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SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Mikell R. Scarborough, Master-in-Equity

Case No.: 2018-CP-10-4083
Appellate Case No.: 2022-001114

Charleston Carriage Works, L.L.C., Appellant,

v.

Charleston Animal Society, Ellen Harley and Charleston Carriage Horse Advocates, Inc., Respondents.

RECORD ON APPEAL
Volume 4 of 4

June 21, 2023

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MR. THOMPSON: Objection.

BY MR. GOLDSTEIN:

Q And if so, by whom?

MR. THOMPSON: Objection.

THE WITNESS: If -- if they are deleted -- we have a clearly defined set of procedures that can be read by any individual who goes on our sites, and if they are -- they do not adhere to that then our social media consultants will -- will take action.

BY MR. GOLDSTEIN:

Q Okay. But it's not you, it's the social media consultant?

MR. THOMPSON: Objection.

THE WITNESS: It's not me.

BY MR. GOLDSTEIN:

Q Okay.

A It is not me.

Q They have the authority to do that?

A They have the authority and that is their -- that is what they do. That is part of their job.

Q Okay. All right. And they get paid a monthly fee to do that?

A Correct.

Q Okay. But you don't remember how much it is?

A I can find that out for you, I'm happy to.

John did not die, he was not seriously injured, and you delete that post, why would you delete that post?

MR. THOMPSON: Objection.

THE WITNESS: I'm not sure that that was done, and I would have to see it. If you would like to show it to me, I would be happy to comment on it.

BY MR. GOLDSTEIN:

Q Okay. But my question is: Let's assume for the sake of my question that that happened on numerous times, what's your explanation for it?

MR. THOMPSON: Objection.

THE WITNESS: That's a hypothetical. Please, show them to me.

BY MR. GOLDSTEIN:

Q Okay. All right. Have you looked at the discovery that -- responses that we've provided to your counsel?

MR. THOMPSON: Objection. It's outside the scope of the 30(b)(6).

BY MR. GOLDSTEIN:

Q All right. Are social media posts regularly deleted?

A What do you mean by that?

Q The same thing we've been going through, are they regularly deleted?

Q Right.

A -- but the comments?

Q Right.

A It depends on whether or not they are in compliance with our very publicly-stated procedures.

Q Okay. What if they are within your publicly-stated procedures but just take a position adverse to your position, do you delete them?

A We delete those that we -- that do not adhere to our -- our procedures.

Q Well, that's really -- yeah, I mean, that's not really answering the question. The question is: If you post two plus two equals four and somebody writes in and says no, two plus two doesn't necessarily equal four, it can equal another number in some limited circumstances, and you delete that post because it disagrees -- they disagree with your answer, is that considered at variance with your stated objectives?

MR. THOMPSON: Objection.

THE WITNESS: Sir, that's a hypothetical, and so you would have to give me something that's much more specific, I'm sorry.

BY MR. GOLDSTEIN:

Q All right. If someone wrote in and said Big

questions but not long, and like I said, your lawyers may want to ask you some questions.

The flash drive that your counsel gave us, this would contain upon it, I'm assuming, all the -- any e-mail communications between Charleston Carriage Horse --

MR. GOLDSTEIN: There's no e-mails on here?

MR. THOMPSON: There are no e-mails on that.

BY MR. GOLDSTEIN:

Q Okay. Where are the -- how would I get a copy of the e-mails?

MR. THOMPSON: What e-mails?

BY MR. GOLDSTEIN:

Q Charleston Carriage Horse Advocates' e-mails, where are they stored?

MR. THOMPSON: Objection.

BY MR. GOLDSTEIN:

Q On the Gmail account, obviously?

A On the Gmail account.

Q Okay. All right. And did anyone at Charleston Animal Society assist the Charleston Carriage Horse Advocates in the production of video or other media?

A No.

Q Okay. You've never requested anyone at

Charleston Animal Society to assist Charleston Carriage Horse Advocates with media production?

A Not -- not Charleston --

Q Animal Society?

A -- Animal Society, that I'm aware of.

Q Okay. Has anyone assisted Charleston Carriage Horse Advocates with media production?

A Yes.

Q Who is that?

A Dan Krosse.

Q Okay. Now, any e-mails between Charleston Carriage Horse Advocates and Charleston Animal Society would be on the Gmail account that you've told us about?

A I'm sorry, say that again.

Q Any e-mail communication between Charleston Carriage Horse Advocates and Charleston Animal Society would be on the Gmail account that you've told us about?

A Yes, and also -- maybe on personal accounts.

Q On your personal account as well?

A It could be.

Q Okay. Who would you say is the person who has the most hands-on day-to-day administration of Charleston Carriage Horse Advocates?

A Custom Digital Solutions.

MR. THOMPSON: Tommy, to be clear, is that the social media presence or just the operation --

MR. GOLDSTEIN: No, the operation of --

BY MR. GOLDSTEIN:

Q Charleston Carriage Horse Advocates is an entity that exists under South Carolina law, correct?

A Right.

Q Who is the person who is the most knowledgeable and has the most day-to-day hands-on administrative duties of that organization?

A Not including social media? Are you excluding social media?

Q No, I'm not excluding anything. Just day-to-day operations, who's the go-to person at Charleston Carriage Horse Advocates?

A It would be the Board of Directors and the -- and the social media consultant.

Q Okay. How many hours a week would you say that you spend handling the business of Charleston Carriage Horse Advocates?

A What do you mean by "handling the business"?

Q Well, I mean, there's got to be some effort in keeping the organization going, right? It doesn't just run itself; is that right?

A Yes, that's true.

Q Okay. If you ask Mr. Thompson how many hours he spends a week keeping his business going, he would probably say 90 hours a week.

A Mm-hmm.

Q So how many hours a week would you say you spend taking care of matters associated with Charleston Carriage Horse Advocates?

A Me personally?

Q Well, who's the person who has the most day-to-day administrative duties with regard to Charleston Carriage Horse Advocates?

A Again, are you talking about the social media aspect? If you're talking about the social media aspect, that would be Custom Digital Solutions that would do that exclusively.

Q Okay.

A If you're talking about other things, it would be the Board of Directors. It would be the -- the accountants.

Q The accountants in Pennsylvania?

A No, in -- in South Carolina.

Q Oh, the bookkeeper?

A Yes, the bookkeeper.

Q Okay. You --

A A-1 Bookkeeping.

Q A-1 Bookkeeping?

A Uh-huh.

Q Okay. Now, who balances the checkbook for Charleston Carriage --

A A-1 Bookkeeping.

Q Okay. You told us earlier in regard to maintenance of the social media presence that you -- that you, Charleston Carriage Horse Advocates, provided -- I think the term you used -- and I might be remembering it wrong -- it was you gave them the broad parameters under which they are to operate; is that correct?

A Correct.

Q Who's the person who gives them the broad parameters?

A The Board of Directors.

Q All right. And is that done in writing or orally or both?

A Orally.

Q Okay.

A Sometimes in writing in terms of e-mails.

Q Now, you also told us earlier that Charleston -- and those e-mails would be mostly on the Gmail account or on your personal account or both?

A It would depend.

Q Okay. It could be either/or?

A Right.

Q Okay. Now, you told us earlier -- you made a reference to the billboard out on I-26. Who provided the language to go on the billboard?

A The -- the language that goes on that is a -- the Board of Directors and discusses it as well as the -- the media consultants, and then we work with the advertising company to come up with images.

Q What -- what advertising company is that?

A Adams.

Q Okay. Now, my expert in computers has informed me that I did a terrible job distinguishing between comments and posts because I'm not a Facebook person, so I want to go back to that question and reask it, and I want to substitute the word "comments" for "posts." Who is it who has the administrative authority to delete comments to the Facebook page?

A Yeah. Well, it -- it's the same answer.

Q Okay. Okay. I think -- the Big John video which touched off this whole controversy, did anybody assist Charleston Carriage Horse Advocates in the -- in the editing or presentation of the video of Big John?

A Which video?

Q Well, there's a video on your web page that appears to be -- and when I say "your web page," Charleston Carriage Horse Advocates -- that appears to be at least two videos edited together. So who was it who did that?

MR. THOMPSON: Objection. Answer the question.

THE WITNESS: I'm not sure which video. I would have to look to make sure. Is it one that has writing on it?

BY MR. GOLDSTEIN:

Q There were both.

A Well, I would say that I -- I would say that if there was one with writing on it, that that was Dan Krosse did that, and I -- I don't know which one the other one is. You'd have to show it to me.

