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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

J.C. Nicholson, Jr., Circuit Court Judge

Opinion No: 5419 (S. C. Ct. App. filed June 29, 2016)
(791 S.E.2d 305)

Arkay, LLC and Robert R. Knoth, its member Petitioners,

v.

City of Charleston, City of Charleston Board of Zoning Appeals, Andrew Pinckney Inn and Michael A. Molony Respondents.

MOTION TO REMOVE COUNSEL

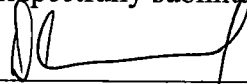
Respondents City of Charleston and City of Charleston Board of Zoning Appeals (collectively, "City Respondents") hereby move the Court for an order removing Charlton De Saussure, Jr. as counsel of record for City Respondents. Frances I. Cantwell and Daniel S. McQueeney, Jr., will continue to serve as counsel of record for City Respondents.

Mr. De Saussure previously served as counsel of record for City Respondents in this action by virtue of his appointment as the municipal attorney for the City of Charleston under section 5-7-230 of the South Carolina Code. City Respondents request that Mr. De Saussure be removed as counsel of record for City Respondents because Mr. De Saussure is no longer the appointed municipal attorney for the City.

Pursuant to Rule 264(b), SCACR, City Respondents hereby consent to the removal of Mr.

De Saussure as counsel of record for City Respondents. Moreover, as set forth in the emails attached hereto as Exhibit A, counsel of record for the remaining parties have consented to the relief requested in the motion.

Respectfully submitted,



Daniel S. McQueeney, Jr. (S.C. Bar No. 6802)
Assistant Corporation Counsel
mcqueneyd@charleston-sc.gov

Frances I. Cantwell (S.C. Bar No. 1121)
Of Counsel
cantwellf@charleston-sc.gov

50 Broad Street
Charleston, South Carolina 29401
Telephone: 843-724-3730

Attorneys for Respondents City of Charleston and
City of Charleston Board of Zoning Appeals

August 23, 2018
Charleston, South Carolina

Exhibit A

[CONSENTS BY EMAIL]

McQueeney, Daniel

From: Thomas Tisdale <tst@hellmanyates.com>
Sent: Wednesday, August 15, 2018 1:23 PM
To: McQueeney, Daniel
Subject: Re: 2016-002360 Arkay v. City of Charleston: Counsel of record

I consent!

Thomas S Tisdale

On Aug 15, 2018, at 1:22 PM, McQueeney, Daniel <mcqueeneyd@charleston-sc.gov> wrote:

Would you all mind letting me know whether you consent to the motion to remove Charlton as counsel? I don't think it will be an issue, but this is the only motion that "stays" all deadlines in the case until it's resolved, and it would help if I could say everyone consents so that it does not hold anything up. Thank you in advance!

Chip

Daniel S. ("Chip") McQueeney, Jr. | Assistant Corporation Counsel
City of Charleston | Legal Department
50 Broad Street | Charleston, SC 29401
T: 843-724-3730 | F: 843-724-3706 | mcqueeneyd@charleston-sc.gov | www.charleston-sc.gov
<image001.png>

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From: Matthews, Lindsey [<mailto:lmattthews@sccourts.org>]
Sent: Monday, August 13, 2018 12:29 PM
To: Cantwell, Frances <cantwellf@charleston-sc.gov>; McQueeney, Daniel <mcqueeneyd@charleston-sc.gov>; cdesaussure@hsblawfirm.com
Cc: wjohnson@ycrlaw.com; cgb@barrungermcintosh.com; tst@hellmanyates.com
Subject: RE: 2016-002360 Arkay v. City of Charleston: Counsel of record

Dear Counsel:

McQueeney, Daniel

From: deSaussure, Charlton <cdesaussure@hsblawfirm.com>
Sent: Wednesday, August 15, 2018 1:25 PM
To: Capers Barr III; McQueeney, Daniel; Cantwell, Frances
Cc: wjohnson@ycrlaw.com; tst@hellmanyates.com
Subject: RE: 2016-002360 Arkay v. City of Charleston: Counsel of record

Thank you, Chip. I consent.

