

Creekstone Management, Inc.; Donald K. Henry; Everett Jackson; Steve Keller; Edward Michael Washburn; and Kevin Ball are the Primary Appellants,

v.

East Bridge Lofts, LLC; Central 3, LLC; Creekstone Eastbridge, LLC; and Creekstone SC I, LLC; Alexandra Road Investors, LLC; Creekstone Management, LLC; Donald K. Henry; Everett Jackson; Steve Keller; Edward Michael Washburn; Kevin Ball; and Bay Club Homes, LLC; Third-Party Plaintiffs,

v.

Robert Wasson and Barbara Wasson, individually and d/b/a Wasson Electric Heating & Air; and Charleston Chimney Services, Inc., Third-Party Defendants.

---

**PETITION FOR SUBSTITUTION OF COUNSEL FOR CERTAIN PARTIES AND  
FOR DISMISSAL AND/OR WITHDRAWAL OF THOSE PARTIES,  
WITH REQUEST FOR BRIEFING TO BE STAYED OR OTHERWISE HELD IN  
ABEYANCE PENDING ACTION ON PETITION**

---

**RECEIVED**

MAY 02 2013

**SC Court of Appeals**

YOUNG CLEMENT RIVERS, LLP  
Edward D. Buckley, Jr.  
Russell G. Hines  
P.O. Box 993  
Charleston, SC 29402  
(843) 577-4000

*-and-*

JUSTIN O'TOOLE LUCEY, P.A.  
Justin O'Toole Lucey  
Joshua F. Evans  
P.O. Box 806  
Mount Pleasant, SC 29465  
(843) 849-8400

*Attorneys for Respondents John Zohlen,  
Mary Zohlen, Leslie Anne O'Neal, and  
Trivette C. Hatcher*

TO: THE HONORABLE JUDGES OF THE SOUTH CAROLINA COURT OF APPEALS

COME NOW the undersigned counsel for Respondents John Zohlen, Mary Zohlen, Leslie Anne O'Neal, and Trivette C. Hatcher ("Respondents"), pursuant to Rule 264, SCACR, and any other applicable authority, and, upon the following grounds, respectfully petition this Honorable Court for an order substituting the undersigned as counsel for the below listed parties, and dismissing the same parties from the current appeal.

1. Currently, the following parties are identified as Secondary Appellants represented by John C. Hayes, IV, Esquire, Hayes Law Firm, LLC; I. Keith McCarty, Esquire, McCarty Law Firm, LLC; and Michael S. Seekings, Esquire, Leath, Bouch & Seekings, LLP (hereinafter these attorneys will be collectively referred to as the "Secondary Appellants' Counsel"): **Hayden Jeffords, D. Everett Walker, Paul Kane, Jeanne Debosh, Margarita Staudt, Christy C. Parish, Joseph LaDue, Deborah LaDue, Pamela Snyder, Brian Rasmussen, and Brian Kavanagh** (hereinafter these parties will be collectively referred to as the "Parties for Whom Counsel is to be Substituted").

2. As evidenced by the attached **Exhibit A**, which exhibit is incorporated herein by reference, each of the Parties for Whom Counsel is to be Substituted no longer wishes to be represented by the Secondary Appellants' Counsel and desires to be represented by the undersigned, whom these parties have authorized and directed to take any needed action on their behalf to both effectuate their desired substitution of counsel and to immediately and entirely dismiss and/or otherwise withdraw them from any further participation in this appeal.

WHEREFORE, on behalf of the Parties for Whom Counsel is to be Substituted, the undersigned now petition this Court for an order relieving the Secondary Appellants' Counsel as their counsel and substituting the undersigned as their counsel, and providing that these same parties are dismissed and/or otherwise withdrawn from their participation in this appeal. The Parties for Whom Counsel is to be Substituted also ask that their names be removed from the caption of this appeal.<sup>1</sup> And, the undersigned, on behalf of the Respondents, would ask that the briefing on this appeal (including the appeals taken by the Primary and Secondary Appellants) be stayed or otherwise held in abeyance pending the Court's action on this petition for substitution of counsel, because the Court's action on this petition will have a direct and material impact on whom the adverse parties to this appeal actually are.<sup>2 3</sup> Presently, the Respondents' initial briefs in response to the Primary and Secondary Appellants are due May 1, 2013. To the extent that the Court may not be inclined to hold this briefing deadline in abeyance on account of this petition, the Respondents include herein (along with an additional \$25 filing fee) a motion for a 30-day extension of the present May 1, 2013 briefing deadline (i.e., through May 31, 2013), which extension the Respondents contend is founded upon good cause under the

---

<sup>1</sup>After substitution and dismissal, there would only be nine (9) remaining Secondary Appellants: Titus Gudel, Harold S. McEwan, William Scanlon, Delia Scanlon, Steven Goldberg, Brent McClaine, McKenzie Hutaff, Lynn Harris, and Kenneth A. Brown.

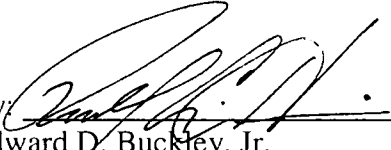
<sup>2</sup> By way of further support for this ancillary relief, the undersigned note that, by rule (Rule 240(b), SCACR), a motion to dismiss automatically stays the time for perfecting the appeal.

<sup>3</sup> Counsel recognize that Rule 240(c) provides that motions or petitions are to be filed with a supporting memorandum. In this instance, counsel believe that a full explanation of the petition is contained herein—particularly, in light of the effected parties' express consent and direction with regard to this petition—such that a separate memorandum would serve no useful purpose. Of course, to the extent that the Court does not agree with this assessment regarding the need for a separate supporting memorandum, counsel

circumstances and will work no undue prejudice upon any other party. Lastly, and in any event, the Respondents would ask that their present May 1, 2013 briefing deadline be suspended until the Court acts upon this filing.

Respectfully submitted,

YOUNG CLEMENT RIVERS, LLP

By:   
Edward D. Buckley, Jr.  
Russell G. Hines  
25 Calhoun Street, Suite 400  
Charleston, SC 29401  
(843) 577-4000

*-and-*

JUSTIN O'TOOLE LUCEY, P.A.  
Justin O'Toole Lucey  
Joshua F. Evans  
P.O. Box 806  
Mount Pleasant, SC 29465  
(843) 849-8400

*Attorneys for Respondents John Zohlen,  
Mary Zohlen, Leslie Anne O'Neal, and  
Trivette C. Hatcher*

Charleston, South Carolina

Dated: 4/30/13

---

will gladly provide the Court with any other or further briefing/material as the Court may direct.