

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT
Shirley C. Robinson, Administrative Law Judge

RECEIVED

JAN 14 2019

Appellant Case No.: 2017-000066

SC Court of Appeals

Pickens County,Appellant,

v.

South Carolina Department of Health and Environmental Control and MRR
Pickens, LLC,Respondents

**NOTICE OF MOTION AND MOTION
FOR SUBSTITUTION OF COUNSEL**

TO: THE COURT OF APPEALS AND ALL PARTIES AND THEIR ATTORNEYS:

YOU WILL PLEASE TAKE NOTICE that Respondent South Carolina Department of Health and Environmental Control (“SCDHEC” or “the Department”) hereby moves this Court for an order substituting Karen C. Ratigan as co-counsel for the Department in lieu of Claire H. Prince.

The basis for this motion is:

Claire H. Prince has left employment with the Department and is unable to represent the Department in this matter. Karen C. Ratigan is currently employed with the Department in the capacity as an Assistant General Counsel. Etta R. Williams Linen will remain as lead counsel for the Department.

South Carolina Appellate Court Rule 264(b) allows for withdrawal of an attorney of record with “justifiable cause, or the consent of his client...on petition to and by written order of the

appellate court, and with notice to the adverse party.” No party will be adversely affected by the withdrawal of Claire H. Prince as counsel and the substitution of Karen C. Ratigan.

Counsel for the Department has contacted counsel for Appellant Pickens County and Respondent MRR Pickens, LLC, and they have agreed to the withdrawal of Claire H. Prince and the substitution of Karen C. Ratigan.

WHEREFORE, the Department would respectfully request an Order Substituting Karen C. Ratigan in lieu of Claire H. Prince as co-counsel for the South Carolina Department of Health and Environmental Control in this matter.

Respectfully submitted,



Etta R. Williams Linen
Assistant General Counsel

South Carolina Department of Health and
Environmental Control
2600 Bull Street
Columbia, South Carolina 29201
TEL: (803) 898-3350
FAX: (803) 898-3367
EMAIL: williaer@dhec.sc.gov

Counsel for Respondent SCDHEC

January 11, 2019
Columbia, South Carolina

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

JAN 14 2019

SC Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT
Shirley C. Robinson, Administrative Law Judge

Appellant Case No.: 2017-000066

Pickens County,Appellant,

v.

South Carolina Department of Health and Environmental Control and MRR

Pickens, LLC,Respondents

CERTIFICATE OF SERVICE

I, Kim Warnock, Legal Assistant with the South Carolina Department of Health and Environmental Control, hereby certify that I have this **10th day of January, 2019** served the foregoing *South Carolina Department of Health and Environmental Control's Notice of Motion and Motion for Substitution of Counsel* upon all parties and counsel of record by placing a copy of same in an envelope and depositing it in the U.S. Mail, first-class, with sufficient postage paid, at the address indicated below:

Gary J. Poliakoff, Esquire
Poliakoff & Associates
Post Office Box 1571
Spartanburg, SC 29304

Jessica J. O. King, Esquire
Allen K. McAlister, Jr., Esquire
Williams Mullen
P.O. Box 8116
Columbia, SC 29202

Amy E. Armstrong, Esquire
Amelia A. Thompson, Esquire
Michael G. Corley, Esquire
South Carolina Environmental Law Project
Post Office Box 13380
Pawleys Island, SC 29585

Robert F. Goings, Esquire
Goings Law Firm, LLC
914 Richland Street, Suite A-101
Columbia, SC 29201

10/10/19

January 11, 2019
Columbia, South Carolina



Healthy People. Healthy Communities.

January 11, 2019

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

RECEIVED

JAN 14 2019

SC Court of Appeals

Re: Pickens County vs. South Carolina Department of Health and Environmental Control and MRR Pickens, LLC
Appellate Case No.: 2017-000066; OGC #22666

Dear Ms. Kitchings:

Enclosed please find the original and one copy of the *Respondent South Carolina Department of Health and Environmental Control's Notice of Motion and Motion for Substitution of Counsel* for filing in the above referenced case. I would appreciate your office returning the stamped copy in the enclosed self addressed stamped interoffice envelope.

By copy of this letter, I am serving all counsel of record.

Should you have any questions or need additional information, please do not hesitate to contact our office.

Sincerely,

Kim Warnock
Legal Assistant to Etta R. Williams Linen

Enclosure as stated

cc: Jessica J. O. King, Esquire
Allen K. McAllister, Jr., Esquire
Robert F. Going, Esquire
Amy E. Armstrong, Esquire
Amelia A. Thompson, Esquire
Michael G. Corley, Esquire
Gary W. Poliakoff, Esquire



2600 Bull Street
Columbia, SC 29201

Return Service Requested **LEGAL OFFICE**

RECEIVED

JAN 14 2019

SC Court of Appeals

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

\$0.89⁰
US POSTAGE
FIRST-CLASS

071V01021092
29201
00000912