Q Okay. But whatever the videos that were used are preserved upon Charleston Carriage Horse Advocates' computer?

MR. THOMPSON: Objection.

THE WITNESS: No, those -- those are preserved on the -- the consultant's.

BY MR. GOLDSTEIN:

Q Okay.

A Because they maintain those websites as well as the social media.

Q And has anyone on behalf of Charleston Carriage Horse Advocates instructed any of the media consultants to delete any images or -- or information other than the post and/or comments that you've told us about previously?

MR. THOMPSON: Objection.

THE WITNESS: I think you're gonna have to explain that a little bit more clearly.

BY MR. GOLDSTEIN:

Q Okay. All right. You represent Charleston Carriage Horse Advocates here today, correct?

A Uh-huh.

Q You're the designated witness, all right. And you're aware that I represent Charleston Carriage Company?

A Right.

Q All right. So really here -- let me break down my question very simply. Has anybody on behalf of Charleston Carriage Horse Associates -- Advocates said to the social media people or to your Board of Directors or to you, don't let Goldstein find this stuff, get rid of it, delete it, has anybody done that?

A No.

Q All right. So all of the information that existed in 2017 still exists today?

MR. THOMPSON: Objection.

THE WITNESS: It should.

BY MR. GOLDSTEIN:

Q Okay. All right. And -- and I'm sure you're aware we're in litigation, that has not escaped your attention, has it?

A Correct.

Q Okay. And so you know that it would be improper to delete or destroy evidence while a case is pending --

MR. THOMPSON: Objection.

BY MR. GOLDSTEIN:

Q -- do you acknowledge that?

A I do.

Q Okay. And you wouldn't do anything like that, would you?

A No, not knowingly.

MR. GOLDSTEIN: All right. They may have some questions. They're indicating no, so thank you very much.

MR. THOMPSON: No questions.

MR. GOLDSTEIN: I apologize for my

weird-sounding voice, but that concludes the deposition.

THE VIDEOGRAPHER: All right. That concludes the deposition of the 30(b)(6). We are off the record at 12:10 p.m.

(Off the record briefly.)

MR. THOMPSON: For the purposes of the record, the thumb drives that were referenced, I had multiple copies. I provided one copy to Mr. Goldstein, and I have provided a copy of the same thing that's on his thumb drive is now on the thumb drive that will be, as I understand it, Exhibit 7?

MR. GOLDSTEIN: Correct.

MR. THOMPSON: So the court reporter now has that as well and the record does.

(The deposition concluded at 12:12 p.m.)

* * *

C-E-R-T-I-F-I-C-A-T-E

I, Lisa A. McCarn, Professional Court Reporter and Notary Public for the State of South Carolina, certify that the witness in the foregoing deposition was duly sworn to testify to the truth, the whole truth and nothing but the truth; that the deposition was taken at Belk Cobb, 2344 Cosgrove Avenue, North Charleston, South Carolina; that the foregoing pages constitute a true and accurate transcript of the deposition proceeding.

I further certify that I am not of counsel or kin to any of the parties to this cause of action, nor am I interested in any manner in its outcome.

IN WITNESS WHEREOF I have hereunto set my hand and seal this 14th day of February, 2020.



Lisa A. McCarn
Notary Public for South Carolina
My Commission Expires:
April 30, 2025

A
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STATE OF SOUTH CAROLINA COUNTY OF CHARLESTON Charleston Carriage Works, LLC, Plaintiff, vs. Charleston Animal Society, Ellen Harley, and Charleston Carriage Horse Advocates, Inc., Defendants.	IN THE COURT OF COMMON PLEAS FOR THE NINTH JUDICIAL CIRCUIT CASE NO.: 2018-CP-10-04083 **SECOND RESCHEDULED PLAINTIFF'S NOTICE OF DEPOSITION 30(B)(6)**

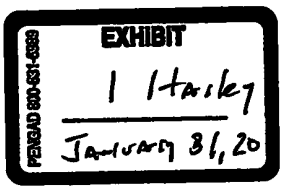
TO: Joseph Thompson, Esq, Attorneys for Defendant, Charleston Carriage Horse Advocates:

PLEASE TAKE NOTICE that pursuant to Rule 30(b)(6) of the *South Carolina Rules of Civil Procedure*, the undersigned attorneys for the Plaintiff will take on Friday, January 31, 2020, the videotaped deposition of the person or persons designated by the Charleston Horse Carriage Advocates pursuant to Rule 30(b)(6) of the *South Carolina Rules of Civil Procedure.* The Charleston Carriage Horse Advocates, Inc. shall designate:

Such director(s), manager(s), officer(s), employee(s), agent(s), or person or persons of authority for the Charleston Carriage Horse Advocates, Inc. who shall bring to the deposition such records and documents and has the knowledge and ability to identify such documents and testify as to the following:

(A) Knowledge of the identity or identities of such person or persons who has or have possession of the defendant's, Charleston Carriage Horse Advocates, Inc.'s, computer or computers, laptops, tablets, or other electronic devices used to maintain the Charleston Carriage Horse Advocates' website, Facebook account or accounts, Instagram account or accounts, Twitter account or accounts, or other social media from 2016 to the present;

(B) Knowledge of the identity or identities of the person or persons who have or have had administrative access to the Charleston Carriage Horse Advocates' web site, Facebook account or accounts, Instagram account or accounts, Twitter account or accounts or other social media from 2016 to the present;



(C) Knowledge of the identity or identities of such person or persons who has or have possession of the defendant's, Charleston Carriage Horse Advocates, Inc.'s. computer or computers, laptops, tablets, or other electronic devices used to maintain the Charleston Horse Advocates' website, Facebook, Twitter and email account(s) from 2016 to present;

(D) Knowledge of the identity or identities of the person or persons who have or have had administrative access to the Charleston Carriage Horse Advocates' website and email account(s, including the ability to read email and respond on behalf of Charleston Carriage Horse Advocates, from 2016 to present;

(E) Knowledge of the identity or identities of any person or persons who use or used personal or commercial email accounts to send and/or respond to email on behalf of Charleston Carriage Horse Advocates from 2016 to present;

(F) Knowledge of all of the written records of the Charleston Carriage Horse Advocates and who can bring to the deposition all written corporate records, including, but not limited to:

1) Minutes and agendas from all meetings;

2) The Articles of Incorporation and By Laws;

3) Written policies and/or procedures;

4) IRS Form 1023/1023EZ and all other documents affiliated with the application and acceptance for recognition of taxable exempt status;

(5) Bank statements, financial statements, and details of expenditures and their recipients;

(6) Financial reporting prepared and filed with the South Carolina Secretary of State and the South Carolina Department of Revenue;

(7) All financial reporting to the Internal Revenue Service, including all tax returns and all schedules, including "Schedule B's";

(8) Any and all documents listing contributors and/or specific contributions;

(9) Any and all written solicitations for contributions;

(10) Any and all documents serving or that have served as charitable donor receipts

(11) Any and all documents that identify the President, Vice-President, Secretary, Treasurer and any other officer, and members of the Board of Directors for each year from 2016 to present.

(G) The person or persons who can produce, identify, and describe the Charleston Carriage Horse Advocates Mission, structure, day-to-day operations, management, and decision making;

(H) Knowledge and production of all correspondence, whether written or communicated electronically, between the Charleston Carriage Horse Advocates, Inc. or its Officers, members of its Board, or anyone acting personally on their behalf, and the City of Charleston, including, but not limited to correspondence to or from any members of the Charleston Tourism Commission, Mayor of Charleston, Rick Jerue, and any members of Council;

(I) Knowledge and production of all correspondence, whether written or communicated electronically, between the Charleston Carriage Horse Advocates, Inc., or members of its Board, or anyone acting personally on their behalf, and the Charleston Animal Society, including but not limited to correspondence to or from Joe Elmore, any Charleston Animal Society Board Member, Kurt Taylor, Dan Krosse, or other officials of the Charleston Animal Society;

(J) Knowledge and production of all correspondence, whether written or communicated electronically, between the Charleston Carriage Horse Advocates, Inc., or anyone acting personally on their behalf, and any officers or officials of any Charleston neighborhood associations, including but not limited to Charlestowne Neighborhood Association, Historic Ansonborough Neighborhood Association, French Quarter Neighborhood Association and Harleston Village Neighborhood Association;

