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**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.

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**MOTION TO WITHDRAW COUNSEL FOR RESPONDENTS**

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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 Herdina be withdrawn as counsel of record for Respondents because Ms.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

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**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](mailto:mcqueeneyd@charleston-sc.gov) | [www.charleston-sc.gov](http://www.charleston-sc.gov)



*City of Charleston*

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PROOF OF SERVICE

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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

**McQueeney, Daniel**

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**From:** McQueeney, 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") 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](mailto:mcqueeneyd@charleston-sc.gov) | [www.charleston-sc.gov](http://www.charleston-sc.gov)



*City of Charleston*

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SC Court of Appeals

September 7, 2021



*City of Charleston*

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Daniel S. ("Chip") McQueeney, Jr.  
mcqueeneyd@charleston-sc.gov

Mallary Scheer  
scheerm@charleston-sc.gov

**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)

Daniel S. McQueeney, Jr.  
City of Charleston  
Legal Department  
50 Broad Street  
Charleston, SC 29401

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