

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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Sep 22 2021
SC Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Eugene C. Griffith, Jr., Circuit Court Judge

Case No. 2018-CP-10-0851
Appellate Case No. 2019-000728

National Trust for Historic Preservation
in the United States and the City of Charleston,.....Respondents/Appellants,

v.

City of North Charleston.....Appellant/Respondent.

**MOTION TO WITHDRAW COUNSEL FOR RESPONDENT/APPELLANT CITY OF
CHARLESTON**

Respondent/Appellant City of Charleston (“Charleston”) hereby moves the Court for an order withdrawing Susan J. Herdina as counsel of record for Charleston. Frances I. Cantwell and Daniel S. McQueeney, Jr., will continue to serve as counsel of record for Charleston. 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 Charleston 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. Charleston requests that Ms. Herdina be withdrawn as counsel of record for Charleston because Ms. Herdina is no longer the appointed municipal attorney for Charleston.

She is now a municipal court judge.

Pursuant to Rule 264(b), SCACR, Charleston hereby consents to the removal of Ms. Herdina as counsel of record for Charleston. Moreover, as set forth in the emails attached hereto as Exhibit A, counsel of record for the remaining parties have consented to the relief requested in the motion.

Respectfully submitted,

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

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

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

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

Attorneys for Respondent/Appellant City of Charleston

September 22, 2021
Charleston, South Carolina

EXHIBIT A

From: [Trenholm Walker](#)
To: [Mcqueeney, Daniel](#); [John P. Linton, Jr.](#); williamcooksc@gmail.com; ["Brady@bradyhair.com"](mailto:Brady@bradyhair.com); [Derk Van Raalte](#); [Anne Nelson](#)
Cc: [Nancy Jane Dennis](#)
Subject: RE: Appellate Case No. 2019-000728, National Trust v. City of North Charleston
Date: Saturday, September 11, 2021 12:32:05 PM
Attachments: [image003.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.

Chip, as Anne indicated, we consent.

We will prepare and circulate a consent order on Will and Anne.

From: Mcqueeney, Daniel <mcqueeneyd@charleston-sc.gov>
Sent: Thursday, September 2, 2021 11:48 AM
To: Trenholm Walker <Walker@WGFLAW.com>; John P. Linton, Jr. <Linton@WGFLAW.com>; williamcooksc@gmail.com; 'Brady@bradyhair.com' <Brady@bradyhair.com>; Derk Van Raalte <derk@bradyhair.com>; Anne Nelson <anelson@savingplaces.org>
Cc: Nancy Jane Dennis <NJDennis@WGFLAW.com>
Subject: Appellate Case No. 2019-000728, National Trust v. City of North Charleston

As you may know, Susan Herdina is no longer the City of Charleston's Corporation Counsel. She was promoted to municipal judge. I will need to file the attached motion to remove Susan as counsel of record for the City of Charleston, and I wanted to see if you all will consent to the motion. Frances and I will continue to serve as counsel of record.

C-Track still includes Will Cook as counsel of record for the National Trust, which is why I have copied him on this email. It looks like Anne Nelson, who is also copied, was admitted as counsel of record for the National Trust, but C-Track does not include her as counsel of record for the National Trust. It's more than possible that I am misreading something, but I wanted to give you all a heads up.

I hope you are all doing well and staying safe. Thank you!

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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From: [Derk Van Raalte](#)
To: [Mcqueeney, Daniel](#); [Trenholm Walker](#); linton@wgflaw.com; williamjcooksc@gmail.com; [Brady Hair](#); [Anne Nelson](#)
Cc: [Nancy Jane Dennis](#)
Subject: Re: Appellate Case No. 2019-000728, National Trust v. City of North Charleston
Date: Thursday, September 2, 2021 11:59:29 AM
Attachments: [image001.png](#)

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No objection.DVR

From: "Mcqueeney, Daniel" <mcqueeneyd@charleston-sc.gov>
Date: Thursday, September 2, 2021 at 11:48 AM
To: Trenholm Walker <Walker@WGFLAW.com>, "linton@wgflaw.com" <linton@wgflaw.com>, "williamjcooksc@gmail.com" <williamjcooksc@gmail.com>, Brady Hair <Brady@bradyhair.com>, Derk Van Raalte <derk@bradyhair.com>, Anne Nelson <anelson@savingplaces.org>
Cc: Nancy Jane Dennis <NJDennis@WGFLAW.com>
Subject: Appellate Case No. 2019-000728, National Trust v. City of North Charleston

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I hope you are all doing well and staying safe. Thank you!

Chip

Daniel S. ("Chip") McQueeney, Jr. | Assistant Corporation Counsel
City of Charleston | Legal Department
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City of Charleston

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PROOF OF SERVICE

I certify that I have served the attached Motion to Withdraw Counsel for Respondent/Appellant City of Charleston on (1) Appellant/Respondent City of North Charleston by e-mailing a copy to its counsel-of-record, Brady Hair and Derk Van Raalte, on September 22, 2021; and (2) Respondent/Appellant National Trust for Historic Preservation in the United States by emailing a copy to its counsel of record, G. Trenholm Walker, William J. Cook, and Anne E. Nelson, on September 22, 2021. See Rule 262(c)(3), SCACR. A copy of the emails are attached hereto and incorporated herein by reference as Exhibit 1.

September 22, 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 Respondent/Appellant City of Charleston

EXHIBIT 1

From: [McQueeny, Daniel](#)
To: [Derk Van Raalte](#); "Brady@bradyhair.com"; [Trenholm Walker](#); [Anne Nelson](#); "williamjcooksc@gmail.com"
Cc: [Nancy Jane Dennis](#); [Herdina, Susan](#); [Johnson, Wilbur](#); [Copeland, Julia](#); "[Frances Cantwell](#)"
Subject: Appellate Case No. 2019-000728, National Trust for Historic Preservation v. City of North Charleston
Date: Wednesday, September 22, 2021 11:26:00 AM
Attachments: [Mot to Remove Counsel 9-22-2021 \(With Exhibit A\).pdf](#)
[image003.png](#)

Attached for service upon you, please find a copy of the motion to remove Susan J. Herdina as counsel of record for Respondent/Appellant City of Charleston. Please note that Wilbur Johnson and Julia Copeland will serve as counsel of record for the City of Charleston, along with Frances and me. Please let me know if you have any questions or concerns. Thank you!

Chip McQueeny

Daniel S. (“Chip”) McQueeny, Jr. | Assistant Corporation Counsel
City of Charleston | Legal Department
50 Broad Street | Charleston, SC 29401
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City of Charleston

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