(K) Knowledge of the identity or identities of the person or persons who have information regarding the collection, maintenance, or editing of images and/or videos that appear or have appeared on Charleston Carriage Horse Advocates, Inc.'s social media accounts depicting Charleston Carriage Works, LLC's horses, carriages, employees, or property. Specifically this includes, but is not limited, to the following:

a. The identity of the person(s) who initially captured and/or recorded the initial images or videos;

b. The identity of the person(s) who supplied the initial images or videos to the Charleston Carriage Horse Advocates;

c. The method and details by which the images or videos were supplied or submitted to the Charleston Carriage Horse Advocates;

d. The person(s) within the Charleston Carriage Horse Advocates who initially received the images or videos;

e. Any person or organization to whom the images or video were sent or forwarded by or on behalf of Charleston Carriage Horse Advocates;

f. Any person or organization to whom the images or video were sent or forwarded by or on behalf of any Director of Charleston Carriage Horse Advocates whether acting personally or in an official capacity;

g. Any correspondence about the images or videos, whether written or communicated electronically, between or among the Directors of the Charleston Carriage Horse Advocates;

h. Any person(s) or organization(s) that assisted in editing, refining, enhancing or producing versions of the images or videos that appear(ed) on Charleston Carriage Horse Advocates' social media;

i. Information about the specific location of all raw and/or unedited video submitted and/or in the possession of the Charleston Carriage Horse Advocates;

j. The person or person(s) shall produce all raw and/or unedited video submitted to and/or in the possession of the Charleston Carriage Horse Advocates or any present or past member(s) of its Board of Directors.

(L) The person who can provide the full, complete, and unedited video of the April 19th incident involving Big John;

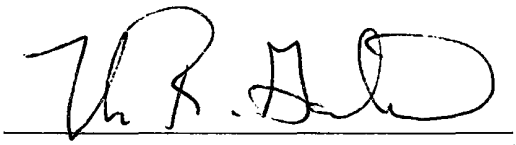
Please take further notice that the person or persons designated by the Defendant, Charleston Carriage Horse Advocates, Inc., is (or are) required to produce copies of all correspondence, reports, records, writing or things regarding the above subject matter at the time and place set forth hereinafter upon oral examination before the herein described Notary Public or before any other Notary Public or officer authorized by law to take depositions, at which time such witness or witnesses as Charleston Carriage Horse Advocates, Inc., may designate is/are

notified to appear and take part in such examination as you may be advised, and as shall be fit and proper.

This deposition will take place at the law offices of Belk Cobb Infinger & Goldstein, P.A., 2344 Cosgrove Avenue, Charleston, SC 29405. The deposition will begin on Friday, January 31, 2020, at 10:00 a.m. This deposition will take place before a videographer and a duly authorized Notary Public or other person authorized by law to administer oaths. This deposition will continue from day to day until completed. Any document exchanged in discovery between the parties may be show to the witness or marked as an exhibit. The witness must bring a current passport or other current identification document issued by a federal or state government agency bearing a photographic image of the individual's face, signature, and a physical description. You are invited to attend and take part as permitted by the *South Carolina Rules of Civil Procedure.*

This deposition is to be taken either for discovery purposes or for evidence at the trial of the above cause of action.

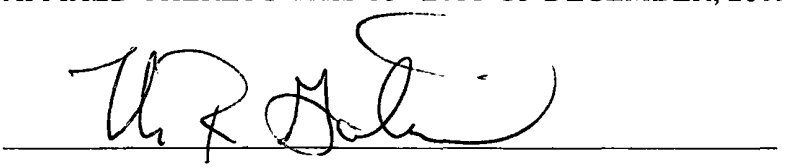
Respectfully submitted,



December 16, 2019

Thomas R. Goldstein, S. C. Bar No. 2186
BELK, COBB, INFINGER & GOLDSTEIN, P.A.
Post Office Box 71121
Charleston, South Carolina 29415-1121
843-554-4291; 843-554-5566 (fax)
tgoldstein@cobblaw.net; rlambooy@cobblaw.net
ATTORNEYS FOR THE PLAINTIFF

THE UNDERSIGNED HEREBY CERTIFIES THAT A TRUE COPY OF THE FOREGOING PLEADING HAS BEEN SERVED UPON OPPOSING COUNSEL BY MAILING A COPY PROPERLY ADDRESSED WITH SUFFICIENT POSTAGE AFFIXED THERETO THIS 16th DAY OF DECEMBER, 2019.



efile GRAPHIC print - DO NOT PROCESS | As Filed Data - | DLN: 93492135004078

Form **990-EZ**

Department of the Treasury
Internal Revenue Service

Short Form
Return of Organization Exempt From Income Tax

Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except private foundations)

▶ Do not enter social security numbers on this form as it may be made public.
▶ Information about Form 990-EZ and its instructions is at www.irs.gov/form990ez.

OMB No 1545-1150

2017

Open to Public Inspection

A For the 2017 calendar year, or tax year beginning 01-01-2017 , and ending 12-31-2017

B Check if applicable
- ☑ Address change
- ☐ Name change
- ☑ Initial return
- ☐ Final return/terminated
- ☐ Amended return
- ☐ Application pending

C Name of organization
CHARLESTON CARRIAGE HORSE ADVOCATES

Number and street (or P O box, if mail is not delivered to street address) | Room/suite
23 WENTWORTH STREET

City or town, state or province, country, and ZIP or foreign postal code
CHARLESTON, SC 29401

D Employer identification number
[redacted]

E Telephone number
(843) 412-8174

F Group Exemption Number ▶

G Accounting Method ☐ Cash ☑ Accrual Other (specify) ▶

H Check ▶ ☐ if the organization is **not** required to attach Schedule B (Form 990, 990-EZ, or 990-PF)

I Website: ▶CHARLESTONCARRIAGEHORSEADVOCATES COM

J Tax-exempt status(check only one) - ☑ 501(c)(3) ☐ 501(c)( ) ◀(insert no) ☐ 4947(a)(1) or ☐ 527

K Form of organization ☑ Corporation ☐ Trust ☐ Association ☐ Other

L Add lines 5b, 6c, and 7b to line 9 to determine gross receipts If gross receipts are $200,000 or more, or if total assets (Part II, column (B) below) are $500,000 or more, file Form 990 instead of Form 990-EZ . . . . . ▶ $ 68,720

Part I **Revenue, Expenses, and Changes in Net Assets or Fund Balances** (see the instructions for Part I)
Check if the organization used Schedule O to respond to any question in this Part I . . . . . ☑

Revenue	1	Contributions, gifts, grants, and similar amounts received		1	68,719
	2	Program service revenue including government fees and contracts		2	
	3	Membership dues and assessments		3	
	4	Investment income		4	1
	5a	Gross amount from sale of assets other than inventory	5a		
	b	Less cost or other basis and sales expenses	5b		
	c	Gain or (loss) from sale of assets other than inventory (Subtract line 5b from line 5a)		5c	
	6	Gaming and fundraising events			
	a	Gross income from gaming (attach Schedule G if greater than $15,000)	6a		
	b	Gross income from fundraising events (not including $ _____ of contributions from fundraising events reported on line 1) (attach Schedule G if the sum of such gross income and contributions exceeds $15,000)	6b		
	c	Less direct expenses from gaming and fundraising events	6c		
	d	Net income or (loss) from gaming and fundraising events (add lines 6a and 6b and subtract line 6c)		6d	
	7a	Gross sales of inventory, less returns and allowances	7a		
	b	Less cost of goods sold	7b		
	c	Gross profit or (loss) from sales of inventory (Subtract line 7b from line 7a)		7c	
	8	Other revenue (describe in Schedule O)		8	
	9	**Total revenue.** Add lines 1, 2, 3, 4, 5c, 6d, 7c, and 8 ▶		9	68,720
Expenses	10	Grants and similar amounts paid (list in Schedule O)		10	
	11	Benefits paid to or for members		11	
	12	Salaries, other compensation, and employee benefits		12	
	13	Professional fees and other payments to independent contractors		13	31,664
	14	Occupancy, rent, utilities, and maintenance		14	
	15	Printing, publications, postage, and shipping		15	
	16	Other expenses (describe in Schedule O)		16	27,221
	17	**Total expenses.** Add lines 10 through 16 ▶		17	58,885
Net Assets	18	Excess or (deficit) for the year (Subtract line 17 from line 9)		18	9,835
	19	Net assets or fund balances at beginning of year (from line 27, column (A)) (must agree with end-of-year figure reported on prior year's return)		19	
	20	Other changes in net assets or fund balances (explain in Schedule O)		20	
	21	Net assets or fund balances at end of year Combine lines 18 through 20		21	9,835

