

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Letitia H. Verdin, Circuit Court Judge

Case No. 2012-CP-23-3532

RECEIVED

DEC 05 2016

SC Court of Appeals

Check First of Greenville d/b/a Evo Merchant Coop.,

Appellant,

v.

Merchant Services of the Upstate, Inc., and Alfred J. Pearce, IV,

Respondents.

MOTION TO BE RELIEVED AS COUNSEL

Attorney Joshua Snow Kendrick and the law firm of Kendrick & Leonard, P.C., respectfully requests this Honorable Court relieve them as counsel in this appeal.

Counsel was retained for this appeal shortly after the final order was issued from the lower court. Counsel entered a written agreement with the authorized agent of the Appellant laying out the scope of representation and the financial obligations of the Appellant.

Since entering the fee agreement, Appellant has not fulfilled the contract entered into with counsel. More importantly, counsel is unable to communicate with Appellant. Counsel has sent emails, left voicemails, and sent a certified letter which was signed for by the Appellant. In each communication, counsel has reiterated the importance of fulfilling the fee agreement, as well as communicating with counsel regarding the appeal.

Counsel has received one response months ago to an email. Since that time, additional emails and a phone call have gone unanswered. A certified letter was sent and received, but there was still no response.

Counsel has a good faith belief the Appellant does not intend to fulfill its financial obligations pursuant to the fee agreement, including the payment of costs associated with the Record on Appeal and the final briefs. Counsel further believes Appellant will continue failing to communicate with him regarding the appeal.

Based on these reasons, counsel respectfully requests this Honorable Court relieve him from further responsibility in this matter and that Appellant be given a reasonable amount of time to find new counsel or withdraw the appeal.



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APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Letitia H. Verdin, Circuit Court Judge

Case No. 2012-CP-23-3532
Appellate Case No 2015-001744

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Check First of Greenville, LLC
d/b/a Evo Merchant Coop.,

Appellant,

v.

Merchant Services of the
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Respondents.

PROOF OF SERVICE

I certify that I have served the **Motion to be Relieved as Counsel** on The Respondents, by depositing a copy of it in the United States Mail, postage prepaid, on December 5, 2016, addressed to his attorney of record at the following address:

John Read, Esquire
101 West Park Ave
Greenville, SC 29601

The motion was also served on the Appellant, via certified mail, December 5, 2016, at the following address:

Melinda Cutler
351 Bridge Crossing Dr.
Simpsonville, SC 29681

A handwritten signature in cursive script, appearing to read "Rebecca Wright", written over a horizontal line.

Rebecca Wright
KENDRICK & LEONARD, P.C.
P.O. Box 6938
Greenville, SC 29606

December 5, 2016