

IN THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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JUL 23 2019

**SC Court of Appeals**

APPEAL FROM HORRY COUNTY  
Court of Common Pleas

The Honorable Larry B. Hyman, Jr.  
The Honorable Benjamin H. Culbertson

Appellate Case No.: 2018-001221  
Civil Action No.: 2016-CP-26-02377

In Re: Venture Engineering, agent for DT LLC .....Respondent

vs.

Horry County Zoning Board of Appeals .....Appellant

**MOTION FOR WITHDRAWAL OF REPRESENTATION PURSUANT TO  
RULE 264, SOUTH CAROLINA APPELLATE COURT RULES**

July 22, 2019

Emma Ruth Brittain, SC Bar #5298  
Matthew R. Magee, SC Bar #15896  
Thomas & Brittain, P.A.  
Post Office Box 1290 (zip 29578)  
Myrtle Beach, South Carolina  
Telephone: 843-692-2628  
Fax: 843-692-0928  
E-mail: [erbrittain@myrlaw.com](mailto:erbrittain@myrlaw.com)  
[mmagee@myrlaw.com](mailto:mmagee@myrlaw.com)  
*Attorneys for the Appellant Horry County  
Zoning Board of Appeals*

Pursuant to South Carolina Appellate Court Rule 264, Defendant's counsel, Emma Ruth Brittain, with consent of Appellant Horry County and its Zoning Board of Appeals, requests permission of the Court to withdraw as counsel of record for Appellant.

The basis for this motion is that Ms. Brittain will be taking a six month sabbatical leave beginning in July, 2019, and does not wish to cause a delay in the hearing of this appeal should it be set for hearing during the timeframe of the sabbatical. Accordingly, permission of the Court is requested for her withdrawal as counsel for the Appellant. In further support of the Motion, it is noted that Matthew R. Magee, Esquire, entered an appearance on behalf of Appellant Horry County and its Zoning Board of Appeals on June 28, 2018, and therefore also serves as counsel of record for the appeal. Mr. Magee is familiar with the case file and has taken an active role in the representation of the Appellant, and will continue representation of Appellant through final disposition of this matter. Accordingly, withdrawal of Ms. Brittain will not prejudice representation of the Appellant or delay the case. By copy of this Motion, notice is being provided to Respondent's attorney of record, Robert S. Shelton.

Accordingly, Ms. Brittain, with consent of Appellant Horry County and its Zoning Board of Appeals, respectfully requests an Order from the Court granting her Motion to Withdraw as Counsel in the captioned matter.

July 22, 2019

Respectfully submitted,



Emma Ruth Brittain, SC Bar #5298  
Thomas & Brittain, P.A.  
Post Office Box 1290 (zip 29578)  
Myrtle Beach, South Carolina  
Telephone: 843-692-2628  
Fax: 843-692-0928  
E-mail: [erbrittain@myrlaw.com](mailto:erbrittain@myrlaw.com)  
*Attorneys for the Appellant*

IN THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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JUL 28 2019  
SC Court of Appeals

APPEAL FROM HORRY COUNTY  
Court of Common Pleas

The Honorable Larry B. Hyman, Jr.  
The Honorable Benjamin H. Culbertson

Appellate Case No.: 2018-001221  
Civil Action No.: 2016-CP-26-02377

In Re: Venture Engineering, agent for DT LLC .....Respondent

vs.

Horry County Zoning Board of Appeals .....Appellant

PROOF OF SERVICE

I, Kimberly W. Nobles, an employee of Thomas & Brittain, P.A., certify that I have served all counsel of record with a copy of the Motion for Withdrawal of Representation Pursuant to Rule 264, South Carolina Appellate Court Rules in the above-referenced matter by depositing a copy in the United States Mail, first class postage pre-paid on July 22, 2019, to the following counsel of record:

Robert S. Shelton, Esquire  
The Bellamy Law Firm  
1000 29th Avenue North  
Myrtle Beach, South Carolina, 29577

July 22, 2019

*Kimberly W. Nobles*

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Kimberly W. Nobles  
Thomas & Brittain, P.A.  
Post Office Box 1290 (zip 29578)  
Myrtle Beach, South Carolina  
Telephone: 843-692-2628  
Fax: 843-692-0928

Thomas & Brittain, P.A.

Attorneys at Law

4712 Jenn Drive, Suite B

Myrtle Beach, South Carolina 29577

Phone (843) 692-2628

Fax (843) 692-0918

EMMA RUTH BRITTAIN\*  
ERBrittain@MYRlaw.com

\*CERTIFIED EMPLOYMENT  
& LABOR LAW SPECIALIST

Mailing Address:  
Post Office Box 1290  
Myrtle Beach, SC 29578

July 22, 2019

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JUL 23 2019

**SC Court of Appeals**

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
1220 Senate Street  
Columbia, South Carolina 29201

Re: In Re: Venture Engineering, agent for DT LLC vs. Horry County Zoning Board of Appeals  
Appellate case No.: 2018-001221

Dear Ms. Kitchings:

Our Firm represents the Appellant Horry County Zoning Board of Appeals in the above-referenced pending appeal. In accordance with South Carolina Appellate Court Rule 264, I respectfully submit the original and seven (7) copies of the enclosed Motion for Withdrawal of Representation. By copy of this correspondence, notice is being provided to Respondent's attorney of record, Robert S. Shelton, Esquire.

Also enclosed is our filing fee in the amount of \$50.00. Please return a stamped copy in the self-enclosed stamped envelope. Please do not hesitate to contact our office if you have any questions.

Sincerely yours,

THOMAS & BRITTAIN, P.A.



Emma Ruth Brittain

ERB/kwn  
Enclosures

cc: Robert S. Shelton, Esquire  
Arrigo P. Carotti, Esquire, Horry County Attorney

ORIGIN ID:MYRA (843) 692-2628  
KIMBERLY W. NOBLES  
THOMAS & BRITAIN, P.A.  
4712 JENN DRIVE, SUITE B

SHIP DATE: 22JUL19  
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MYRTLE BEACH, SC 29577  
UNITED STATES US

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TO HONORABLE JENNY ABBOTT KIRCHINGS  
S.C. COURT OF APPEALS  
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667 JZ/ST 910/02

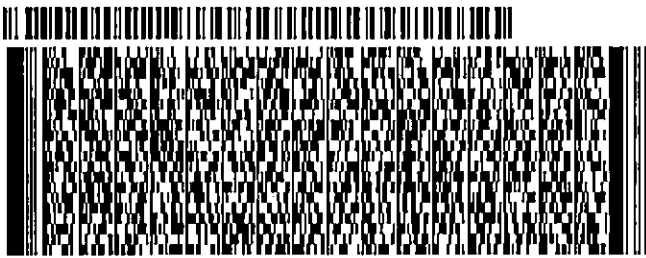
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