EXHIBIT
2 Hailey
January 31, 20

For Paperwork Reduction Act Notice, see the separate instructions. Cat No 10642I Form **990-EZ** (2017)

Part II **Balance Sheets** (see the instructions for Part II)
Check if the organization used Schedule O to respond to any question in this Part II . . . . . ☑

	(A) Beginning of year		(B) End of year
22 Cash, savings, and investments		22	10,137
23 Land and buildings		23	
24 Other assets (describe in Schedule O)		24	
25 **Total assets**	0	25	10,137
26 **Total liabilities** (describe in Schedule O)		26	302
27 **Net assets or fund balances** (line 27 of column (B) **must** agree with line 21)	0	27	9,835

Part III **Statement of Program Service Accomplishments** (see the instructions for Part III)
Check if the organization used Schedule O to respond to any question in this Part III . . ☑

Expenses (Required for section 501(c)(3) and 501(c)(4) organizations, optional for others)

What is the organization's primary exempt purpose?
OUR MISSION IS TO EDUCATE THE PUBLIC AND ADVOCATE FOR THE HUMANE TREATMENT OF LIVESTOCK AND ANIMALS THAT WORK IN URBAN ENVIRONMENTS WE SERVE THE CHARLESTON COMMUNITY BY PROVIDING UP-TO-DATE INFORMATION ON THE CARRIAGE INDUSTRY AND RESOURCES NEEDED TO REPORT CARRIAGE ANIMAL INCIDENTS AND ABUSE

Describe the organization's program service accomplishments for each of its three largest program services, as measured by expenses In a clear and concise manner, describe the services provided, the number of persons benefited, and other relevant information for each program title

28
See Additional Data Table

(Grants $) If this amount includes foreign grants, check here . . . ▶ ☐ **28a**

29

(Grants $) If this amount includes foreign grants, check here . . . ▶ ☐ **29a**

30

(Grants $) If this amount includes foreign grants, check here . . . ▶ ☐ **30a**

31 Other program services (describe in Schedule O) . . . . . .
(Grants $) If this amount includes foreign grants, check here . . . ▶ ☐ **31a**

32 Total program service expenses (add lines 28a through 31a) . . . . . ▶ **32**

Part IV **List of Officers, Directors, Trustees, and Key Employees** (list each one even if not compensated — see the instructions for Part IV)
Check if the organization used Schedule O to respond to any question in this Part IV. . . . . ☐

(a) Name and title	(b) Average hours per week devoted to position	(c) Reportable compensation (Forms W-2/1099-MISC) **(if not paid, enter -0-)**	(d) Health benefits, contributions to employee benefit plans, and deferred compensation	(e) Estimated amount of other compensation
ELLEN HARLEY DIRECTOR	25 00	0		
ELIZABETH SLAGSVOL DIRECTOR	25 00	0		
CATHERINE POAG DIRECTOR	25 00	0		
ELIZABETH FORT DIRECTOR	25 00	0		

Part V **Other Information** (Note the Schedule A and personal benefit contract statement requirements in the instructions for Part V) Check if the organization used Schedule O to respond to any question in this Part V . . . . . ☐

			Yes	No
33	Did the organization engage in any significant activity not previously reported to the IRS? If "Yes," provide a detailed description of each activity in Schedule O	33		No
34	Were any significant changes made to the organizing or governing documents? If "Yes," attach a conformed copy of the amended documents if they reflect a change to the organization's name Otherwise, explain the change on Schedule O (see instructions)	34		No
35a	Did the organization have unrelated business gross income of $1,000 or more during the year from business activities (such as those reported on lines 2, 6a, and 7a, among others)?	35a		No
b	If "Yes," to line 35a, has the organization filed a Form 990-T for the year? If "No," provide an explanation in Schedule O	35b		
c	Was the organization a section 501(c)(4), 501(c)(5), or 501(c)(6) organization subject to section 6033(e) notice, reporting, and proxy tax requirements during the year? If "Yes," complete Schedule C, Part III	35c		No
36	Did the organization undergo a liquidation, dissolution, termination, or significant disposition of net assets during the year? If "Yes," complete applicable parts of Schedule N	36		No
37a	Enter amount of political expenditures, direct or indirect, as described in the instructions ▶ 37a			
b	Did the organization file **Form 1120-POL** for this year?	37b		No
38a	Did the organization borrow from, or make any loans to, any officer, director, trustee, or key employee **or** were any such loans made in a prior year and still outstanding at the end of the tax year covered by this return?	38a		No
b	If "Yes," complete Schedule L, Part II and enter the total amount involved 38b			
39	Section 501(c)(7) organizations Enter			
a	Initiation fees and capital contributions included on line 9 39a			
b	Gross receipts, included on line 9, for public use of club facilities 39b			
40a	Section 501(c)(3) organizations Enter amount of tax imposed on the organization during the year under section 4911 ▶ _____ , section 4912 ▶ _____ , section 4955 ▶ _____			
b	Section 501(c)(3), 501(c)(4), and 501(c)(29) organizations Did the organization engage in any section 4958 excess benefit transaction during the year, or did it engage in an excess benefit transaction in a prior year that has not been reported on any of its prior Forms 990 or 990-EZ? If "Yes," complete Schedule L, Part I	40b		No
c	Section 501(c)(3), 501(c)(4), and 501(c)(29) organizations Enter amount of tax imposed on organization managers or disqualified persons during the year under sections4912, 4955, and 4958 ▶ _____			
d	Section 501(c)(3), 501(c)(4), and 501(c)(29) organizations Enter amount of tax on line 40c reimbursed by the organization ▶ _____			
e	All organizations At any time during the tax year, was the organization a party to a prohibited tax shelter transaction? If "Yes," complete Form 8886-T	40e		No
41	List the states with which a copy of this return is filed ▶			
42a	The organization's books are in care of ▶ ELLEN HARLEY Telephone no ▶ (843) 412-8174 Located at ▶ 23 WENTWORTH STREET CHARLESTON, SC ZIP + 4 ▶ 29401			

			Yes	No
b	At any time during the calendar year, did the organization have an interest in or a signature or other authority over a financial account in a foreign country (such as a bank account, securities account, or other financial account)?	42b		No
	If "Yes," enter the name of the foreign country ▶ _____			
	See the instructions for exceptions and filing requirements for **FinCEN Form 114, Report of Foreign Bank and Financial Accounts (FBAR)**			
c	At any time during the calendar year, did the organization maintain an office outside the U S ?	42c		No
	If "Yes," enter the name of the foreign country ▶ _____			
43	Section 4947(a)(1) nonexempt charitable trusts filing Form 990-EZ in lieu of **Form 1041** - Check here ▶ ☐ and enter the amount of tax-exempt interest received or accrued during the tax year ▶ 43			

			Yes	No
44a	Did the organization maintain any donor advised funds during the year? If "Yes," Form 990 must be completed instead of Form 990-EZ	44a		No
b	Did the organization operate one or more hospital facilities during the year? If "Yes," Form 990 must be completed instead of Form 990-EZ	44b		No
c	Did the organization receive any payments for indoor tanning services during the year?	44c		No
d	If "Yes," to line 44c, has the organization filed a Form 720 to report these payments? *If "No," provide an explanation in Schedule O*	44d		
45a	Did the organization have a controlled entity within the meaning of section 512(b)(13)?	45a		No
45b	Did the organization receive any payment from or engage in any transaction with a controlled entity within the meaning of section 512(b)(13)? If "Yes," Form 990 and Schedule R may need to be completed instead of Form 990-EZ (see instructions)	45b		No

		Yes	No
46 Did the organization engage, directly or indirectly, in political campaign activities on behalf of or in opposition to candidates for public office? If "Yes," complete Schedule C, Part I	46		No

Part VI **Section 501(c)(3) organizations only**

All section 501(c)(3) organizations must answer questions 47-49b and 52, and complete the tables for lines 50 and 51.

