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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. 2018-CP-001879

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SC Court of Appeals

South Carolina Human Affairs
Commission

Appellant,

v.

Zeyi Chen & Zhirong Yang,

Respondents.

PETITION FOR LEAVE TO WITHDRAW AS COUNSEL FOR RESPONDENTS AND
INCORPORATED MEMORANDUM IN SUPPORT

Brooklyn O'Shea
Ian O'Shea
O'Shea Law Firm, LLC
1120 Folly Road
Charleston, South Carolina 29412
(843) 805-4943
brook@theoshealawfirm.com
ioshea@theoshealawfirm.com

Now come the undersigned counsel, Brooklyn A. O'Shea and Ian R. O'Shea of O'Shea Law Firm, LLC hereby moving, pursuant to Rule 264, SCACR, for a written order granting leave to withdraw from representation of Respondents, Zeyi Chen and Zhirong Yang, for the appeal of the above captioned matter.

STATEMENT OF THE CASE¹

Undersigned counsel provided Respondents with written notice of the scope of representation agreed upon and gave Respondents the option to enter into a separate retainer agreement for this appeal. Respondents informed undersigned counsel that they wish to proceed *pro se*. Undersigned counsel are unaware of any attorney(s) Respondents wish to have substituted as counsel for Respondents. On December 10, 2018, undersigned counsel provided Respondents with a copy of their file and Zeyi Chen signed the enclosed document on behalf of Respondents noting that O'Shea Law Firm, LLC does not represent Respondents in the appeal and that Respondents received a copy of their file. Undersigned counsel informed counsel for Appellant in the enclosed email on that same day, December 10, 2018, that O'Shea Law Firm would not be representing Respondents in this appeal. Appellant's counsel wrote to the Court in a letter dated December 14, 2018 that undersigned counsel's "purported withdrawal from representation is ineffective for failing to comply with SC Appellate Court Rule 264." Undersigned counsel hereby files this Petition out of an abundance of caution.

ARGUMENT

There is a statutory right to proceed *pro se* in South Carolina. S.C. Code Ann. § 40-5-80

¹ The Statement of the Case has been limited to only the facts relevant to this Petition. Undersigned counsel request a stay of the filing deadline for Respondents' Initial Brief until this Motion is decided. If this Petition is denied, Respondents will provide a more comprehensive Statement of the Case.

(1986). A right to counsel arises under the sixth amendment or under the due process guarantee of the fourteenth amendment. *Washington v. Washington*, 308 S.C. 549, 550, 419 S.E.2d 779, 780 (1992). This is a civil matter where the litigants have no right to counsel and there is no guardian *ad litem* involved. Respondents do, however, have a right to proceed *pro se*. Undersigned counsel informed Respondents that they would be responsible for complying with substantive and procedural requirements of the law while proceeding *pro se*. Pursuant to Rule 264, SCACR, the undersigned attorneys of record have the consent of the clients, as shown by the enclosed documentation, and have served the Respondents and the adverse party with written notice of this Petition.

CONCLUSION

Based on the foregoing, undersigned counsel respectfully move this Honorable Court for an Order granting leave to withdraw as counsel of record for Respondents. Undersigned counsel further respectfully move for an Order staying all filing deadlines for Respondents' Initial Brief until thirty (30) days after the Court issues a ruling on this Petition.

Respectfully submitted,

December 19, 2018

Brooklyn O'Shea
Brooklyn A. O'Shea, S.C. Bar No. 102505
Ian R. O'Shea, S.C. Bar No. 1007112
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O'Shea
Law Firm
— LLC —

Ian Richard O'Shea, Esq.*
Brooklyn Ansley O'Shea, Esq.
James Howard Leffew, Esq.
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1120 Folly Road
Charleston, SC 29412
Telephone: 843-805-4943
Facsimile: 843-805-4974

Re: SCHAC v. Zeyi Chen & Zhirong Yang 2018-001879

I, Zeyi Chen, hereby acknowledge that my wife, Zhirong Yang, and I have received a copy of our file with regard to the above referenced matter. We understand that the O'Shea Law Firm, LLC does not represent us in the above referenced appeal.

Zeyi Chen

Date

Mefford, Tracie

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> 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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Brooklyn A. O'Shea
Attorney at Law



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CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of December, 2018, in Charleston, SC, I served a copy of the foregoing **Petition for Leave to Withdraw as Counsel for Respondents and Incorporated Memorandum in Support** upon Counsel for Appellant by depositing the same in the United States Mail, postage prepaid, and addressed as follows:

Mr. Karl Smith Bowers, Jr., Esquire
Bowers Law Office, LLC
Post Office Box 50549
Columbia, SC 29250

Mr. Randy Alexander Pate, II, Esquire
1026 Sumter Street, Ste. 101
Columbia, SC 29201

Mrs. Lee Ann Rice, Esquire
1026 Sumter Street, Ste. 101
Columbia, SC 29201

Brooklyn O'Shea
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— LLC —

Ian Richard O'Shea, Esq.*
Brooklyn Ansley O'Shea, Esq.
James Howard Leffew, Esq.
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Telephone: 843-805-4943
Facsimile: 843-805-4974

December 19, 2018

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

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

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Dear Ms. Kitchings:

Enclosed for filing are the original and six (6) copies of Respondents Petition for Leave to Withdraw as Counsel and Incorporated Memorandum in Support, and Certificate of Service for the action referenced above, along with the filing fee of fifty dollars (\$50.00).

Thank you for your assistance with this matter. If you have any questions, comments or concerns or if the Court needs anything further from Respondents regarding this Petition, please let me know.

With kind regards, I am,

Sincerely,

Brooklyn O'Shea

Brooklyn A. O'Shea
Attorney for Respondents



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

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