

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

APPEAL FROM CHESTERFIELD COUNTY
Court of Common Pleas

The Honorable Paul M. Burch, Circuit Court Judge
The Honorable William O. Spencer, Jr., Special Referee

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JAN 15 2019

SC Court of Appeals

Appellate Case No. 20118-001808
Civil Action No. 2017-CP-13-00804

First Citizens Bank & Trust Company and Sadie M. Murvin, Respondents,

v.

Miranda Libby Murvin, a/k/a Miranda Libby Murvin Zimmerman, and Great American Life
Insurance Company, Defendants,

Of Whom Great American Life Insurance Company is the Appellant.

RESPONDENT FIRST CITIZENS' MOTION FOR ADMISSION PRO HAC VICE

Warren C. Powell, Jr.
Chelsea J. Clark
Bruner, Powell, Wall & Mullins, LLC
PO Box 61110
Columbia, SC 29260
(803) 252-7693
Attorneys for First Citizens

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

APPEAL FROM CHESTERFIELD COUNTY
Court of Common Pleas

The Honorable Paul M. Burch, Circuit Court Judge
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First Citizens Bank & Trust Company and Sadie M. Murvin, Respondents,

v.

Miranda Libby Murvin, a/k/a Miranda Libby Murvin Zimmerman, and Great American Life
Insurance Company, Defendants,

Of Whom Great American Life Insurance Company is theAppellant.

RESPONDENT FIRST CITIZEN'S MOTION FOR ADMISSION PRO HAC VICE

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Chelsea J. Clark
Bruner, Powell, Wall & Mullins, LLC
PO Box 61110
Columbia, SC 29260
(803) 252-7693
Attorneys for First Citizens

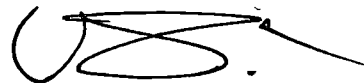
Respondent First Citizens Bank & Trust Company (“Respondent”), by and through its undersigned attorney, hereby moves for admission of out-of-state counsel *pro hac vice*, pursuant to Rules 240 and 404, SCACR. Benjamin N. Thompson and Samuel A. Slater of the North Carolina firm Wyrick Robbins Yates & Ponton, LLP seek the Court’s approval to represent Respondent before this Court in the above-captioned matter.

The undersigned, Chelsea J. Clark (S.C. Bar No. 102211), is a member in good standing of the South Carolina Bar and has agreed to act as local counsel for out-of-state counsel. Mr. Thompson and Mr. Slater are members in good standing with the North Carolina Bar. Certificates of good standing are included in the applications attached as **Exhibit A** for admission *pro hac vice*.

In accordance with Rule 404(d), SCACR, the completed applications were filed with the South Carolina Supreme Court on December 14, 2018. On December 21, 2018, the Court of Appeals received a letter from the Supreme Court Office of Bar Admissions certifying that the completed applications were received with the appropriate filing fees (attached as **Exhibit B**).

Therefore, Respondent requests that the Court grant this motion for admission *pro hac vice* pursuant to Rule 404, SCACR, and allow the appearances of Benjamin N. Thompson and Samuel A. Slater before this Court in the above-captioned matter.

BRUNER, POWELL, WALL & MULLINS, LLC



Warren C. Powell, Jr., Bar No. 4525
Chelsea J. Clark, Bar No. 102211
Post Office Box 61110 (29260)
1735 St. Julian Place, Suite 200 (29204)
Columbia, South Carolina
(803) 252-7693
Attorneys for First Citizens Bank & Trust Company

Columbia, South Carolina
January 15, 2019

EXHIBIT A

**VERIFIED APPLICATION FOR ADMISSION *PRO HAC VICE*
IN THE STATE OF SOUTH CAROLINA**

First-Citizens Bank & Trust Company and
Sadie M. Murvin,

Respondents,

Appellate Case No. 2018-001808
Civil Action No. 2017-CP-13-00804

Case No.

SC Court of Appeals

Court

vs.

Miranda Libby Murvin, a/k/a Miranda
Libby Murvin Zimmerman and Great
American Life Insurance Company

Defendants,

Of which Great America Life Insurance
Company is the Appellant.

