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Sep 07 2021

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Deadra L. Jefferson, Circuit Court Judge

Case No. 2019-CP-10-1434
Appellate Case No. 2019-001910

David Abdo,

Appellant,

v.

City of Charleston and
Board of Zoning Appeals-Zoning,

Respondents.

MOTION TO WITHDRAW COUNSEL FOR RESPONDENTS

The above-named respondents (“Respondents”) hereby move the Court for an order withdrawing Susan J. Herdina as their counsel of record. Daniel S. McQueeney, Jr., will continue to serve as counsel of record for Respondents. Wilbur E. Johnson and Julia P. Copeland, whose information is set forth below, should be added as counsel of record.

Ms. Herdina previously served as counsel of record for Respondents in this action by virtue of her appointment as the municipal attorney for the City of Charleston under section 5-7-230 of the South Carolina Code. Respondents request that Ms. Herdina be withdrawn as counsel of record for Respondents because Ms. Herdina is no longer the City’s appointed municipal attorney. She is now a municipal court judge. Mr. Johnson is now the City’s appointed municipal attorney.

Pursuant to Rule 264(b), SCACR, Respondents hereby consent to the removal of Ms.

Herdina as their counsel of record. Moreover, as set forth in the emails attached hereto as Exhibit A, counsel of record for the remaining party has consented to the relief requested in the motion.

Respectfully submitted,

s/Julia P. Copeland

Julia P. Copeland (S.C. Bar No. 77199)
Deputy Corporation Counsel
copelandj@charleston-sc.gov

Wilbur E. Johnson (S.C. Bar No. 003062)
City of Charleston Corporation Counsel
wjohnson@ycrlaw.com

Daniel S. McQueeney, Jr. (S.C. Bar No. 6802)
Assistant Corporation Counsel
mcqueeneyd@charleston-sc.gov

50 Broad Street
Charleston, South Carolina 29401
Telephone: 843-724-3730

Attorney for Respondents City of Charleston and the Board
of Zoning Appeals-Zoning

September 7, 2021
Charleston, South Carolina

EXHIBIT A

From: [John A. Massalon](#)
To: [Mcqueeney, Daniel](#)
Cc: [Copeland, Julia](#)
Subject: RE: Motion to Remove Counsel
Date: Thursday, September 2, 2021 11:40:20 AM
Attachments: [image001.png](#)

CAUTION: This email originated outside of the City of Charleston. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dan:

Good to hear from you. All is well here and I hope you are too. I would gladly consent to relief requested in the motion. Please pass my congratulations and best wishes along to Susan and Julia.

JM

From: Mcqueeney, Daniel <mcqueeneyd@charleston-sc.gov>
Sent: Thursday, September 2, 2021 11:24 AM
To: John A. Massalon <jmassalon@wmalawfirm.net>
Cc: Copeland, Julia <copelandj@charleston-sc.gov>
Subject: Motion to Remove Counsel

John:

I hope you are well.

As you may know, Susan Herdina was elected as a municipal judge for the City. As a result, she is no longer corporation counsel. Would you mind consenting to the relief requested in the attached motion, which will effectively substitute Julia Copeland for Susan as counsel of record on appeal? Thanks so much!

Chip

Daniel S. (“Chip”) McQueeney, Jr. | Assistant Corporation Counsel
City of Charleston | Legal Department
50 Broad Street | Charleston, SC 29401
T: 843-724-3730 | F: 843-724-3706 | mcqueeneyd@charleston-sc.gov | www.charleston-sc.gov



City of Charleston

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PROOF OF SERVICE

I certify that I have served the attached Motion to Withdraw Counsel for Respondents on Appellant David Abdo by e-mailing a copy to his counsel-of-record, John A. Massalon, on September 7, 2021. See Rule 262(c)(3), SCACR. A copy of the email is attached hereto and incorporated herein by reference as Exhibit 1.

September 7, 2021

s/Daniel S. McQueeney, Jr.
Daniel S. McQueeney, Jr. (S.C. Bar No. 6802)
Assistant Corporation Counsel
City of Charleston
50 Broad Street
Charleston, South Carolina 29401
843-724-3730
mcqueeneyd@charleston-sc.gov

Attorney for Respondents City of Charleston and
the Board of Zoning Appeals-Zoning

EXHIBIT 1

McQueeny, Daniel

From: McQueeny, Daniel
Sent: Tuesday, September 7, 2021 9:47 AM
To: John A. Massalon
Subject: Appellate Case No. 2019-0001910, David Abdo v. City of Charleston
Attachments: LT Court re Mot to Withdraw 9-7-2021.pdf

John:

Attached, please find a letter to the Clerk of the Court of Appeals along with a copy of the referenced motion and proof of service. I will send this electronically to the Court of Appeals.

Please note that Wilbur Johnson will also be counsel of record for the City. Thank you, and please let me know if you have any questions or concerns.

Chip

Daniel S. (“Chip”) McQueeny, Jr. | Assistant Corporation Counsel
City of Charleston | Legal Department
50 Broad Street | Charleston, SC 29401
T: 843-724-3730 | F: 843-724-3706 | mcqueenyd@charleston-sc.gov | www.charleston-sc.gov



City of Charleston

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City of Charleston

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Mallary Scheer
scheerm@charleston-sc.gov

September 7, 2021

VIA U.S. MAIL

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

RE: RE: David Abdo v. City of Charleston
Appellate Case No. 2019-001910

Dear Ms. Kitchings:

Please be advised that I represent Respondents City of Charleston and Board of Zoning Appeals-Zoning ("Respondents") in the above-referenced matter. Enclosed, please find a Motion to Withdrawn Counsel for Respondents, along with proof of service and the filing fee of \$50.00. This motion was previously filed by email dated September 7, 2021. By copy of this letter to counsel for Appellant, I am advising him of this communication.

Thank you for your consideration. With kindest regards, I am,

Very Truly Yours,

Daniel S. ("Chip") McQueeney, Jr.
S.C. Bar No. 06802
50 Broad Street
Charleston, South Carolina 29401
E-mail: mcqueeneyd@charleston-sc.gov
Telephone: (843) 724-3730
Attorneys for Respondents

c: John A. Massalon (by email only)

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