

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

Jennifer B. McCoy, Circuit Court Judge

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Case No. 2017-CP-10-00838  
Appellate Case No. 2020-001210

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**RECEIVED**

**Oct 27 2020**

**SC Court of Appeals**

Jacque Lucas, Shirley Ann Lucas,  
and Daniel Simerly,

Appellants,

v.

KapStone Paper and Packaging  
Corporation, KapStone Kraft Paper  
Corporation, Safway Group  
Holdings, LLC, Easy Way Insulation  
Co., Sypris Technologies, Inc. f/k/a  
Tube-Turns Technologies Inc.,  
Thompson Construction Group, Inc.,  
and Thompson Industrial Services,  
LLC, Defendants,

Defendants,

Of which

KapStone Paper and Packaging  
Corporation and KapStone Kraft  
Paper Corporation are

Respondents.

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**MOTION FOR ADMISSION *PRO HAC VICE***

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Pursuant to Rule 404 of the South Carolina Appellate Court Rules, D. Reece Williams, III, Esquire, of Callison Tighe & Robinson, LLC, respectfully requests the Court enter an Order permitting **Daniel N. Nightingale, Esquire** to appear *pro hac vice* in this litigation as counsel for Appellants Jacque Lucas, Shirley Ann Lucas and Daniel Simerly, and would show the Court as

follows:

1. Daniel N. Nightingale is a member in good standing of the State of Texas and practices law with Beck Redden, LLP, with an office at 1221 McKinney Street, Suite 4500, Houston, Texas 77010.

2. Daniel N. Nightingale is handling this matter in association with D. Reece Williams, III, Ian T. Duggan, and Richard C. Detwiler, Esquire of Callison Tighe & Robinson, LLC, who are members of good standing of the South Carolina Bar.

3. This motion is supported by the attached Verified Application for Admission *Pro Hac Vice* of Daniel N. Nightingale, Esquire, and Certificate of Good Standing, copies of which have been served by mail on the South Carolina Supreme Court Office of Bar Admissions, along with a \$250 check made payable to the South Carolina Supreme Court, pursuant to Rule 404 of the South Carolina Appellate Court Rules.

THEREFORE, the movant prays for an Order of the Court permitting the appearance of Daniel N. Nightingale, Esquire, *pro hac vice*, in this action as counsel for Appellants Jacque Lucas, Shirley Ann Lucas and Daniel Simerly.

[SIGNATURE PAGE TO FOLLOW]

Respectfully submitted,

CALLISON, TIGHE & ROBINSON, LLC

*s/ D. Reece Williams, III*

---

D. Reece Williams, III (SC Bar No. 6120)

Richard C. Detwiler (SC Bar No. 6473)

Ian T. Duggan (SC Bar No. 80074)

1812 Lincoln Street, Suite 200 (29201)

P.O. Box 1390

Columbia, SC 29202-1390

Tel: (803) 404-6900

Fax: (803) 404-6902

Email: [ReeceWilliams@CallisonTighe.com](mailto:ReeceWilliams@CallisonTighe.com)

[RickDetwiler@CallisonTighe.com](mailto:RickDetwiler@CallisonTighe.com)

[IanDuggan@CallisonTighe.com](mailto:IanDuggan@CallisonTighe.com)

*Attorneys for the Appellants*

October 27, 2020  
Columbia, South Carolina

D. REECE WILLIAMS, III - Member  
803-404-6900  
[ReeceWilliams@callisontighe.com](mailto:ReeceWilliams@callisontighe.com)

October 26, 2020

Office of Bar Admissions  
Supreme Court of South Carolina  
P.O. Box 11330  
Columbia, SC 29211

**Re: Jacque Lucas, Shirley Ann Lucas and Daniel Simerly vs.  
KapStone Paper and Packaging Corporation, et al.  
Court of Appeals - Appellate Tracking No. 2020-001210  
Our File No. 6716.001**

To Whom it May Concern:

Enclosed herewith please find a copy of Daniel N. Nightingale's Verified Application for Admission *Pro Hac Vice* in the State of South Carolina, Certificate of Good Standing from the Texas Bar and our firm's check in the amount of \$250.00 as the filing fee, in connection with the above-referenced matter.

