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**Jan 19 2022**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

Jennifer B. McCoy, Circuit Court Judge

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Case No. 2017-CP-10-00838  
Appellate Case No. 2020-001210

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Jacque Lucas, Shirley Ann Lucas,  
and Daniel Simerly,

Appellants,

v.

KapStone Paper and Packaging  
Corporation, KapStone Kraft Paper  
Corporation, Safway Group  
Holdings, LLC, Easy Way Insulation  
Co., Sypris Technologies, Inc. f/k/a  
Tube-Turns Technologies Inc.,  
Thompson Construction Group, Inc.,  
and Thompson Industrial Services, LLC,

Defendants,

Of which

KapStone Paper and Packaging  
Corporation and KapStone Kraft  
Paper Corporation are

Respondents.

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**APPELLANTS' MOTION TO RELIEVE COUNSEL AS TO DANIEL N. NIGHTINGALE**

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CALLISON, TIGHE & ROBINSON, LLC  
D. Reece Williams, III (SC Bar No. 6120)  
Richard C. Detwiler (SC Bar No. 6473)  
Ian T. Duggan (SC Bar No. 80074)  
1812 Lincoln Street, Suite 200 (29201)  
P.O. Box 1390  
Columbia, SC 29202-1390  
(803) 404-6900  
(803) 404-6902 (Fax)  
ReeceWilliams@CallisonTighe.com  
RickDetwiler@CallisonTighe.com  
IanDuggan@CallisonTighe.com

BECK REDDEN LLP  
Russell S. Post (Admitted Pro Hac Vice)  
Daniel N. Nightingale (Admitted Pro Hac Vice)  
1221 McKinney Street, Suite 4500  
Houston, TX 77010  
(713) 951-3700  
(713) 951-3720 (Fax)  
rpost@beckredde.com  
dhammond@beckredde.com

Attorneys for Appellants

This Motion of the Appellants, Jacque Lucas, Shirley Ann Lucas, and Daniel Simerly, seeks an Order from this Court relieving Daniel N. Nightingale as counsel for Appellants.

1. As of January 24, 2022, Daniel N. Nightingale will no longer be employed by Beck Redden LLC as he will leave the firm to accept other employment out of State.

2. Appellants will continue to be represented by Beck Redden LLP as attorneys of record, Russell S. Post, and D. Reece Williams, III, Richard C. Detwiler, and Ian T. Duggan of Callison Tighe & Robinson, LLC, will remain as local counsel for Appellants.

3. Relieving Mr. Nightingale as counsel of record in this matter will not unreasonably delay the case or prejudice the parties in any manner.

4. Counsel for Appellants has consulted with counsel for Respondents, and Respondents have no objection to this request.

WHEREFORE, Appellants respectfully requests that the Court enter an order relieving Daniel N. Nightingale as counsel for the Appellants in this matter.

[Signature Page to Follow]

Respectfully submitted,

Date: January 19, 2022

**BECK REDDEN LLP**

By: /s/ Russell S. Post  
Russell S. Post  
(Admitted Pro Hac Vice)  
1221 McKinney Street, Suite 4500  
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**CALLISON, TIGHE & ROBINSON, LLC**

/s/ D. Reece Williams, III  
D. Reece Williams, III (SC Bar No. 6120)  
Richard C. Detwiler (SC Bar No. 6473)  
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RickDetwiler@CallisonTighe.com  
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**ATTORNEYS FOR APPELLANTS,  
JACQUE LUCAS, SHIRLEY ANN LUCAS,  
AND DANIEL SIMERLY**

I SO CONSENT:

/s/ Daniel N. Nightingale

Daniel N. Nightingale

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Corporation, Safway Group  
Holdings, LLC, Easy Way Insulation  
Co., Sypris Technologies, Inc. f/k/a  
Tube-Turns Technologies Inc.,  
Thompson Construction Group, Inc.,  
and Thompson Industrial Services,  
LLC, Defendants,

Defendants,

Of which

KapStone Paper and Packaging  
Corporation and KapStone Kraft  
Paper Corporation are

Respondents.

