

THE STATE OF SOUTH CAROLINA  
In The Court Of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

Benjamin H. Culbertson, Circuit Court Judge  
J.C. Nicholson, Jr., Circuit Court Judge

Case No. 2014-CP-10-7037

RECEIVED  
NOV 19 2018  
SC Court of Appeals

South Carolina Human Affairs Commission,

Appellant,

v.

Zeyi Chen & Zhirong Yang,

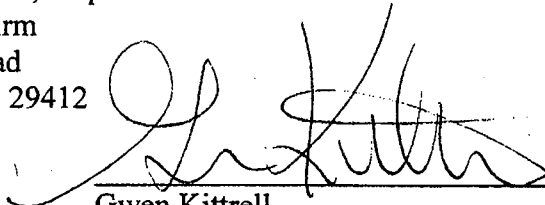
Respondents.

CERTIFICATE OF SERVICE

I hereby certify that on the 19<sup>th</sup> day of November, 2018 in Columbia, South Carolina, I served a copy of the foregoing **Appellant's Initial Brief and Appellant's Designation of Matter To Be Included In The Record On Appeal** upon Counsel for Respondents by depositing the same in the United States Mail, postage prepaid, and addressed as follows:

Ian O'Shea, Esquire  
O'Shea Law Firm  
1120 Folly Road  
Charleston, SC 29412

Brooklyn O'Shea, Esquire  
O'Shea Law Firm  
1120 Folly Road  
Charleston, SC 29412



Gwen Kittrell  
Bowers Law Office LLC  
Post Office Box 50549  
Columbia, South Carolina 29250



STATE OF SOUTH CAROLINA  
HUMAN AFFAIRS COMMISSION



Raymond Buxton, II  
Commissioner

1026 Sumter Street, Suite 101  
Columbia, South Carolina 29201  
(803) 737-7800 (803) 737-7835 Fax  
Toll Free 1-800-521-0725 (In-State Only)

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December 14, 2018

**RECEIVED**  
DEC 14 2018  
SC Court of Appeals

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

Re: South Carolina Human Affairs Commission v. Zeyi Chen & Zhirong Yang  
Civil Action No.: 2014-CP-10-7037  
Appellate Case No. 2018-001879

Dear Ms. Kitchings:

Pursuant to S.C. Rules of Professional Conduct, Rule 4.2, Appellant requests leave of this court to communicate directly with the Respondents in this matter.

The Notice of Appeal in this matter was received by the Court on October 18, 2018. The Appellant's Initial Brief and Designation of Matter were filed on November 19, 2018. See Certificate of Service dated November 19, 2018. On December 10, 2018, nine days before the Respondents' Initial Brief deadline, opposing counsel, Brooklyn O'Shea, informed Appellant via email that she and her co-counsel, Ian O'Shea, "do not represent the Respondents for this appeal." See O'Shea email dated Dec. 10.

Appellant believes that opposing counsels' purported withdrawal from representation is ineffective for failing to comply with SC Appellate Court Rule 264:

- (a) Continued Representation. The attorneys ... of the respective parties in the court below shall be deemed the attorneys ... of the same parties in the appellate court until withdrawal is approved and notice is given as provided in this Rule.
- (b) Withdrawal. An attorney of record in a matter pending before an appellate court may not withdraw from representation of his client without justifiable cause, or the consent of his client; and then only after proper written notice to his client, on petition to and by written order of the appellate court, and with notice to the adverse party.

**Honorable Jenny Abbott Kitchings**

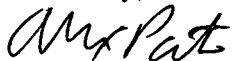
**December 14, 2018**

**Page 2**

Appellant has received no notice from opposing counsel of an intent to withdrawal and is unaware of any written order from this Court permitting such.

In order to ensure that the rights of the Respondents in this appeal are observed, Appellant requests permission from this Court to contact Respondents directly for the limited purpose of providing them with the Notice of Appeal, Initial Brief, and Designation of Matter. We would also request that this Court clarify whether or not Appellant should continue to communicate with opposing counsel regarding this matter unless and until they have perfected a withdrawal in compliance with SCACR 246.

Sincerely,



R. Alexander Pate, II

/tsm

enclosure

c.c. Ian O'Shea, Esquire  
Brooklyn O'Shea, Esquire  
Karl Smith Bowers, Jr., Esquire

**Mefford, Tracie**

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**From:** Brooklyn O'Shea <brook@theoshealawfirm.com>  
**Sent:** Monday, December 10, 2018 4:55 PM  
**To:** Gwen@butchbowers.com  
**Cc:** Ian O'Shea; Mefford, Tracie  
**Subject:** Re: SC Human Affairs Commission's Initial Brief in Chen Appeal

All,

Please know that O'Shea Law Firm does not represent the Respondents for this appeal.

Sincerely,  
Brooklyn

On Tue, Nov 20, 2018 at 10:26 AM Gwen Kittrell <[Gwen@butchbowers.com](mailto:Gwen@butchbowers.com)> wrote:

Please find attached the documents that were filed in the South Carolina Court of Appeals yesterday. Signed and filed copies were placed in the mail to you yesterday.

Thank you and have a Happy Thanksgiving.

Gwen Kittrell  
Legal Administrator  
Bowers Law Office LLC

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DEC 14 2018

SC Court of Appeals

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**Brooklyn A. O'Shea**  
Attorney at Law



O'Shea Law Firm, LLC  
1120 Folly Road  
Charleston, SC 29412  
Tel: 843-805-4943  
Fax: 843-805-4974

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