

IN THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM CLARENDON COUNTY  
Court of Common Pleas

Michael G. Nettles, Circuit Court Judge  
Case No. 2010-CP-14-475

**RECEIVED**  
FEB 15 2018  
SC Court of Appeals

Stokes-Craven Holding Corp. d/b/a Stokes-Craven Ford, ..... Appellant

v.

Scott L. Robinson and Johnson, McKenzie & Robinson, LLC, ..... Respondents

**APPELLANT'S MEMORANDUM  
ADDRESSING APPEALABILITY  
OF THE ORDER BELOW**

By letter dated February 6, 2018, the Clerk has requested a Memorandum addressing the issue of whether the November 30 2017 order of the lower court is immediately appealable. The order below disqualified Andrew K. Epting, Jr., Esq. and the Epting Law Firm (collectively referred to as "Mr. Epting") from further representation of the Appellant Stokes-Craven due to the decision that Mr. Epting needed to serve as an expert witness in the case. Regardless of whether the cessation of Mr. Epting's representation is characterized as a voluntary withdrawal as counsel or a court-ordered disqualification, Mr. Epting's continued service as counsel for the Appellant in the case below was unquestionably the subject of the lower court's order ruling upon a motion to disqualify filed by the Respondents:

Defendants filed a Joint Motion to Exclude Expert Witness, or, in the Alternative, to Disqualify Plaintiff's Counsel and Compel Discovery. . . [T]he Court concludes and rules that the appropriate time for Mr. Epting and the Epting Law Firm to withdraw as Plaintiff's counsel is on the filing of this Order and Mr. Epting, individually and for his law firm, shall file notice of withdrawal as counsel of record within five days thereafter.

November 30, 2017 Order at pages 1 - 2; and 9 (emphasis added).

The appealability of the lower court's November 30, 2017 order is directly controlled by the South Carolina Supreme Court's decision in Hagood v. Sommerville, 362 S.C. 191, 607 S.E.2d 707 (2005), holding that an order granting a motion to disqualify a party's attorney in a civil case affects a substantial right and may be immediately appealed pursuant to S.C. CODE ANN. §14-3-330(2) (Code 1976 as amended). Indeed, the Hagood court held that an order granting a motion to disqualify a party's attorney *must* be immediately appealed or any later objection in a subsequent appeal will be waived. 362 S.C. at 198. The Hagood holding was subsequently reiterated by the Supreme Court in Energys Delaware, Inc. v. Hopkins, 410 S.C. 615, 738 S.E.2d 478 (2013).

Pursuant to the holdings in both Hagood and Energys, the November 30, 2017 order of the lower court, granting the Respondents' joint motion to disqualify Mr. Epting, is immediately appealable and must be appealed immediately. The Court of Appeals should therefore ratify the Appellant's Notice of Appeal and hold the November 30, 2017 order of the lower court is properly before the court.

By: Robert B. Ransom  
Robert B. Ransom  
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Attorney for the Appellant

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**PROOF OF SERVICE**

I certify that I have served the Appellant's Memorandum Addressing Appealability of the Order Below on the Respondents Scott L. Robinson and Johnson, McKenzie & Robinson, LLC by depositing a copy of it in the United States Mail, postage prepaid, on January 17, 2018, addressed to their respective attorneys of record, Susan Taylor Wall and Warren C. Powell, Jr.

February 13, 2018

By: Robert B. Ransom  
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Attorney for the Appellant

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**Robert B. Ransom**  
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February 13, 2018

Jenny Abbott Kitchings  
South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, SC 29211

Re: Stokes-Craven Holding Corp. d/b/a Stokes-Craven Ford v. Scott L. Robinson and Johnson, McKenzie & Robinson, LLC  
Appellate Case No. 2018-000092

Dear Ms. Kitchings:

Enclosed please find an original and six (6) copies of the Appellant's Memorandum Addressing Appealability of the Order Below along with a Proof of Service.

Thank you for your attention to this matter. Please call me if you have any questions or comments.

Very truly yours,



Robert B. Ransom

Enclosures

c: Warren C. Powell, Jr., Esq.  
Susan Taylor Wall, Esq.  
Andrew K. Epting, Jr., Esq.

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SC Court of Appeals

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FEB 15 2018

SC Court of Appeals

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