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Aug 18 2021
SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas
The Honorable Deadra L. Jefferson, Circuit Court Judge
Case No.: 2018-CP-10-0872

Appellate Case No. 2019-002002

Estate of Patricia B. Holliday.....Appellant,

v.

Ross S. Holliday.....Respondent.

MOTION TO WITHDRAW AS COUNSEL

Matthew Tillman of the law firm of Womble Bond Dickinson (US) LLP (the “*Law Firm*”) hereby moves for an order granting leave to withdraw as counsel for the Appellant in this action. The grounds for this motion are as follows:

1. On July 28, 2021, the undersigned’s law firm received a letter from Lawrence Richter, an attorney for Mark Holliday in his capacity as personal representative of the Appellant estate. In that letter, Mr. Richter informed the Law Firm that the Appellant intends to assert a legal malpractice claim against the Law Firm for work that is tangentially related to the present action. Mr. Richter also requested that the Appellant and Law Firm mediate that dispute. The mediation is currently scheduled for Saturday, September 11, 2021.

2. This presents a non-waivable conflict of interest between the undersigned and the Appellant pursuant to SCACR, Rule 407, Rule 1.7(a)(2). Specifically, that rule provides: “(a) Except as provided in paragraph (b), a lawyer shall not represent a client if the representation

involves a concurrent conflict of interest. A concurrent conflict of interest exists if: ... (2) there is a significant risk that the representation of one or more clients will be materially limited by... a personal interest of the lawyer.” Upon information and belief, pursuing an appeal on behalf of a client that is suing the Law Firm is a concurrent conflict of interest that cannot be waived.

3. Therefore, the undersigned can no longer represent the Appellant in this or any other matter.

4. On August 9, 2021, the Law Firm provided the Appellant with notice that it intended to withdraw as counsel in this matter, and provided the Appellant with a deadline of August 13, 2021 to obtain substitute counsel. As of this date, the Appellant has not obtained substitute counsel in this matter.

5. Prior to receiving the letter from Mr. Richter, the undersigned completed the Initial Brief and Designation of Matter, both of which were approved by the Appellant. Therefore, substitute counsel will have a completed brief once they are hired by the Appellant.

6. In order to ensure that the Appellant is not prejudiced by this motion, the undersigned is also filing a Motion to Extend Time to file the Initial Brief and Designation of Matter. Those documents are currently due on August 27, 2021.

7. The undersigned provides the attached Proof of Service that this Motion has been served on counsel for Mark Holliday, Personal Representative of Appellant’s Estate.

WOMBLE BOND DICKINSON (US) LLP

s/Matthew Tillman
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Attorneys for the Appellant

Charleston, South Carolina
August 18, 2021

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Estate of Patricia B. Holliday..... Plaintiff,

v.

Ross S. Holliday..... Respondent.

PROOF OF SERVICE

I certify that I have served the Motion to Withdraw as Counsel for Appellant, by e-filing and first class mail, on August 18, 2021, addressed to:

Respondent's Counsel:

Alice F. Paylor, Esq.
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Attorneys for Respondent

Counsel for Mark Holliday, Personal Representative of the Estate of Patricia Holliday:

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WOMBLE BOND DICKINSON (US) LLP
s/Matthew Tillman
Matthew E. Tillman
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Attorneys for the Appellant

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Bcc: ["Holliday Patricia 101682 0002 5 Patricia B Holliday Non billable Email"](#)
Subject: Estate of Patricia B. Holliday v. Ross S. Holliday - Appellate Case No. 2019-002002
Date: Wednesday, August 18, 2021 1:51:11 PM
Attachments: [Letter to Counsel serving Motions.pdf](#)
[Motion for Extension of Time to File and Serve Initial Brief and Designation of Matter.pdf](#)
[Motion to Withdraw as Counsel.pdf](#)

Dear Counsel:

Attached for service, please find Appellant's Motion for Extension of Time to File and Serve Initial Brief and Designation of Matter to be Included in the Record on Appeal and Motion to Withdraw as Counsel.

These motions will be filed with the Court of Appeals today.

Hard copies are also being served on all counsel via First Class Mail.

Kind regards,
Carol