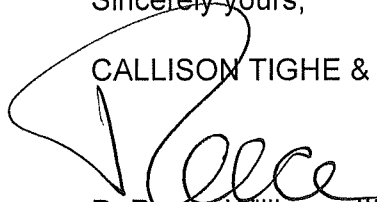
The above-referenced case will be heard in the Court of Appeals for the State of South Carolina. Please send confirmation to the Clerk of Court for the Court of Appeals, P.O. Box 11629, Columbia, South Carolina 29211. Please also send a copy of the confirmation to our office in the enclosed envelope I have provided for your convenience.

If you have any questions, please do not hesitate to contact me.

With warmest regards, I am

Sincerely yours,

CALLISON TIGHE & ROBINSON, LLC



D. Reece Williams, III

DRW/kam  
Enclosures  
cc: Counsel of Record

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

Jacque Lucas, Shirley Ann Lucas and Daniel Simerly, Plaintiff	2017-CP-10-00838 Case No.	Court of Common Pleas for the Ninth Judicial Circuit, County of Charleston Tribunal
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vs.

Mailing Address of Tribunal:	Hon. Julie J. Armstrong Charleston County Clerk of Court
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KapStone Paper and Packaging Corporation, KapStone Kraft Paper Corporation, Safway Group Holdings, LLC, Easy Way Insulation Co., Inc., Sypris Technologies, Inc. f/k/a Tube-Turns Technologies, Inc., Thompson Construction Group, Inc., and Thompson Industrial Services, LLC  
 Defendant



100 Broad Street, Suite 106  
Charleston, SC 29401-2258

Comes now Daniel N. Nightingale, applicant herein, and respectfully represents the following:

1. Applicant resides at:  
3101 Smith St., Unit 312

Street Address	Houston	Harris	Texas	77006
City	County	State	Zip Code	
713-775-3172				
Telephone				

2. Applicant is an attorney and a member of the law firm of (or practices law under the name of) Beck Redden LLP, with offices at

1221 McKinney St., Suite 4500

Street Address	Houston	Harris	Texas	77010
City	County	State	Zip Code	
713-951-3700	713-775-3172	713-951-3720	dhammond@beckredde.com	
Primary Telephone	Cell Phone	Fax Number	Email Address	

3. Applicant has been retained personally or as a member of the above-named law firm by Jacque Lucas, Shirley Ann Lucas and Daniel Simerly to provide legal representation in connection with the above case now pending before the above-named tribunal of the State of South Carolina.

4. Since December of 2015, 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

Texas where applicant regularly practices law. Attached is a certificate of good standing dated within the last 90 days from the bar of the highest court of the District of Columbia or the State where applicant regularly practices law.

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. Court of Appeals for the Third Circuit	04/04/2019
U.S. Court of Appeals for the Fifth Circuit	02/04/2019
U.S. Court of Appeals for the Ninth Circuit	07/17/2019
U.S. District Court for the Southern District of Texas	11/06/2017
U.S. District Court for the Western District of Texas	12/06/2018

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.)

N/A.

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):

N/A.

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):

N/A.

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

N/A.

9. Local counsel of record associated with applicant in this case is D. Reece Williams, III of the Callison Tighe & Robinson, LLC law firm, which has offices at:

1812 Lincoln St., Suite 200

Street Address

<u>Columbia</u>	<u>Richland</u>	<u>SC</u>	<u>29201</u>
City	County	State	Zip Code
<u>803-404-6900</u>		<u>803-404-6902</u>	<u>ReeceWilliams@CallisonTighe.com</u>
Primary Telephone	Cell Phone	Fax Number	Email Address
<u>6120</u>			
South Carolina Bar Number			

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).

N/A.

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 tribunal for this case only.

DATED this 13<sup>th</sup> day of October, 2020

  
\_\_\_\_\_  
APPLICANT

VERIFICATION

STATE OF Texas )

COUNTY OF Harris )

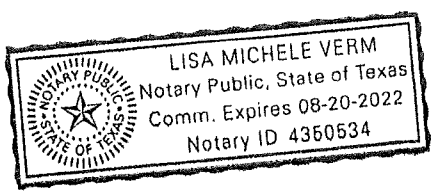
I, Daniel N. Nightingale, do hereby swear or affirm under penalty of perjury that I am the applicant in the above-styled matter; that I have read the foregoing application and know the contents thereof; and that the contents are true of my own knowledge, except as to those matters stated on information and belief, and that as to those matters I believe them to be true. I understand that I am under a continuing duty to promptly update the information provided in the application until the tribunal has ruled on the motion for admission pro hac vice. Further, if the motion is granted, I understand that I am under a continuing duty to promptly update the information provided in the application as long as I continue to appear pro hac vice in the action or proceeding. Any updated information shall be provided to both the tribunal that granted the motion and to the tribunal in which the action or proceeding may then be pending.

