

No. 410PA18-2

TENTH JUDICIAL DISTRICT

SUPREME COURT OF NORTH CAROLINA

TOWN OF APEX,

Petitioner/Cross-Respondent,

v.

From Wake County

BEVERLY RUBIN,

Respondent/Cross-Petitioner.

No. 206PA21

TENTH JUDICIAL DISTRICT

SUPREME COURT OF NORTH CAROLINA

TOWN OF APEX,

Petitioner/Cross-Respondent,

v.

From Wake County

BEVERLY RUBIN,

Respondent/Cross-Petitioner.

MOTION TO WITHDRAW AS COUNSEL

TO THE HONORABLE SUPREME COURT OF NORTH CAROLINA:

Pursuant to Rules 33(a) and 37 of the North Carolina Rules of Appellate Procedure, Troy D. Shelton moves to withdraw as counsel to Respondent/Cross-Petitioner Beverly Rubin in this appeal. In support of this motion, the undersigned states as follows:

1. Troy Shelton is leaving the firm of Fox Rothschild LLP and will no longer be representing the parties in this appeal.
2. Accordingly, Mr. Shelton should no longer be listed as counsel of record for Respondent/Cross-Petitioner Beverly Rubin in this matter.
3. Respondent/Cross-Petitioner Beverly Rubin will continue to be represented by Matthew Nis Leerberg, Kenneth C. Haywood, and B. Joan Davis existing counsel of record.

For the reasons stated above, Respondent/Cross-Petitioner Beverly Rubin respectfully requests that this Motion to Withdraw as Counsel of Record be allowed.

Respectfully submitted this the 18th day of March, 2024.

FOX ROTHSCHILD LLP

Electronically submitted

Troy D. Shelton

N.C. State Bar No. 48070

tshelton@foxrothschild.com

N.C. R. App. P. 33(b) Certification: I certify that all of the attorneys listed below have authorized me to list their names on this document as if they had personally signed it.

Matthew Nis Leerberg
N.C. State Bar No. 35406
mleerberg@foxrothschild.com
434 Fayetteville Street, Suite 2800
P.O. Box 27525 (27611)
Raleigh, NC 27601
Telephone: (919) 755-8700
Facsimile: (919) 755-8800

HOWARD, STALLINGS, FROM,
ATKINS, ANGELL & DAVIS, P.A

Kenneth C. Haywood
N.C. State Bar No. 19066
khaywood@hsfh.com
B. Joan Davis
N.C. State Bar No. 17379
5410 Trinity Road, Suite 210
Raleigh, NC 27607
Telephone: 919.821.7700
Facsimile: 919.821.7703

Counsel for Beverly Rubin

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing motion was electronically filed and served this day via email addressed as follows:

David P. Ferrell
George T. Smith
MAYNARD NEXSEN PC
4141 Parklake Avenue, Suite 200
Raleigh, NC 27612
dferrell@maynardnexsen.com
gtsmith@maynardnexsen.com

This the 18th day of March 2024.

/s/ Troy D. Shelton
Troy D. Shelton