Check if the organization used Schedule O to respond to any question in this Part VI . . . . . ☐

			Yes	No
47	Did the organization engage in lobbying activities or have a section 501(h) election in effect during the tax year? If "Yes," complete Schedule C, Part II	47		No
48	Is the organization a school as described in section 170(b)(1)(A)(ii)? If "Yes," complete Schedule E . .	48		No
49a	Did the organization make any transfers to an exempt non-charitable related organization?	49a		No
b	If "Yes," was the related organization a section 527 organization?	49b		

50 Complete this table for the organization's five highest compensated employees (other than officers, directors, trustees and key employees) who each received more than $100,000 of compensation from the organization If there is none, enter "None "

(a) Name and title of each employee	(b) Average hours per week devoted to position	(c) Reportable compensation (Forms W-2/1099-MISC)	(d) Health benefits, contributions to employee benefit plans, and deferred compensation	(e) Estimated amount of other compensation
NONE				

f Total number of other employees paid over $100,000 . . . . . ▶

51 Complete this table for the organization's five highest compensated independent contractors who each received more than $100,000 of compensation from the organization If there is none, enter "None "

(a) Name and business address of each independent contractor	(b) Type of service	(c) Compensation
NONE		

d Total number of other independent contractors each receiving over $100,000. . . . . ▶

52 Did the organization complete Schedule A? **NOTE.** All Section 501(c)(3) organizations must attach a completed Schedule A . . . . . ▶ ☑ Yes ☐ No

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete Declaration of preparer (other than officer) is based on all information of which preparer has any knowledge

Sign Here

****** 2018-05-10
Signature of officer Date

ELLEN HARLEY DIRECTOR
Type or print name and title

Paid Preparer Use Only

Print/Type preparer's name	Preparer's signature	Date	Check ☐ if self-employed	PTIN
ROBERT A GOTTSCHALK JR		2018-05-10		P01006234
Firm's name ▶ LYNN GOTTSCHALK & COMPANY LLC				Firm's EIN ▶ 46-4047769
Firm's address ▶ 707A BETHLEHEM PIKE ERDENHEIM, PA 19038				Phone no (215) 687-4444

May the IRS discuss this return with the preparer shown above? See instructions . . . . . ▶ ☑ Yes ☐ No

Additional Data

Software ID:
Software Version:
EIN: 82-1071612
Name: CHARLESTON CARRIAGE HORSE ADVOCATES

Form 990EZ, Part III - Statement of Program Service Accomplishments

Describe the organization's program service accomplishments for each of its three largest program services, as measured by expenses. In a clear and concise manner, describe the services provided, the number of persons benefited, and other relevant information for each program title.	Expenses (Required for section 501 (c)(3) and 501(c)(4) organizations; optional for others.)	
28 OUR MISSION IS TO EDUCATE THE PUBLIC AND ADVOCATE FOR THE HUMANE TREATMENT OF LIVESTOCK AND ANIMALS THAT WORK IN URBAN ENVIRONMENTS WE SERVE THE CHARLESTON COMMUNITY BY PROVIDING UP-TO-DATE INFORMATION ON THE CARRIAGE INDUSTRY AND RESOURCES NEEDED TO REPORT CARRIAGE ANIMAL INCIDENTS AND ABUSE (Grants $) If this amount includes foreign grants, check here . . . ▶ ☐	**28a**	

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SCHEDULE A (Form 990 or 990EZ)

Department of the Treasury
Internal Revenue Service

Public Charity Status and Public Support

Complete if the organization is a section 501(c)(3) organization or a section 4947(a)(1) nonexempt charitable trust.

▶ **Attach to Form 990 or Form 990-EZ.**

▶ **Information about Schedule A (Form 990 or 990-EZ) and its instructions is at www.irs.gov/form990.**

OMB No 1545-0047

2017

Open to Public Inspection

Name of the organization
CHARLESTON CARRIAGE HORSE ADVOCATES

Employer identification number
[redacted]

Part I Reason for Public Charity Status (All organizations must complete this part.) See instructions.

The organization is not a private foundation because it is (For lines 1 through 12, check only one box)

1 ☐ A church, convention of churches, or association of churches described in **section 170(b)(1)(A)(i).**

2 ☐ A school described in **section 170(b)(1)(A)(ii).** (Attach Schedule E (Form 990 or 990-EZ))

3 ☐ A hospital or a cooperative hospital service organization described in **section 170(b)(1)(A)(iii).**

4 ☐ A medical research organization operated in conjunction with a hospital described in **section 170(b)(1)(A)(iii).** Enter the hospital's name, city, and state _____

5 ☐ An organization operated for the benefit of a college or university owned or operated by a governmental unit described in **section 170 (b)(1)(A)(iv).** (Complete Part II)

6 ☐ A federal, state, or local government or governmental unit described in **section 170(b)(1)(A)(v).**

7 ☐ An organization that normally receives a substantial part of its support from a governmental unit or from the general public described in **section 170(b)(1)(A)(vi).** (Complete Part II)

8 ☐ A community trust described in **section 170(b)(1)(A)(vi)** (Complete Part II)

9 ☐ An agricultural research organization described in **170(b)(1)(A)(ix)** operated in conjunction with a land-grant college or university or a non-land grant college of agriculture See instructions Enter the name, city, and state of the college or university

_____

10 ☑ An organization that normally receives (1) more than 331/3% of its support from contributions, membership fees, and gross receipts from activities related to its exempt functions—subject to certain exceptions, and (2) no more than 331/3% of its support from gross investment income and unrelated business taxable income (less section 511 tax) from businesses acquired by the organization after June 30, 1975 See **section 509(a)(2).** (Complete Part III)

11 ☐ An organization organized and operated exclusively to test for public safety See **section 509(a)(4).**

12 ☐ An organization organized and operated exclusively for the benefit of, to perform the functions of, or to carry out the purposes of one or more publicly supported organizations described in **section 509(a)(1)** or **section 509(a)(2).** See **section 509(a)(3).** Check the box in lines 12a through 12d that describes the type of supporting organization and complete lines 12e, 12f, and 12g

a ☐ **Type I.** A supporting organization operated, supervised, or controlled by its supported organization(s), typically by giving the supported organization(s) the power to regularly appoint or elect a majority of the directors or trustees of the supporting organization **You must complete Part IV, Sections A and B.**

b ☐ **Type II.** A supporting organization supervised or controlled in connection with its supported organization(s), by having control or management of the supporting organization vested in the same persons that control or manage the supported organization(s) **You must complete Part IV, Sections A and C.**

c ☐ **Type III functionally integrated.** A supporting organization operated in connection with, and functionally integrated with, its supported organization(s) (see instructions) **You must complete Part IV, Sections A, D, and E.**

d ☐ **Type III non-functionally integrated.** A supporting organization operated in connection with its supported organization(s) that is not functionally integrated The organization generally must satisfy a distribution requirement and an attentiveness requirement (see instructions) **You must complete Part IV, Sections A and D, and Part V.**

e ☐ Check this box if the organization received a written determination from the IRS that it is a Type I, Type II, Type III functionally integrated, or Type III non-functionally integrated supporting organization

f Enter the number of supported organizations _____

g Provide the following information about the supported organization(s)

(i) Name of supported organization	(ii) EIN	(iii) Type of organization (described on lines 1- 10 above (see instructions))	(iv) Is the organization listed in your governing document? Yes	(iv) No	(v) Amount of monetary support (see instructions)	(vi) Amount of other support (see instructions)
Total						

Part II **Support Schedule for Organizations Described in Sections 170(b)(1)(A)(iv), 170(b)(1)(A)(vi), and 170 (b)(1)(A)(ix)**

(Complete only if you checked the box on line 5, 7, 8, or 9 of Part I or if the organization failed to qualify under Part III. If the organization fails to qualify under the tests listed below, please complete Part III.)

Section A. Public Support

Calendar year (or fiscal year beginning in) ▶	(a) 2013	(b) 2014	(c) 2015	(d) 2016	(e) 2017	(f) Total
1 Gifts, grants, contributions, and membership fees received (Do not include any "unusual grant ")						
2 Tax revenues levied for the organization's benefit and either paid to or expended on its behalf						
3 The value of services or facilities furnished by a governmental unit to the organization without charge						
4 **Total.** Add lines 1 through 3						
5 The portion of total contributions by each person (other than a governmental unit or publicly supported organization) included on line 1 that exceeds 2% of the amount shown on line 11, column (f)						
6 **Public support.** Subtract line 5 from line 4						

Section B. Total Support

Calendar year (or fiscal year beginning in) ▶	(a)2013	(b)2014	(c)2015	(d)2016	(e)2017	(f)Total
7 Amounts from line 4						
8 Gross income from interest, dividends, payments received on securities loans, rents, royalties and income from similar sources						
9 Net income from unrelated business activities, whether or not the business is regularly carried on						
10 Other income Do not include gain or loss from the sale of capital assets (Explain in Part VI)						
11 **Total support.** Add lines 7 through 10						

12 Gross receipts from related activities, etc (see instructions) **12**

13 **First five years.** If the Form 990 is for the organization's first, second, third, fourth, or fifth tax year as a section 501(c)(3) organization, check this box and **stop here** . . . . . ▶ ☐