Charlton

From: Capers Barr III <cgb@barrungermcintosh.com>
Sent: Wednesday, August 15, 2018 1:24 PM
To: McQueeney, Daniel <mcqueeneyd@charleston-sc.gov>; Cantwell, Frances <cantwellf@charleston-sc.gov>; deSaussure, Charlton <cdesaussure@hsblawfirm.com>
Cc: wjohnson@ycrlaw.com; tst@hellmanyates.com
Subject: RE: 2016-002360 Arkay v. City of Charleston: Counsel of record

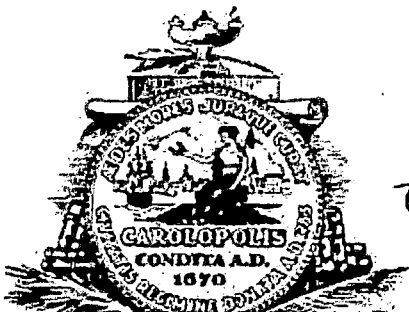
Chip:
I consent.
Best regards,
Capers

From: McQueeney, Daniel <mcqueeneyd@charleston-sc.gov>
Sent: Wednesday, August 15, 2018 1:22 PM
To: Cantwell, Frances <cantwellf@charleston-sc.gov>; cdesaussure@hsblawfirm.com
Cc: wjohnson@ycrlaw.com; Capers Barr III <cgb@barrungermcintosh.com>; tst@hellmanyates.com
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Daniel S. ("Chip") McQueeney, Jr. | Assistant Corporation Counsel
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McQueeney, Daniel

From: Johnson, Wilbur <wjohnson@ycrlaw.com>
Sent: Wednesday, August 15, 2018 2:08 PM
To: McQueeney, Daniel; Cantwell, Frances; cdesaussure@hsblawfirm.com
Cc: cgb@barrungermcintosh.com; tst@hellmanyates.com
Subject: RE: 2016-002360 Arkay v. City of Charleston: Counsel of record

Chip: I consent. Thank you. Wilbur.

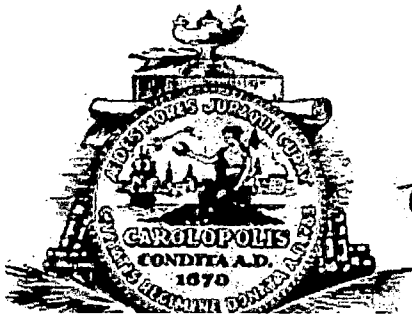
Wilbur E. Johnson, Managing Partner
Young Clement Rivers, LLP
P.O. Box 993, Charleston, SC 29402-0993
Direct Dial: 843.724.6659
Direct Fax: 843.579.1332
wjohnson@ycrlaw.com

From: McQueeney, Daniel [mailto:mcqueeneyd@charleston-sc.gov]
Sent: Wednesday, August 15, 2018 1:22 PM
To: Cantwell, Frances; cdesaussure@hsblawfirm.com
Cc: Johnson, Wilbur; cgb@barrungermcintosh.com; tst@hellmanyates.com
Subject: RE: 2016-002360 Arkay v. City of Charleston: Counsel of record

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Appeals, Andrew Pinckney Inn and Michael A. Molony Respondents.

PROOF OF SERVICE

I certify that I have served the attached Motion to Remove Counsel upon all other parties to this action by depositing a copy of it in the United States Mail, postage prepaid, on August 23, 2018, addressed to their respective attorneys of record, as follows:

Capers G. Barr, III
11 Broad Street
Charleston, South Carolina 29201
Attorney for Petitioners

Wilbur E. Johnson
Young Clement Rivers, LLP
Post Office Box 993
Charleston, South Carolina 29402-0993
Attorney for Respondent Andrew Pinckney Inn

Thomas S. Tisdale, Jr.
Hellman Yates & Tisdale, PA
105 Broad Street, Third Floor
Charleston, South Carolina 29401

Attorney for Respondent Michael A. Molony,
Personally and as Personal Representative of the Estate of
Robert E. Molony and as Trustee for Sadie Molony,
now deceased

Charlton De Saussure, Jr.
Haynsworth Sinkler Boyd, PA
134 Meeting Street, 3rd Floor
Charleston, South Carolina 29401
Counsel for Respondents City of Charleston and
City of Charleston Board of Zoning Appeals

August 23, 2018



Daniel S. McQueeney, Jr. (S.C. Bar No. 6802)
Assistant Corporation Counsel
City of Charleston
50 Broad Street
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843-724-3730
mcqueeneyd@charleston-sc.gov
Attorney for Respondent City of Charleston and City
of Charleston Board of Zoning Appeals