Mailing Address of Court: Hon. Jenny Abbott Kitchings
SC Court of Appeals
1220 Senate Street
Columbia, SC 29201

Comes now Benjamin N. Thompson, applicant herein, and respectfully represents the following:

1. Applicant resides at:

114 Kingsway Drive

Street Address

Dunn

City

(919) 781-4000

Telephone

Harnett

County

North Carolina

State

28334

Zip Code

2. Applicant is an attorney and a member of the law firm of (or practices law under the name of)
Wyrick Robbins Yates & Ponton LLP, with offices at:

4101 Lake Boone Trail, Suite 300

Street Address

Raleigh

City

919-781-4000

Telephone

Wake

County

North Carolina

State

919-781-4865

Fax Number

27607

Zip Code

3. Applicant has been retained personally or as a member of the above-named law firm by First Citizens Bank & Trust Company to provide legal representation in connection with the above case now pending before the above-named court of the State of South Carolina.

4. Since 19th of August, 1979, applicant has been, and presently is, a member in good standing of the bar of the highest court of the District of Columbia or the State of North Carolina where applicant regularly practices law. Attached is a certificate of good standing.

5. Applicant has been admitted to practice before the following courts: (List all of the following courts applicant has been admitted to practice before: United States District Courts; United States Circuit Courts of Appeals; the Supreme Court of the United States; and courts of other states or the District of Columbia.)

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S.C. SUPREME COURT

Court:	Date Admitted:
North Carolina Supreme Court	August 19, 1979
North Carolina Court of Appeals	August 19, 1979
North Carolina Superior Court	August 19, 1979
North Carolina District Court	August 19, 1979
U.S. District Court – Eastern District of North Carolina	November 14, 1979
U.S. District Court – Western District of North Carolina	November 20, 1984
U.S. District Court – Middle District of North Carolina	February 27, 1990
COA 4 th Circuit	April 28, 1983
US Supreme Court	June 11, 1982
US Tax Court	September 20, 2004
US Court of Federal Claims	June 11, 1982
US District Court, District of Colorado	January 14, 2002
COA 11 th Circuit	March 4, 2002
COA 10 th Circuit	February 22, 2005
COA for the Federal Circuit	April 28, 1983

Applicant is presently a member in good standing of the bars of those courts listed above, except as listed below:
(List any court named in the preceding paragraph that applicant is no longer admitted to practice before.)

No exceptions.

6. Applicant presently is not subject to any suspension or disbarment proceedings, and has not been formally notified of any complaints pending before a disciplinary agency, except as provided below (give particulars, e.g., jurisdiction, court, date):

No exceptions.

7. Applicant never has had any application for admission *pro hac vice* in this or any other jurisdiction denied or any *pro hac vice* admission revoked, except as provided below (give particulars, e.g., date, court, docket number, judge, circumstances; attach a copy of any order of denial or revocation):

No exceptions.

8. Applicant never has had any certificate or privilege to appear and practice before any administrative body suspended or revoked, except as provided below (give particulars, e.g., date, administrative body, date of suspension and reinstatement):

No exceptions.

9. Local counsel of record associated with applicant in this case is Chelsea J. Clark (SC Bar # 102211), of the Bruner, Powell, Wall & Mullins, LLC law firm, which has offices at:

1735 St. Julian Place, Suite 200

Street Address

Richland

County

803-252-7693

Telephone

Columbia

City

South Carolina

State

29204

Zip Code

If applicable list all other firms/attorneys you are associated with in this matter

Samuel A. Slater
Wyrick Robbins Yates & Ponton LLP
4101 Lake Boone Trail, Suite 300
Raleigh, NC 27607

10. Applicant has previously filed an application to appear *pro hac vice* in the following South Carolina cases (give case name and status of litigation, date of application, local counsel of record in each case, and state whether application is pending or was granted).