Section C. Computation of Public Support Percentage

14 Public support percentage for 2017 (line 6, column (f) divided by line 11, column (f)) **14**

15 Public support percentage for 2016 Schedule A, Part II, line 14 **15**

16a **33 1/3% support test—2017.** If the organization did not check the box on line 13, and line 14 is 33 1/3% or more, check this box and **stop here.** The organization qualifies as a publicly supported organization ▶ ☐

b **33 1/3% support test—2016.** If the organization did not check a box on line 13 or 16a, and line 15 is 33 1/3% or more, check this box and **stop here.** The organization qualifies as a publicly supported organization ▶ ☐

17a **10%-facts-and-circumstances test—2017.** If the organization did not check a box on line 13, 16a, or 16b, and line 14 is 10% or more, and if the organization meets the "facts-and-circumstances" test, check this box and **stop here.** Explain in Part VI how the organization meets the "facts-and-circumstances" test The organization qualifies as a publicly supported organization ▶ ☐

b **10%-facts-and-circumstances test—2016.** If the organization did not check a box on line 13, 16a, 16b, or 17a, and line 15 is 10% or more, and if the organization meets the "facts-and-circumstances" test, check this box and **stop here.** Explain in Part VI how the organization meets the "facts-and-circumstances" test The organization qualifies as a publicly supported organization ▶ ☐

18 **Private foundation.** If the organization did not check a box on line 13, 16a, 16b, 17a, or 17b, check this box and see instructions ▶ ☐

Part III **Support Schedule for Organizations Described in Section 509(a)(2)**
(Complete only if you checked the box on line 10 of Part I or if the organization failed to qualify under Part II. If the organization fails to qualify under the tests listed below, please complete Part II.)

Section A. Public Support

Calendar year (or fiscal year beginning in) ▶	(a) 2013	(b) 2014	(c) 2015	(d) 2016	(e) 2017	(f) Total
1 Gifts, grants, contributions, and membership fees received (Do not include any "unusual grants ")					68,719	68,719
2 Gross receipts from admissions, merchandise sold or services performed, or facilities furnished in any activity that is related to the organization's tax-exempt purpose					1	1
3 Gross receipts from activities that are not an unrelated trade or business under section 513						
4 Tax revenues levied for the organization's benefit and either paid to or expended on its behalf						
5 The value of services or facilities furnished by a governmental unit to the organization without charge						
6 **Total.** Add lines 1 through 5					68,720	68,720
7a Amounts included on lines 1, 2, and 3 received from disqualified persons						
b Amounts included on lines 2 and 3 received from other than disqualified persons that exceed the greater of $5,000 or 1% of the amount on line 13 for the year						
c Add lines 7a and 7b						
8 **Public support.** (Subtract line 7c from line 6)						68,720

Section B. Total Support

Calendar year (or fiscal year beginning in) ▶	(a) 2013	(b) 2014	(c) 2015	(d) 2016	(e) 2017	(f) Total
9 Amounts from line 6					68,720	68,720
10a Gross income from interest, dividends, payments received on securities loans, rents, royalties and income from similar sources						
b Unrelated business taxable income (less section 511 taxes) from businesses acquired after June 30, 1975						
c Add lines 10a and 10b						
11 Net income from unrelated business activities not included in line 10b, whether or not the business is regularly carried on						
12 Other income Do not include gain or loss from the sale of capital assets (Explain in Part VI)						
13 **Total support.** (Add lines 9, 10c, 11, and 12)					68,720	68,720

14 **First five years.** If the Form 990 is for the organization's first, second, third, fourth, or fifth tax year as a section 501(c)(3) organization, check this box and **stop here** ▶ ☐

Section C. Computation of Public Support Percentage

15	Public support percentage for 2017 (line 8, column (f) divided by line 13, column (f))	15	100 000 %
16	Public support percentage from 2016 Schedule A, Part III, line 15	16	

Section D. Computation of Investment Income Percentage

17	Investment income percentage for **2017** (line 10c, column (f) divided by line 13, column (f))	17	0 %
18	Investment income percentage from **2016** Schedule A, Part III, line 17	18	0 %

19a **33 1/3% support tests—2017.** If the organization did not check the box on line 14, and line 15 is more than 33 1/3%, and line 17 is not more than 33 1/3%, check this box and **stop here.** The organization qualifies as a publicly supported organization ▶ ☑

b **33 1/3% support tests—2016.** If the organization did not check a box on line 14 or line 19a, and line 16 is more than 33 1/3% and line 18 is not more than 33 1/3%, check this box and **stop here.** The organization qualifies as a publicly supported organization ▶ ☐

20 **Private foundation.** If the organization did not check a box on line 14, 19a, or 19b, check this box and see instructions ▶ ☐

Part IV Supporting Organizations

(Complete only if you checked a box on line 12 of Part I If you checked 12a of Part I, complete Sections A and B If you checked 12b of Part I, complete Sections A and C If you checked 12c of Part I, complete Sections A, D, and E If you checked 12d of Part I, complete Sections A and D, and complete Part V)

Section A. All Supporting Organizations

			Yes	No
1	Are all of the organization's supported organizations listed by name in the organization's governing documents? *If "No," describe in **Part VI** how the supported organizations are designated If designated by class or purpose, describe the designation If historic and continuing relationship, explain*	1		
2	Did the organization have any supported organization that does not have an IRS determination of status under section 509 (a)(1) or (2)? *If "Yes," explain in **Part VI** how the organization determined that the supported organization was described in section 509(a)(1) or (2)*	2		
3a	Did the organization have a supported organization described in section 501(c)(4), (5), or (6)? *If "Yes," answer (b) and (c) below*	3a		
b	Did the organization confirm that each supported organization qualified under section 501(c)(4), (5), or (6) and satisfied the public support tests under section 509(a)(2)? *If "Yes," describe in **Part VI** when and how the organization made the determination*	3b		
c	Did the organization ensure that all support to such organizations was used exclusively for section 170(c)(2)(B) purposes? *If "Yes," explain in **Part VI** what controls the organization put in place to ensure such use*	3c		
4a	Was any supported organization not organized in the United States ("foreign supported organization")? *If "Yes" and if you checked 12a or 12b in Part I, answer (b) and (c) below*	4a		
b	Did the organization have ultimate control and discretion in deciding whether to make grants to the foreign supported organization? *If "Yes," describe in **Part VI** how the organization had such control and discretion despite being controlled or supervised by or in connection with its supported organizations*	4b		
c	Did the organization support any foreign supported organization that does not have an IRS determination under sections 501(c)(3) and 509(a)(1) or (2)? *If "Yes," explain in **Part VI** what controls the organization used to ensure that all support to the foreign supported organization was used exclusively for section 170(c)(2)(B) purposes*	4c		
5a	Did the organization add, substitute, or remove any supported organizations during the tax year? *If "Yes," answer (b) and (c) below (if applicable) Also, provide detail in **Part VI,** including (i) the names and EIN numbers of the supported organizations added, substituted, or removed, (ii) the reasons for each such action, (iii) the authority under the organization's organizing document authorizing such action, and (iv) how the action was accomplished (such as by amendment to the organizing document)*	5a		
b	**Type I or Type II only.** Was any added or substituted supported organization part of a class already designated in the organization's organizing document?	5b		
c	**Substitutions only.** Was the substitution the result of an event beyond the organization's control?	5c		
6	Did the organization provide support (whether in the form of grants or the provision of services or facilities) to anyone other than (i) its supported organizations, (ii) individuals that are part of the charitable class benefited by one or more of its supported organizations, or (iii) other supporting organizations that also support or benefit one or more of the filing organization's supported organizations? *If "Yes," provide detail in **Part VI.***	6		
7	Did the organization provide a grant, loan, compensation, or other similar payment to a substantial contributor (defined in section 4958(c)(3)(C)), a family member of a substantial contributor, or a 35% controlled entity with regard to a substantial contributor? *If "Yes," complete Part I of Schedule L (Form 990 or 990-EZ)*	7		
8	Did the organization make a loan to a disqualified person (as defined in section 4958) not described in line 7? *If "Yes," complete Part I of Schedule L (Form 990 or 990-EZ)*	8		
9a	Was the organization controlled directly or indirectly at any time during the tax year by one or more disqualified persons as defined in section 4946 (other than foundation managers and organizations described in section 509(a)(1) or (2))? *If "Yes," provide detail in **Part VI.***	9a		
b	Did one or more disqualified persons (as defined in line 9a) hold a controlling interest in any entity in which the supporting organization had an interest? *If "Yes," provide detail in **Part VI.***	9b		
c	Did a disqualified person (as defined in line 9a) have an ownership interest in, or derive any personal benefit from, assets in which the supporting organization also had an interest? *If "Yes," provide detail in **Part VI.***	9c		
10a	Was the organization subject to the excess business holdings rules of section 4943 because of section 4943(f) (regarding certain Type II supporting organizations, and all Type III non-functionally integrated supporting organizations)? *If "Yes," answer line 10b below*	10a		
b	Did the organization have any excess business holdings in the tax year? *(Use Schedule C, Form 4720, to determine whether the organization had excess business holdings)*	10b		