[Signature]  
APPLICANT/AFFIANT

Subscribed and sworn to before me this 13th day of October, 20 20

Lisa Michele Verm

Notary Public for the State of Texas  
My Commission Expires: 08/20/2022



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 26th day of October, 20 20  
[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 26th day of October, 20 20

[Signature]  
APPLICANT/AFFIANT

# STATE BAR OF TEXAS



*Office of the Chief Disciplinary Counsel*

October 13, 2020

Re: Mr. Daniel Nolan Nightingale, State Bar Number 24098886

To Whom It May Concern:

This is to certify that Mr. Daniel Nolan Nightingale was licensed to practice law in Texas on December 10, 2015, and is an active member in good standing with the State Bar of Texas. "Good standing" means that the attorney is current on payment of Bar dues; has met Minimum Continuing Legal Education requirements; and is not presently under either administrative or disciplinary suspension from the practice of law.

This certification expires 30 days from the date, unless sooner revoked or rendered invalid by operation of rule or law.

Sincerely,

A handwritten signature in black ink, appearing to read "Seana Willing". The signature is fluid and cursive, with a large loop at the end.

Seana Willing  
Chief Disciplinary Counsel  
SW/web



THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

Jennifer B. McCoy, Circuit Court Judge

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Case No. 2017-CP-10-00838  
Appellate Case No. 2020-001210

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**Oct 27 2020**  
**SC Court of Appeals**

Jacque Lucas, Shirley Ann Lucas,  
and Daniel Simerly,

Appellants,

v.

KapStone Paper and Packaging  
Corporation, KapStone Kraft Paper  
Corporation, Safway Group  
Holdings, LLC, Easy Way Insulation  
Co., Sypris Technologies, Inc. f/k/a  
Tube-Turns Technologies Inc.,  
Thompson Construction Group, Inc.,  
and Thompson Industrial Services,  
LLC, Defendants,

Defendants,

Of which

KapStone Paper and Packaging  
Corporation and KapStone Kraft  
Paper Corporation are

Respondents.

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**PROOF OF SERVICE**

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I hereby certify that, on this date, the **(1) Motion for Admission *Pro Hac Vice* (for Russell S. Post, Esquire); and (2) Motion for Admission *Pro Hac Vice* (for Daniel N. Nightingale, Esquire)** was served on Respondents' counsel via email, pursuant to Supreme Court Order dated March 20, 2020, as amended on May 29, 2020, and by first class U.S. mail as follows:

**ATTORNEY FOR KAPSTONE PAPER AND PACKING CORPORATION AND KAPSTONE KRAFT PAPER CORPORATION**

Richard H. Willis, Esquire  
Derek D. Tarver, Esquire  
Bowman and Brooke, LLP  
1441 Main Street, Suite 1200  
Columbia, SC 29201  
[richard.willis@bowmanandbrooke.com](mailto:richard.willis@bowmanandbrooke.com)  
[derek.tarver@bowmanandbrooke.com](mailto:derek.tarver@bowmanandbrooke.com)

-and-

James Wallace Ducayet, Esquire (*pro hac vice*)  
Sidley Austin, LLP  
1 S. Dearborn Street  
Chicago, IL 60603-2302  
[jducayet@sidley.com](mailto:jducayet@sidley.com)

**ATTORNEYS FOR SAFEWAY GROUP HOLDINGS, LLC**

Duke R. Highfield, Esquire  
Jeffrey J. Wiseman, Esquire  
Brandt R. Horton, Esquire  
Victoria L. Anderson, Esquire  
YCRLAW, LLC  
25 Calhoun Street, Suite 400  
Charleston, SC 29401  
[dhighfield@ycrlaw.com](mailto:dhighfield@ycrlaw.com)  
[jwiseman@ycrlaw.com](mailto:jwiseman@ycrlaw.com)  
[bhorton@ycrlaw.com](mailto:bhorton@ycrlaw.com)  
[tanderson@ycrlaw.com](mailto:tanderson@ycrlaw.com)