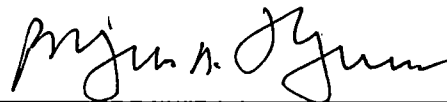
Allied Industries, Inc. v. IPS Corporation d/b/a SciGrip Americas
(7:17-cv-272, US District Court for South Carolina, Spartanburg Division):
Case dismissed: August 1, 2017
Application date: February 1, 2017
Local counsel of record: David Jonson, Wyrick Robbins Yates & Ponton LLP Application granted: February 7, 2017

Mohan Bali as Trustee of the Supplemental Needs Trust for the Benefit of Samant Bali v. First Citizens Bank & Trust Company as Successor Trustees of The Latika Bali Family Trust, and Angela Kirby, Individually
(2017 CP 40 4710, In the Court of Common Pleas, Fifth Judicial District, Richland County):
Case settled
Application date: September 15, 2017
Local counsel of record: Matthew H. Stabler, Wyrick Robbins Yates & Ponton LLP
Application granted: September 21, 2017

11. Applicant agrees to comply with the applicable statutes, laws and rules of the State of South Carolina and will familiarize himself with and comply with the South Carolina Rules of Professional Conduct. Applicant consents to the jurisdiction of the South Carolina courts and Commission on Lawyer Conduct.

12. Applicant respectfully requests to be admitted to practice in the above-named court for this case only.

DATED this 12th day of December, 2018.



APPLICANT

VERIFICATION

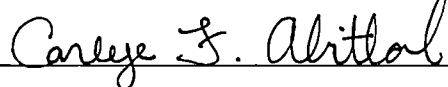
STATE OF NORTH CAROLINA

COUNTY OF WAKE

I, Benjamin N. Thompson, do hereby swear or affirm under penalty of perjury that I am the applicant in the above styled matter; that I have read the foregoing application and know the contents thereof; and that the contents are true of my own knowledge, except as to those matters stated on information and belief, and that as to those matters I believe them to be true.

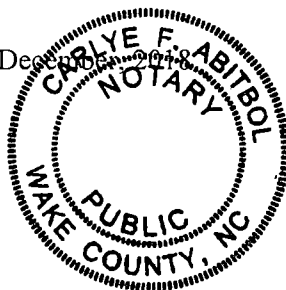

APPLICANT/AFFIANT

Subscribed and sworn to before me this 12th day of December, 2018.



Notary Public for the State of North Carolina

My Commission Expires: 10-15-2022



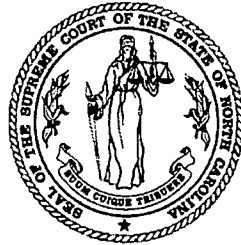
LOCAL COUNSEL CONSENT

I hereby consent, as local counsel of record, to the association of applicant in this cause pursuant to Rules Governing Admission *Pro Hac Vice* to the South Carolina Bar.

DATED this 14th day of December, 2018.


LOCAL COUNSEL OF RECORD

Supreme Court OF THE STATE OF NORTH CAROLINA



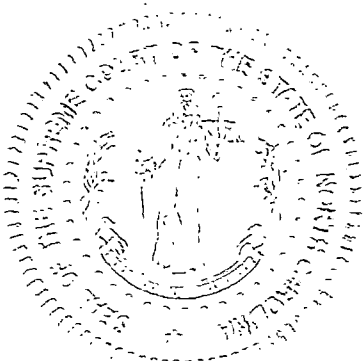
I, Amy L. Funderburk, Clerk of the Supreme Court of North Carolina, do hereby certify that on August 19, 1979, license to practice as an Attorney and Counselor at Law in all the Courts of this State was issued by the North Carolina Board of Law Examiners to

BENJAMIN NORMAN THOMPSON

according to the certified list of licentiates reported by the Secretary of said Board and filed in my office as required by statute.

To the date of this certificate, no order revoking said license has been filed with this Court and no order suspending same is in effect.

WITNESS my hand and the Seal of the Supreme Court of North Carolina at office in Raleigh, this December 5, 2018.



A handwritten signature in cursive script that reads "Amy L. Funderburk".

Amy L. Funderburk
Clerk of the Supreme Court
of the State of North Carolina

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of this application upon the South Carolina Supreme Court by hand delivery to: South Carolina Supreme Court Office of Bar Admissions, 1231 Gervais Street, Columbia, SC 29201, accompanied by payment of the \$250 filing fee payable to the South Carolina Supreme Court on this 14th day of December, 2018.