Part IV Supporting Organizations (continued)

			Yes	No
11	Has the organization accepted a gift or contribution from any of the following persons?			
a	A person who directly or indirectly controls, either alone or together with persons described in (b) and (c) below, the governing body of a supported organization?	11a		
b	A family member of a person described in (a) above?	11b		
c	A 35% controlled entity of a person described in (a) or (b) above? *If "Yes" to a, b, or c, provide detail in Part VI*	11c		

Section B. Type I Supporting Organizations

			Yes	No
1	Did the directors, trustees, or membership of one or more supported organizations have the power to regularly appoint or elect at least a majority of the organization's directors or trustees at all times during the tax year? *If "No," describe in* ***Part VI*** *how the supported organization(s) effectively operated, supervised, or controlled the organization's activities If the organization had more than one supported organization, describe how the powers to appoint and/or remove directors or trustees were allocated among the supported organizations and what conditions or restrictions, if any, applied to such powers during the tax year*	1		
2	Did the organization operate for the benefit of any supported organization other than the supported organization(s) that operated, supervised, or controlled the supporting organization? *If "Yes," explain in* ***Part VI*** *how providing such benefit carried out the purposes of the supported organization(s) that operated, supervised or controlled the supporting organization*	2		

Section C. Type II Supporting Organizations

			Yes	No
1	Were a majority of the organization's directors or trustees during the tax year also a majority of the directors or trustees of each of the organization's supported organization(s)? *If "No," describe in* ***Part VI*** *how control or management of the supporting organization was vested in the same persons that controlled or managed the supported organization(s)*	1		

Section D. All Type III Supporting Organizations

			Yes	No
1	Did the organization provide to each of its supported organizations, by the last day of the fifth month of the organization's tax year, (i) a written notice describing the type and amount of support provided during the prior tax year, (ii) a copy of the Form 990 that was most recently filed as of the date of notification, and (iii) copies of the organization's governing documents in effect on the date of notification, to the extent not previously provided?	1		
2	Were any of the organization's officers, directors, or trustees either (i) appointed or elected by the supported organization (s) or (ii) serving on the governing body of a supported organization? *If "No," explain in* ***Part VI*** *how the organization maintained a close and continuous working relationship with the supported organization(s)*	2		
3	By reason of the relationship described in (2), did the organization's supported organizations have a significant voice in the organization's investment policies and in directing the use of the organization's income or assets at all times during the tax year? *If "Yes," describe in* ***Part VI*** *the role the organization's supported organizations played in this regard*	3		

Section E. Type III Functionally-Integrated Supporting Organizations

1 Check the box next to the method that the organization used to satisfy the Integral Part Test during the year **(see instructions)**

- a ☐ The organization satisfied the Activities Test Complete **line 2** below
- b ☐ The organization is the parent of each of its supported organizations Complete **line 3** below
- c ☐ The organization supported a governmental entity Describe in **Part VI** how you supported a government entity (see instructions)

			Yes	No
2	Activities Test **Answer (a) and (b) below.**			
a	Did substantially all of the organization's activities during the tax year directly further the exempt purposes of the supported organization(s) to which the organization was responsive? *If "Yes," then in* ***Part VI identify those supported organizations and explain*** *how these activities directly furthered their exempt purposes, how the organization was responsive to those supported organizations, and how the organization determined that these activities constituted substantially all of its activities*	2a		
b	Did the activities described in (a) constitute activities that, but for the organization's involvement, one or more of the organization's supported organization(s) would have been engaged in? *If "Yes," explain in* ***Part VI*** *the reasons for the organization's position that its supported organization(s) would have engaged in these activities but for the organization's involvement*	2b		
3	Parent of Supported Organizations **Answer (a) and (b) below.**			
a	Did the organization have the power to regularly appoint or elect a majority of the officers, directors, or trustees of each of the supported organizations? *Provide details in* ***Part VI.***	3a		
b	Did the organization exercise a substantial degree of direction over the policies, programs and activities of each of its supported organizations? *If "Yes," describe in* ***Part VI.*** *the role played by the organization in this regard*	3b		

Part V Type III Non-Functionally Integrated 509(a)(3) Supporting Organizations

1 ☐ Check here if the organization satisfied the Integral Part Test as a qualifying trust on Nov 20, 1970 (explain in Part VI) **See instructions.** All other Type III non-functionally integrated supporting organizations must complete Sections A through E

	Section A - Adjusted Net Income		(A) Prior Year	(B) Current Year (optional)
1	Net short-term capital gain	1		
2	Recoveries of prior-year distributions	2		
3	Other gross income (see instructions)	3		
4	Add lines 1 through 3	4		
5	Depreciation and depletion	5		
6	Portion of operating expenses paid or incurred for production or collection of gross income or for management, conservation, or maintenance of property held for production of income (see instructions)	6		
7	Other expenses (see instructions)	7		
8	**Adjusted Net Income** (subtract lines 5, 6 and 7 from line 4)	8		

	Section B - Minimum Asset Amount		(A) Prior Year	(B) Current Year (optional)
1	Aggregate fair market value of all non-exempt-use assets (see instructions for short tax year or assets held for part of year)	1		
a	Average monthly value of securities	1a		
b	Average monthly cash balances	1b		
c	Fair market value of other non-exempt-use assets	1c		
d	**Total** (add lines 1a, 1b, and 1c)	1d		
e	**Discount** claimed for blockage or other factors (explain in detail in Part VI)			
2	Acquisition indebtedness applicable to non-exempt use assets	2		
3	Subtract line 2 from line 1d	3		
4	Cash deemed held for exempt use Enter 1-1/2% of line 3 (for greater amount, see instructions)	4		
5	Net value of non-exempt-use assets (subtract line 4 from line 3)	5		
6	Multiply line 5 by 035	6		
7	Recoveries of prior-year distributions	7		
8	**Minimum Asset Amount** (add line 7 to line 6)	8		

	Section C - Distributable Amount			Current Year
1	Adjusted net income for prior year (from Section A, line 8, Column A)	1		
2	Enter 85% of line 1	2		
3	Minimum asset amount for prior year (from Section B, line 8, Column A)	3		
4	Enter greater of line 2 or line 3	4		
5	Income tax imposed in prior year	5		
6	**Distributable Amount.** Subtract line 5 from line 4, unless subject to emergency temporary reduction (see instructions)	6		

7 ☐ Check here if the current year is the organization's first as a non-functionally-integrated Type III supporting organization (see instructions)

Part V. Type III Non-Functionally Integrated 509(a)(3) Supporting Organizations (continued)

Section D - Distributions	Current Year
1 Amounts paid to supported organizations to accomplish exempt purposes	
2 Amounts paid to perform activity that directly furthers exempt purposes of supported organizations, in excess of income from activity	
3 Administrative expenses paid to accomplish exempt purposes of supported organizations	
4 Amounts paid to acquire exempt-use assets	
5 Qualified set-aside amounts (prior IRS approval required)	
6 Other distributions (describe in **Part VI**) See instructions	
7 **Total annual distributions.** Add lines 1 through 6	
8 Distributions to attentive supported organizations to which the organization is responsive (provide details in **Part VI**) See instructions	
9 Distributable amount for 2017 from Section C, line 6	
10 Line 8 amount divided by Line 9 amount	

Section E - Distribution Allocations (see instructions)	(i) Excess Distributions	(ii) Underdistributions Pre-2017	(iii) Distributable Amount for 2017
1 Distributable amount for 2017 from Section C, line 6			
2 Underdistributions, if any, for years prior to 2017 (reasonable cause required-- explain in Part VI) See instructions			
3 Excess distributions carryover, if any, to 2017			
a			
b From 2013.			
c From 2014.			
d From 2015.			
e From 2016.			
f **Total** of lines 3a through e			
g Applied to underdistributions of prior years			
h Applied to 2017 distributable amount			
i Carryover from 2012 not applied (see instructions)			
j Remainder Subtract lines 3g, 3h, and 3i from 3f			
4 Distributions for 2017 from Section D, line 7 $			
a Applied to underdistributions of prior years			
b Applied to 2017 distributable amount			
c Remainder Subtract lines 4a and 4b from 4			
5 Remaining underdistributions for years prior to 2017, if any Subtract lines 3g and 4a from line 2 If the amount is greater than zero, explain in Part VI See instructions			
6 Remaining underdistributions for 2017 Subtract lines 3h and 4b from line 1 If the amount is greater than zero, explain in Part VI See instructions			
7 **Excess distributions carryover to 2018.** Add lines 3j and 4c			
8 Breakdown of line 7			
a Excess from 2013.			
b Excess from 2014.			
c Excess from 2015.			
d Excess from 2016.			
e Excess from 2017.			