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**PROOF OF SERVICE**

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I hereby certify that, on this date, the **APPELLANTS' MOTION TO RELIEVE COUNSEL AS TO DANIEL N. NIGHTINGALE** was served on Respondents' counsel via email, and by first class mail delivery as follows:

**ATTORNEY FOR KAPSTONE PAPER AND PACKING  
CORPORATION AND KAPSTONE KRAFT PAPER  
CORPORATION**

Richard H. Willis, Esquire

Derek D. Tarver, Esquire

Williams Mullen

First Citizens Bank Building

1230 Main Street, Suite 330

Columbia, SC 29201

Richard Willis: [rwillis@williamsmullen.com](mailto:rwillis@williamsmullen.com)

Derek Tarver: [dtarver@williamsmullen.com](mailto:dtarver@williamsmullen.com)

A copy of the service email is attached hereto, as required.

I further certify that all parties required by Rule to be served have been served.

*s/ D. Reece Williams, III* \_\_\_\_\_

D. Reece Williams, III

January 19, 2022

Columbia, South Carolina

**From:** [Katie Minton](#)  
**To:** [Willis, Richard](#); [Tarver, Derek](#)  
**Cc:** [Martin-Rothrock, Kimberly](#); [Tyer, Sara](#); "[Ducayet, Jim](#)"; [Russell Post](#); [Daniel N. Nightingale](#); [Laura L. Crain](#); [Kurt Arnold](#); [Kyle Findley](#); [Adam Lewis](#); [John Grinnan](#); [Joseph F McGowin](#); [Kristina McDonald](#); [KBA Team](#); [Harry Dixon](#); [Reece Williams](#); [Ian T. Duggan](#); [Rick Detwiler](#)  
**Subject:** Appellate Case No. 2020-001210 | Jacque Lucas, Shirley Ann Lucas and Daniel Simerly vs. KapStone Paper and Packaging Corporation, et al.  
**Date:** Wednesday, January 19, 2022 2:44:00 PM  
**Attachments:** [2022-01-19 KAM Ltr to Court of Appeals re Filing of Appellants Motion to Relieve Counsel as to Nightingale.pdf](#)  
[2022-01-19 Appellants" Motion to Relieve Counsel as to DNN.pdf](#)  
[2022-01-19 Proof of Delivery - Motion to Relieve.pdf](#)

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Dear Counsel,

Attached please find our correspondence to the appellate clerk enclosing Appellants' Motion to Relieve Counsel as to Daniel N. Nightingale, together with the Proof of Service, in regard to the above-referenced matter. The attached documents are being submitted today to the Court of Appeals for filing. Thank you.

With kind regards,



**KATIE A. MINTON** PARALEGAL

Palmetto Armory Building	<b>PHONE</b>	803.404.6900
1812 Lincoln Street	<b>DIRECT</b>	803.404.6993
Columbia, SC 29201	<b>FAX</b>	803.404.6902

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P.O. Box 1390  
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KATIE A. MINTON, PARALEGAL  
803-404-6900  
[katieminton@callisontighe.com](mailto:katieminton@callisontighe.com)

CALLISON  TIGHE

January 19, 2022

**VIA EMAIL: [ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)**  
The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
P. O. Box 11629  
Columbia, SC 29211

**RECEIVED**  
**Jan 19 2022**  
**SC Court of Appeals**

**Re: Jacque Lucas, Shirley Ann Lucas and Daniel Simerly  
vs. KapStone Paper and Packaging Corporation and  
KapStone Kraft Paper Corporation, et al.  
Appellate Tracking No. 2020-001210  
Our File No. 6716.001**

Dear Ms. Kitchings:

Enclosed herewith please find Appellants' Motion to Relieve Counsel as to Daniel N. Nightingale, together with the Proof of Service, in the above-referenced matter. Kindly file the same and return a clocked-in copy to the undersigned via return email. My firm's check in the amount of \$50.00 as the filing fee is being mailed to your office under separate cover as instructed.

The enclosed documents have been served upon Respondents' counsel today via email and by first class mail as indicated in the Proof of Service.

Please feel free to contact me with any questions. Thank you.

With kind regards, I am

Sincerely yours,

**CALLISON TIGHE & ROBINSON, LLC**

  
Katie A. Minton  
Paralegal

The Honorable Jenny Abbott Kitchings  
South Carolina Court of Appeals  
January 19, 2022  
Page 2

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/kam  
Enclosure

cc: (w/ encl.)  
Richard H. Willis, Esquire  
Derek D. Tarver, Esquire  
Russell S. Post, Esquire  
Daniel N. Nightingale, Esquire

Clerk.Court of Appeals.012