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SEP 30 2021

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-10-0851  
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 Herdina be withdrawn as counsel of record for Charleston because Ms.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.; williamjcooksc@gmail.com; "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

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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, 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>; williamjcooksc@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; williamcooksc@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

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**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

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.

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

v.

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

**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:** McQueeney, 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

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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 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 | www.charleston-sc.gov



*City of Charleston*

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*City of Charleston*

**WILLIAM B. REGAN LEGAL CENTER**

50 Broad Street  
Charleston, SC 29401  
tel 843-724-3730  
fax 843-724-3706

**CORPORATION COUNSEL**

Wilbur E. Johnson  
wjohanson@yctlaw.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

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SEP 30 2021

SC Court of Appeals

**VIA U.S. MAIL**

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

RE: National Trust for Historic Preservation v. City of  
North Charleston  
Appellate Case No. 2019-000728

Dear Ms. Kitchings:

Please be advised that I represent Respondent/Appellant City of Charleston in the above-referenced matter. Enclosed, please find a Motion to Withdraw Counsel for Respondent/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 the other parties to this appeal, I am advising them 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)  
G. Trenholm Walker (by email only)  
William J. Cook (by email only)  
Anne Nelson (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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