**ATTORNEYS FOR SYPRIS TECHNOLOGIES, INC., F/K/A TUBE-TURNS TECHNOLOGIES**

Kent T. Stair, Esquire  
J. Patrick Norris, Esquire  
Alexandra M. Lemons, Esquire  
Melissa Mary Yates, Esquire  
Carlock, Copeland and Stair, LLP  
40 Calhoun Street  
Suite 400  
Charleston, SC 29401  
[kstair@carlockcopeland.com](mailto:kstair@carlockcopeland.com)  
[pnorris@carlockcopeland.com](mailto:pnorris@carlockcopeland.com)  
[myates@cskl.law](mailto:myates@cskl.law)  
[alemons@cskl.law](mailto:alemons@cskl.law)

**ATTORNEYS FOR THOMPSON CONSTRUCTION GROUP, INC.  
AND THOMPSON INDUSTRIAL SERVICES, LLC**

Sonaly K. Hendricks, Esquire  
Carl E. Pierce, II, Esquire  
Carson Parker, Esquire  
Pierce, Hems, Sloan & Wilson, LLC  
The Blake House  
321 East Bay Street  
P.O. Box 22437  
Charleston, SC 29413  
[sonalyhendricks@phswlaw.com](mailto:sonalyhendricks@phswlaw.com)  
[carlpierce@piercesloan.com](mailto:carlpierce@piercesloan.com)  
[carsonparker@piercesloan.com](mailto:carsonparker@piercesloan.com)

**ATTORNEYS FOR PETITIONERS SENTRY CASUALTY  
COMPANY**

John H. Tiller, Esquire  
Amy F. Bower, Esquire  
Haynsworth Sinkler Boyd, P.A.  
P.O. Box 340  
Charleston, SC 29402  
[jtiller@hsblawfirm.com](mailto:jtiller@hsblawfirm.com)  
[abower@hsblawfirm.com](mailto:abower@hsblawfirm.com)

Robert M. Caplan, Esquire  
Brian Gelnett, Esquire  
White and Williams, LLP  
1650 Market Street  
One Liberty Place, Suite 1800  
Philadelphia, PA 19103  
[caplanr@whiteandwilliams.com](mailto:caplanr@whiteandwilliams.com)  
[gelnettb@whiteandwilliams.com](mailto:gelnettb@whiteandwilliams.com)

A copy of the service email is attached hereto, as required.

I further certify that all parties required by Rule to be served have been served.

*s/ D. Reece Williams, III*  
\_\_\_\_\_  
D. Reece Williams, III

October 27, 2020  
Columbia, South Carolina

## Katie Minton

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**From:** Katie Minton  
**Sent:** Tuesday, October 27, 2020 2:50 PM  
**To:** 'Richard Willis'; 'Derek Tarver'; 'Ducayet, Jim'  
**Cc:** 'Kurt Arnold'; 'Kyle Findley'; 'Adam Lewis'; 'Kala Sellers'; 'Kason Kimberley'; 'Kristina McDonald'; 'Jill Erickson'; 'KBA Team'; 'Sara Rothell'; 'Kim Rothrock'; 'Duke R. Highfield, Esq.'; 'Wiseman, Jeffrey'; 'Brandt R. Horton, Esq.'; 'Anderson, Victoria (Tori)'; 'Brennan, Sally'; 'Cattles, Martina (Mart)'; 'kstair@carlockcopeland.com'; 'Norris, Patrick J.'; 'Yates, Melissa M.'; 'Lemons, Alexandra M.'; 'mpeeler@carlockcopeland.com'; 'Shaw, Katie D.'; 'Canaday, Jenifer L.'; 'Sonaly Hendricks'; 'Carl Pierce'; 'Carson Parker'; 'William O. Sweeney IV'; 'sherrymanning@phswlaw.com'; 'lindsaygrady@phswlaw.com'; 'jtiller@hsblawfirm.com'; 'Amy Bower, Esq.'; 'Caplan, Robert'; 'gelnettb@whiteandwilliams.com'; Reece Williams; Rick Detwiler; Ian T. Duggan; 'Russell Post'; 'Daniel N. Hammond'; Harry Dixon  
**Subject:** RE: Appellate Case No. 2020-001210 | Jacque Lucas, Shirley Ann Lucas and Daniel Simerly vs. KapStone Paper and Packaging Corporation, et al.  
**Attachments:** Clerk.Court of Appeals.005 (Motions for PHV Admission). 10-27-2020.pdf; Motion for PHV Admission.Appeal (Post).pdf; Motion for PHV Admission.Appeal (Nightingale).pdf; Proof of Delivery - Motions for PHV.pdf