LOCAL COUNSEL OF RECORD

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SC Court of Appeals

**VERIFIED APPLICATION FOR ADMISSION *PRO HAC VICE*
IN THE STATE OF SOUTH CAROLINA**

First-Citizens Bank & Trust Company and
Sadie M. Murvin,

Appellate Case No. 2018-001808
Civil Action No. 2017-CP-13-00804

SC Court of Appeals

Respondents,

Case No.

Court

vs.

Mailing Address of Court: Hon. Jenny Abbott Kitchings
SC Court of Appeals
1220 Senate Street
Columbia, SC 29201

Miranda Libby Murvin, a/k/a Miranda
Libby Murvin Zimmerman and Great
American Life Insurance Company

Defendants,

Of which Great America Life Insurance
Company is the Appellant.

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Comes now Samuel A. Slater, applicant herein, and respectfully represents the following:

1. Applicant resides at:

2729 Anderson Drive
Street Address
Raleigh
City
(919) 781-4000
Telephone

Wake
County

North Carolina
State

27608
Zip Code

S.C. SUPREME COURT

2. Applicant is an attorney and a member of the law firm of (or practices law under the name of)
Wyrick Robbins Yates & Ponton LLP, with offices at, at

4101 Lake Boone Trail, Suite 300
Street Address
Raleigh
City
919-781-4000
Telephone

Wake
County

North Carolina
State
919-781-4865
Fax Number

27607
Zip Code

3. Applicant has been retained personally or as a member of the above named law firm by First Citizens Bank & Trust Company to provide legal representation in connection with the above case now pending before the above named court of the State of South Carolina.

4. Since 27th of September, 2011, applicant has been, and presently is, a member in good standing of the bar of the highest court of the District of Columbia or the State of North Carolina where applicant regularly practices law. Attached is a certificate of good standing.

5. Applicant has been admitted to practice before the following courts: (List all of the following courts applicant has been admitted to practice before: United States District Courts; United States Circuit Courts of Appeals; the Supreme Court of the United States; and courts of other states or the District of Columbia.)

Court:

Date Admitted:

U.S. District Court, Eastern District of North Carolina	October 11, 2011
U.S. District Court, Western District of North Carolina	February 9, 2015

U.S. District Court, Middle District of North Carolina	April 9, 2012
U.S. Court of Appeals, 4 th Circuit	December 6, 2018

Applicant is presently a member in good standing of the bars of those courts listed above, except as listed below: (List any court named in the preceding paragraph that applicant is no longer admitted to practice before.)

No exceptions.

6. Applicant presently is not subject to any suspension or disbarment proceedings, and has not been formally notified of any complaints pending before a disciplinary agency, except as provided below (give particulars, e.g., jurisdiction, court, date):

No exceptions.

7. Applicant never has had any application for admission *pro hac vice* in this or any other jurisdiction denied or any *pro hac vice* admission revoked, except as provided below (give particulars, e.g., date, court, docket number, judge, circumstances; attach a copy of any order of denial or revocation):

No exceptions.

8. Applicant never has had any certificate or privilege to appear and practice before any administrative body suspended or revoked, except as provided below (give particulars, e.g., date, administrative body, date of suspension and reinstatement):

No exceptions.

9. Local counsel of record associated with applicant in this case is Chelsea J. Clark (SC Bar # 102211), of the Bruner, Powell, Wall & Mullins, LLC law firm, which has offices at:

1735 St. Julian Place, Suite 200

Street Address

Richland

Columbia

South Carolina

29204

County

City

State

Zip Code

803-252-7693

Telephone

If applicable list all other firms/attorneys you are associated with in this matter

Benjamin N. Thompson
Wyrick Robbins Yates & Ponton LLP
4101 Lake Boone Trail, Suite 300
Raleigh, NC 27607

10. Applicant has previously filed an application to appear *pro hac vice* in the following South Carolina cases (give case name and status of litigation, date of application, local counsel of record in each case, and state whether application is pending or was granted).

Mohan Bali as Trustee of the Supplemental Needs Trust for the Benefit of Saman Bali v. First Citizens Bank & Trust Company as Successor Trustees of the Latika Bali Family Trust, and Angela Kirby, Individually.

