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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

Eugene C. Griffith, Jr., Circuit Court Judge

Case No. 2018-CP-10-0846  
Case No. 2018-CP-10-2131  
Case No. 2018-CP-10-2539  
Appellate Case No. 2019-000903

City of Charleston,

Appellant,

v.

City of North Charleston and Millbrook Plantation LLC,

Respondents.

AND

Millbrook Plantation, LLC,

Plaintiff,

v.

City of Charleston

Defendant.

AND

City of Charleston

Plaintiff,

v.

City of North Charleston and Millbrook Plantation, LLC,

Defendants.

---

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

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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 Herdina be withdrawn as counsel of record for Charleston because Ms.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 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@yctrlaw.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 Appellant, City of Charleston

September 22, 2021  
Charleston, South Carolina

**EXHIBIT A**

**From:** Bruce Miller  
**To:** McQueeney, Daniel; "Brady@bradyhair.com"; Derk Van Raalte  
**Cc:** Frances Cantwell  
**Subject:** RE: Appellate Case No. 2019-000903, Millbrook v. City of Charleston  
**Date:** Thursday, September 2, 2021 3:56:39 PM  
**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.

Chip: On behalf of Millbrook, I consent to remove Susan as counsel of record.

Thanks,  
Bruce

**CERTIFIED SPECIALIST  
EMPLOYMENT & LABOR LAW**

BRUCE E. MILLER, P.A.  
147 Wappoo Creek Drive, Suite 603  
Charleston, SC 29412  
T: 843.579.7373  
C: 843.822.8881  
F: 843.614.6417  
[www.brucemillerlaw.com](http://www.brucemillerlaw.com)

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**From:** McQueeney, Daniel <mcqueeneyd@charleston-sc.gov>  
**Sent:** Thursday, September 2, 2021 11:52 AM  
**To:** 'Brady@bradyhair.com' <Brady@bradyhair.com>; Derk Van Raalte <derk@bradyhair.com>;  
Bruce Miller <bmillier@brucemillerlaw.com>  
**Cc:** Frances Cantwell <fcantwell054@gmail.com>  
**Subject:** Appellate Case No. 2019-000903, Millbrook v. City of 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 in this matter.

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



*City of Charleston*

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**From:** Derk Van Raalte  
**To:** McQueeney, Daniel  
**Subject:** Re: Appellate Case No. 2019-000903, Millbrook v. City of Charleston  
**Date:** Thursday, September 2, 2021 11:59:39 AM  
**Attachments:** image001.png

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No objection

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**From:** "McQueeney, Daniel" <mcqueeneyd@charleston-sc.gov>  
**Date:** Thursday, September 2, 2021 at 11:51 AM  
**To:** Brady Hair <Brady@bradyhair.com>, Derk Van Raalte <derk@bradyhair.com>, Bruce Miller <bmillier@brucemillerlaw.com>  
**Cc:** Frances Cantwell <fcantwell054@gmail.com>  
**Subject:** Appellate Case No. 2019-000903, Millbrook v. City of 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 in this matter.

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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City of Charleston,

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AND

Millbrook Plantation, LLC,

Plaintiff,

v.

City of Charleston

Defendant.

AND

City of Charleston

Plaintiff,

v.

City of North Charleston and Millbrook Plantation, LLC,

Defendants.

---

PROOF OF SERVICE

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I certify that I have served the attached Motion to Withdraw Counsel for Appellant City of Charleston (1) Respondent City of Charleston by e-mailing a copy to its counsel-of-record, Brady

Hair and Derk Van Raalte, on September 22, 2021; and (2) on Respondent Millbrook Plantation LLC by emailing a copy to its counsel of record, Bruce E. Miller, 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 Appellant City of Charleston

EXHIBIT 1

**McQueeney, Daniel**

---

**From:** McQueeney, Daniel  
**Sent:** Wednesday, September 22, 2021 10:24 AM  
**To:** Derk Van Raalte; 'Brady@bradyhair.com'; Bruce Miller  
**Cc:** Copeland, Julia; Johnson, Wilbur; 'Frances Cantwell'; Herdina, Susan  
**Subject:** Appellate Case No. 2019-000903, Millbrook v. City of Charleston  
**Attachments:** Mot to Remove Counsel 8-5-2021 (w Exhibit).pdf

Attached for service upon you, please find the City of Charleston's motion to have Susan Herdina removed as counsel of record. Please note that Wilbur Johnson and Julia Copeland will be added as counsel of record for the City of Charleston. Thank you!

Chip McQueeney

**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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*City of Charleston*

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fax 843-724-3706

**CORPORATION COUNSEL**

Wilbur E. Johnson  
wjohanson@yrcrlaw.com

**DEPUTY CORPORATION COUNSEL**

Julia P. Copeland  
copelandj@charleston-sc.gov

**ASSISTANT CORPORATION COUNSEL**

Stirling Halversen  
halversens@charleston-sc.gov

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

Mallary Scheer  
scheerm@charleston-sc.gov

September 22, 2021

**VIA U.S. MAIL**

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

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SEP 30 2021

**SC Court of Appeals**

RE: City of Charleston v. City of North Charleston  
Appellate Case No. 2019-000903

Dear Ms. Kitchings:

Please be advised that I represent Appellant City of Charleston in the above-referenced matter. Enclosed, please find a Motion to Withdrawn Counsel for Appellant City of Charleston, along with proof of service and the filing fee of \$50.00. This motion was previously filed by email dated September 22, 2021. By copy of this letter to counsel for Respondents, I am advising Respondents of this communication.

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

Very Truly Yours,

s/Daniel S. McQueeney, Jr.  
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: J. Brady Hair, Esquire (by email only)  
Derk Van Raalte (by email only)  
Bruce E. Miller, Esquire (by email only)

City of Charleston  
Legal Department  
50 Broad Street  
Charleston, SC 29401

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**SC Court of Appeals**

Hon. Jenny A. Kitchings  
Clerk, SC Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

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