Carolina Supreme Court Office of Bar Admissions. The Clerk of the Supreme Court will certify to this Court that the completed application and fee have been received.

You must then serve and file a motion to be admitted pro hac vice. The motion must be in compliance with the requirements of Rule 240, SCACR, to include the original motion, six copies, proof of service on all other parties, and the filing fee of \$25.

The required documents should be served and filed within thirty (30) days of the date of this letter. If you have any questions, please contact this office.

Very truly yours,



Chief Deputy Clerk

cc: Austin Howell Crosby, Esquire  
Bert Glenn Utsey, III, Esquire  
Charles Thomas Slaughter, Esquire  
Ronnie Lanier Crosby, Esquire  
S. Kirkpatrick Morgan, Jr., Esquire  
Angela Gilbert Strickland, Esquire  
Joel Haywood Smith, Esquire  
Matthew Brooks Miller, Esquire  
The Honorable Timothy M. Cain

## CERTIFICATE OF SERVICE

I, the undersigned employee of Bowman and Brooke LLP, attorneys for General Motors, LLC do hereby certify that I have served all counsel in this action with a copy of the pleading(s) herein below specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

Pleadings: **MOTION FOR ADMISSION, PRO HAC VICE – MICHAEL P. COONEY**  
**(South Carolina Supreme Court)**

Counsel Served:

S. Kirkpatrick Morgan, Esq.  
Charles T. Slaughter, Esq.  
Walker & Morgan, LLC  
P.O. Box 949  
Lexington, SC 29071

Ronnie L. Crosby, Esq.  
Austin H. Crosby, Esq.  
Peters Murdaugh Parker Eltzroth & Detrick, PA  
101 Mulberry Street East, P.O. Box 457  
Hampton, SC 29924

Bert G. Utsey, III, Esq.  
Peters Murdaugh Parker Eltzroth & Detrick, PA  
P.O. Box 1164  
Walterboro, SC 29488



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Leslie Priester  
Legal Secretary

August 29, 2016