Case settled

Application date: September 19, 2017

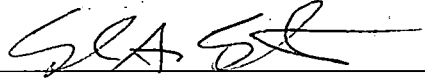
Local counsel of record: Matt Stabler, Wyrick Robbins Yates & Ponton LLP

Application granted

11. Applicant agrees to comply with the applicable statutes, laws and rules of the State of South Carolina and will familiarize him/herself with and comply with the South Carolina Rules of Professional Conduct. Applicant consents to the jurisdiction of the South Carolina courts and Commission on Lawyer Conduct.

12. Applicant respectfully requests to be admitted to practice in the above named court for this case only.

DATED this 12th day of December, 2018.



APPLICANT

VERIFICATION

STATE OF NORTH CAROLINA

COUNTY OF WAKE

I, Samuel A. Slater, do hereby swear or affirm under penalty of perjury that I am the applicant in the above styled matter; that I have read the foregoing application and know the contents thereof; and that the contents are true of my own knowledge, except as to those matters stated on information and belief, and that as to those matters I believe them to be true.

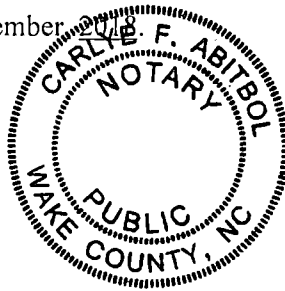
[Signature]
APPLICANT/AFFIANT

Subscribed and sworn to before me this 12th day of December, 2018.

Carlye J. Alitlol

Notary Public for the State of North Carolina

My Commission Expires: 10-15-2022



LOCAL COUNSEL CONSENT

I hereby consent, as local counsel of record, to the association of applicant in this cause pursuant to Rules Governing Admission *Pro Hac Vice* to the South Carolina Bar.

DATED this 14th day of December, 2018.

[Signature]
LOCAL COUNSEL OF RECORD


CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of this application upon the South Carolina Supreme Court by mail addressed to: South Carolina Supreme Court Office of Bar Admissions, PO Box 11330, Columbia, SC 29211, accompanied by payment of the \$250 filing fee payable to the South Carolina Supreme Court on this _____ day of December, 2018.

LOCAL COUNSEL OF RECORD

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of this application upon the South Carolina Supreme Court by hand delivery to: South Carolina Supreme Court Office of Bar Admissions, 1231 Gervais Street, Columbia, SC 29201, accompanied by payment of the \$250 filing fee payable to the South Carolina Supreme Court on this 14th day of December, 2018.



LOCAL COUNSEL OF RECORD

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JAN 15 2019
SC Court of Appeals

Supreme Court OF THE STATE OF NORTH CAROLINA



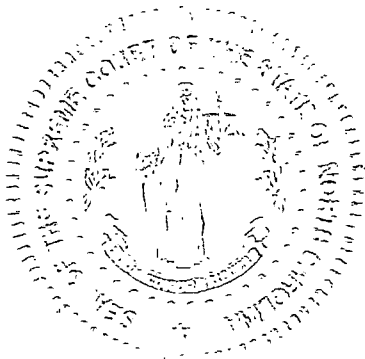
I, Amy L. Funderburk, Clerk of the Supreme Court of North Carolina, do hereby certify that on August 25, 2011, license to practice as an Attorney and Counselor at Law in all the Courts of this State was issued by the North Carolina Board of Law Examiners to

SAMUEL ALLEN SLATER

according to the certified list of licentiates reported by the Secretary of said Board and filed in my office as required by statute.

To the date of this certificate, no order revoking said license has been filed with this Court and no order suspending same is in effect.

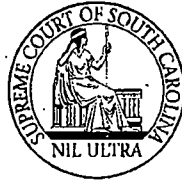
WITNESS my hand and the Seal of the Supreme Court of North Carolina at office in Raleigh, this December 5, 2018.



A handwritten signature in cursive script that reads "Amy L. Funderburk".

Amy L. Funderburk
Clerk of the Supreme Court
of the State of North Carolina

EXHIBIT B



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211
TELEPHONE: (803) 734-1080
FAX: (803) 734-1499

December 19, 2018

Hon. Jenny Abbott Kitchings
SC Court of Appeals
1220 Senate Street
Columbia, SC 29201

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DEC 21 2018
SC Court of Appeals

RE: First-Citizens Bank and Trust Company, et al v. Miranda
Libby Murvin, a/k/a Miranda Libby Murvin Zimmerman, et
al
Appellate Case No. 2018-001808

Dear Clerk of Court:

I certify that the Office of Bar Admissions has received verified applications requesting Benjamin N. Thompson and Samuel A. Slater be admitted *pro hac vice* in the above matters. The \$250 filing fee for each applicant for the above case above has been paid.