Dear Counsel,

Attached please find our correspondence to the appellate clerk enclosing two (2) Motions for Admission *Pro Hac Vice* for Russell S. Post, Esquire and Daniel N. Nightingale, Esquire and Proof of Service, in regard to the above-referenced matter. The attached documents are being submitted today to the Court of Appeals for filing. Thank you.

With kind regards,

CALLISON  TIGHE

**Katie A. Minton**  
**Litigation Paralegal**  
Callison Tighe & Robinson, LLC  
1812 Lincoln Street  
P.O. Box 1390  
Columbia, SC 29202

P 803.404.6900  
F 803.404.6902  
E [KatieMinton@callisontighe.com](mailto:KatieMinton@callisontighe.com)

**RECEIVED**  
**Oct 27 2020**  
**SC Court of Appeals**

CONFIDENTIAL COMMUNICATION: The information contained in this message may contain legally privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or duplication of this transmission is strictly prohibited. If you have received this communication in error, please notify us by telephone or email immediately and return the original message to us or destroy all printed and electronic copies. Nothing in this transmission is intended to be an electronic signature nor to constitute an agreement of any kind under applicable law unless otherwise expressly indicated. Intentional interception or dissemination of electronic mail not belonging to you may violate federal or state law.

D. REECE WILLIAMS, III - Member  
803-404-6900  
[ReeceWilliams@callisontighe.com](mailto:ReeceWilliams@callisontighe.com)

October 27, 2020

**VIA EMAIL:** [ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
P. O. Box 11629  
Columbia, SC 29211

**RECEIVED**

**Oct 27 2020**

**SC Court of Appeals**

**Re: Jacque Lucas, Shirley Ann Lucas and Daniel Simerly  
vs. KapStone Paper and Packaging Corporation and  
KapStone Kraft Paper Corporation, et al.  
Appellate Tracking No. 2020-001210  
Our File No. 6716.001**

Dear Ms. Kitchings:

Enclosed herewith please find two (2) Motions for Admission *Pro Hac Vice* for Russell S. Post, Esquire and Daniel N. Nightingale, Esquire, together with the Proof of Service, in the above-referenced matter. Kindly file the same and return a clocked-in copy of each to the undersigned via return email. My firm's check in the amount of \$100.00 (\$50.00 for each Motion) as the filing fee is being mailed to your office under separate cover as instructed.

The enclosed documents have been served upon Respondents' counsel today via email as indicated in the Proof of Service.

Please feel free to contact me with any questions. Thank you.

With kind regards, I am

Sincerely yours,

**CALLISON TIGHE & ROBINSON, LLC**

*s/ D. Reece Williams*

D. Reece Williams

DRW:kam  
Enclosures

cc: (w/ encl.)

VIA EMAIL AND FIRST CLASS MAIL

Richard H. Willis, Esquire  
Derek D. Tarver, Esquire

VIA EMAIL ONLY

Kurt B. Arnold, Esquire  
J. Kyle Findley, Esquire  
Adam D. Lewis, Esquire  
Kason Richey Kimberley, Esquire  
Russell S. Post, Esquire  
Daniel N. Nightingale, Esquire  
James Wallace Ducayet, Esquire  
Kent T. Stair, Esquire  
J. Patrick Norris, Esquire  
Alexandra M. Lemons, Esquire  
Melissa Mary Yates, Esquire  
Sonaly K. Hendricks, Esquire  
Carl E. Pierce, II, Esquire  
Carson Parker, Esquire  
Duke R. Highfield, Esquire  
Jeffrey J. Wiseman, Esquire  
Brandt R. Horton, Esquire  
Victoria L. Anderson, Esquire  
John H. Tiller, Esquire  
Amy F. Bower, Esquire  
Robert M. Caplan, Esquire  
Brian Gelnett, Esquire