

Joseph T. Merli  
2076 Church Creek Dr.  
Charleston, SC 29414  
843 766-3853

April 16, 2013

SC Court of Appeals  
Clerk of Court, Attn: Monica  
P.O. Box 11629  
Columbia, SC 29211

Re: Appellate Case No. 2012-213310  
Trial Court Cases 2011CP2305912 and 2011CP2303668

Dear Monica,

Thank you for speaking with me this afternoon regarding the above referenced matter and the status of counsel for US Bank, one of the many parties in this case. For your information, I have enclosed a letter that I sent to Mr. Thomas Shook at the Finkel Law Firm as a result of receiving the order filed April 15, 2013. In my letter to Mr. Shook, I requested the firm to file a motion replacing my name with the name of another attorney at the Finkel Law Firm. I recently retired from the Finkel Law Firm and it was my understanding that other lawyers at the firm would continue to work on the cases that I had worked on. At the Finkel Law Firm, any one file is handled by many lawyers. In other words, no motion for substitution of counsel was necessary because US Bank was still represented by the attorneys at the same firm, i.e. Finkel Law Firm.

As you can see in my letter to Mr. Shook, the Finkel Law Firm was conflicted out of representing US Bank in this appeal. As best as I can remember, the client had approved attorney Frank Cisa to represent US Bank in the appeal. I believe the last action that I took was requesting an extension of time so that Mr. Cisa could have time to review the file and prepare a brief. As I do not have the file, I can only depend on my memory. However, if US Bank has not filed an initial brief, please present this letter to the Court as an emergency request for special permission for US Bank to do so. I have asked Mr. Shook to review the firm's file so I am sure he can answer any questions.

Thank you again for your kind assistance.

Sincerely,

*Joseph T. Merli*

Joseph T. Merli

JTM/jtm

Enc.

Cc Thomas A. Shook

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SC COURT OF APPEALS

Joseph T. Merli  
2076 Church Creek Dr.  
Charleston, SC 29414

April 16, 2013

Mr. Thomas A. Shook  
Finkel Law Firm LLC  
PO Box 71727  
N. Charleston, SC 29415

Re: Appellate Case No. 2012-213310  
Trial Court Cases 2011CP2305912 and 2011CP2303668

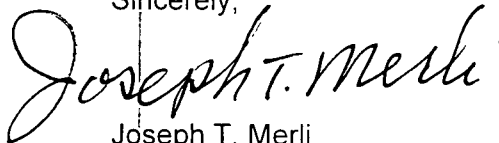
Dear Andy,

I received a copy of an order (enclosed) extending the time to file appellant's initial reply brief until April 19, 2012 in the above case. It came in today's mail. I believe the Court meant 2013. I called the Clerk's office at the Court of Appeals and was advised by Monica that I was still listed as the attorney of record for US Bank. The enclosed order is the first document from this case that I have received since I retired from the Finkel Law Firm. When I retired from the Finkel Law Firm, it was my understanding that other Finkel Law Firm associates continued to represent the firm's clients in all the files that I had worked on. In other words, no substitution of counsel was necessary because US Bank was always represented by the Finkel Law Firm. However, Monica explained to me that a motion was necessary to remove my name from the case. As I do not have this file or the means to file a motion, and assumed it would be taken over by another Finkel Law Firm attorney, please file a motion immediately to take my name out of this case and substitute the appropriate counsel to represent US Bank in this matter.

As I remember, the Finkel Law Firm was conflicted out of representing US Bank in the appeal. As best as I can remember her emails, Valerie Statts had approved Frank Cisa to represent US Bank in this appeal. I believe the last action that I took was requesting an extension of time so that Mr. Cisa could have time to review the file and prepare a brief. If Frank Cisa is not going to handle this appeal for US Bank, please ask the Court to substitute your name or the name of another Finkel Law Firm attorney until that issue is resolved. I have copied the Court of Appeals on this letter, so they will know that I consent to the motion.

Please file the motion immediately and review the file to determine if any other action is needed to protect US Bank's position.

Sincerely,



Joseph T. Merli

JTM/jtm

Enc.

Cc: Clerk, SC Court of Court