Yours truly,

Margaret C. McGee/st

Deputy Clerk for Bar Admissions

MCM/st

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM CHESTERFIELD COUNTY
Court of Common Pleas

The Honorable Paul M. Burch, Circuit Court Judge
The Honorable William O. Spencer, Jr., Special Referee

Appellate Case No. 20118-001808
Civil Action No. 2017-CP-13-00804

RECEIVED
JAN 15 2019
SC Court of Appeals

First Citizens Bank & Trust Company and Sadie M. Murvin, Respondents,

v.

Miranda Libby Murvin, a/k/a Miranda Libby Murvin Zimmerman, and Great American Life
Insurance Company, Defendants,

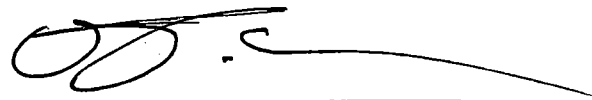
Of Whom Great American Life Insurance Company is the Appellant.

CERTIFICATE OF SERVICE

I, Chelsea Clark, an attorney with Bruner, Powell, Wall & Mullins, LLC, counsel for
Respondent First Citizens, do hereby certify that on January 15, 2019 I served Respondent First
Citizens' Motion for Admission *Pro Hac Vice* upon the person(s) identified below by causing a
copy of the same to be placed in the United State Mail with proper postage affixed and addressed
as stated below.

Chad N. Johnston
Willoughby & Hoefler, PA
PO Box 8416
Columbia, SC 29202

Robert W. Humphrey
Willoughby & Hoefler, PA
133 River Landing Drive, Suite 200
Charleston, SC 29492



Chelsea J. Clark

Columbia, South Carolina
January 15, 2019

BRUNER, POWELL, WALL & MULLINS, LLC

ATTORNEYS AND COUNSELORS AT LAW
1735 ST. JULIAN PLACE, SUITE 200
POST OFFICE BOX 61110
COLUMBIA, SOUTH CAROLINA 29260-1110
TELEPHONE 803-252-7693
FAX 803-254-5719
WWW.BRUNERPOWELL.COM

WARREN C. POWELL, JR., P.A.*
HENRY P. WALL
E. WADE MULLINS III, P.A.
WESLEY D. PEEL, P.A.
JOEY R. FLOYD, P.A.
BENJAMIN C. BRUNER, P.A.

JAMES L. BRUNER (RETIRED)
BRIAN P. ROBINSON, P.A.**

CAITLIN C. HEYWARD
CHELSEA J. CLARK
STEVEN R. SPREEUWERS

* ALSO ADMITTED IN DISTRICT OF COLUMBIA
**OF COUNSEL

AUTHOR'S EMAIL: CCLARK@BRUNERPOWELL.COM

January 15, 2019

VIA HAND DELIVERY

Jenny Abbott Kitchings
Clerk of Court
S.C. Court of Appeals
1220 Senate Street
Columbia, SC 29201

RECEIVED

JAN 15 2019

SC Court of Appeals

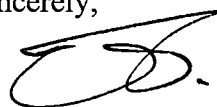
**Re: First Citizens Bank & Trust Company and Sadie M. Murvin (Respondents)
v. Great American Life Insurance Company (Appellant), et al.
Appellate Case No. 2018-001808, Our File No. 3-2951.2**

Dear Madam Clerk:

Please find enclosed an original and six copies of Respondent First Citizens' Motion for Admission *Pro Hac Vice* along with a proof of service for the same. Additionally, please find enclosed a check for the motion fee of \$50.00. Please let me know if you have any questions or concerns.

With my kindest regards, I am,

Sincerely,



Chelsea J. Clark

CJC/hos

Enclosures

cc: Chad N. Johnston, Esq. (by US Mail)
Robert W. Humphrey, Esq. (by US Mail)