Part VI **Supplemental Information.** Provide the explanations required by Part II, line 10, Part II, line 17a or 17b, Part III, line 12, Part IV, Section A, lines 1, 2, 3b, 3c, 4b, 4c, 5a, 6, 9a, 9b, 9c, 11a, 11b, and 11c, Part IV, Section B, lines 1 and 2, Part IV, Section C, line 1, Part IV, Section D, lines 2 and 3, Part IV, Section E, lines 1c, 2a, 2b, 3a and 3b, Part V, line 1, Part V, Section B, line 1e, Part V Section D, lines 5, 6, and 8, and Part V, Section E, lines 2, 5, and 6 Also complete this part for any additional information (See instructions)

Facts And Circumstances Test

efile GRAPHIC print - DO NOT PROCESS	As Filed Data -	DLN: 93492135004078

SCHEDULE O (Form 990 or 990-EZ)

Department of the Treasury
Internal Revenue Service

Supplemental Information to Form 990 or 990-EZ

Complete to provide information for responses to specific questions on Form 990 or 990-EZ or to provide any additional information.
▶ Attach to Form 990 or 990-EZ.
▶ Information about Schedule O (Form 990 or 990-EZ) and its instructions is at www.irs.gov/form990.

OMB No 1545-0047

2017

Open to Public Inspection

Name of the organization
CHARLESTON CARRIAGE HORSE ADVOCATES

Employer identification number
[redacted]

990 Schedule O, Supplemental Information

Return Reference	Explanation
FORM 990-EZ, PART I, LINE 16	EXPENSES ADVERTISING AND PROMOTION 24,683 BANK SERVICE CHARGES 86 PRINTING AND COPYING 75 SUPPLIES 30 1,104 INSURANCE 1,243 TOTAL 27,221

990 Schedule O, Supplemental Information

Return Reference	Explanation
FORM 990-EZ, PART II, LINE 26	ACCOUNTS PAYABLE AND ACCRUED EXPENSES 0 302

990 Schedule O, Supplemental Information

Return Reference	Explanation
FORM 990-EZ, PART III	OUR MISSION IS TO EDUCATE THE PUBLIC AND ADVOCATE FOR THE HUMANE TREATMENT OF LIVESTOCK AN D ANIMALS THAT WORK IN URBAN ENVIRONMENTS WE SERVE THE CHARLESTON COMMUNITY BY PROVIDING UP-TO-DATE INFORMATION ON THE CARRIAGE INDUSTRY AND RESOURCES NEEDED TO REPORT CARRIAGE AN IMAL INCIDENTS AND ABUSE

990 Schedule O, Supplemental Information

Return Reference	Explanation
FORM 990-EZ, PART III, LINE 28	OUR MISSION IS TO EDUCATE THE PUBLIC AND ADVOCATE FOR THE HUMANE TREATMENT OF LIVESTOCK AN D ANIMALS THAT WORK IN URBAN ENVIRONMENTS WE SERVE THE CHARLESTON COMMUNITY BY PROVIDING UP-TO-DATE INFORMATION ON THE CARRIAGE INDUSTRY AND RESOURCES NEEDED TO REPORT CARRIAGE AN IMAL INCIDENTS AND ABUSE

BELK, COBB, INFINGER AND GOLDSTEIN, P.A.

Harry C. Belk (1919-2003)

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April 25, 2017

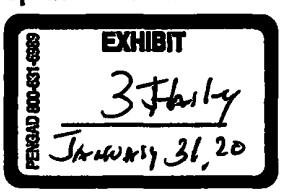
Ms. Ellen Harley
23 Wentworth Street
Charleston, S. C. 29401

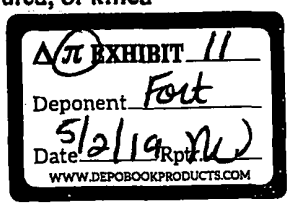
Re: Charleston Carriage Works

Dear Ms. Harley,

This office represents the interests of Charleston Carriage Works and Broderick Christoff. I have reviewed the false and libelous material you published concerning my client and his business, falsely implying that a healthy and uninjured horse collapsed from neglect and misuse. I am also aware that you spend a considerable amount of time following various tours, harassing companies, their employees and guests. I know you are a part time resident of South Carolina and therefore, you may be unaware of South Carolina laws. South Carolina allows suits for slander/libel, and under South Carolina law, "words that falsely charge a person with conduct, characteristics or a condition incompatible with the exercise of a lawful business, trade, profession or office are slander/libel *per se*." Moreover, your reckless and false statements have generated numerous serious threats directed against Broderick, his family and his employees. In addition, Congress responded to tactics such as yours by passing the *Animal Enterprise Terrorism Act* (AETA), 18 U.S.C. § 43. This act prohibits any person from engaging in certain conduct "for the purpose of damaging or interfering with the operations of an animal enterprise." The statute covers any act that either "damages or causes the loss of any real or personal property" or "places a person in reasonable fear" of injury."

In South Carolina, we consider it courteous to approach directly someone in order to express concerns with his or her activities. Should you have any concerns about the well-being of Charleston Carriage Works' horses, all you have to do is request information. You may not be aware, but the City of Charleston has rigorous regulations governing the care and conduct of the horses, including the number of hours they can work and the maximum temperature during which they can work. Broderick, the employees of Charleston Carriage Works and their guests love the horses, and the care and affection for their horses is second to none. It is extremely reckless of you to disseminate information that you know is false. You are aware that the horse that tripped, easily regained his feet as soon as he was unharnessed and walked back to the barn unassisted and was thoroughly checked by a doctor of veterinary medicine who cleared Big John to return to work. If you had real concerns about the horse—as opposed to publishing knowingly false information to suit your agenda—it would have been simple for you to request the veterinary records from the examination in order to determine accurate information about the horse's well-being. You did not do this because you chose to turn a blind eye to the facts in order to publish libelous material. Instead of making an effort to determine whether the horse was or was not injured, you published false information with the view of whipping up anger and hostility toward Charleston Carriage Works. In this you have succeeded, and if anyone there is attacked, injured, or killed as a result of your intentionally false publication, you will be responsible for this.





In the meantime, in the spirit of the Southern tradition of courtesy, we are happy to answer any relevant questions about the health, maintenance, and care of any animal. We expect you to do the right thing and immediately publish a retraction and correct the false impression that you created that the animal was injured in any way. Please provide evidence that you have published a retraction and correction. I am in no position to give you legal advice, but I suggest that you get legal advice from any of the excellent lawyers in Charleston who can advise you on what is and is not permissible under South Carolina tort law and under the *Animal Enterprise Terrorism Act*. I also ask that you notify your Homeowner's Insurance Carrier of our intent to make a claim. Your failure to do so could void your coverage. As always, you can contact me at the above telephone number, e-mail address, or street address to discuss this matter. I hope you will do so.

Very truly yours,

Belk, Cobb, Infinger & Goldstein, P.A.
Thomas R. Goldstein

cc: Broderick Christoff

CERTIFIED TO BE A TRUE AND CORRECT COPY
AS TAKEN FROM AND COMPARED WITH THE
ORIGINAL ON FILE IN THIS OFFICE
Sep 25 2019
REFERENCE ID: 405498
Mark Hammond
SECRETARY OF STATE OF SOUTH CAROLINA

STATE OF SOUTH CAROLINA
SECRETARY OF STATE

ARTICLES OF INCORPORATION
DOMESTIC NONPROFIT CORPORATION

TYPE OR PRINT CLEARLY IN BLACK INK

Pursuant to Section 33-31-202 of the South Carolina Code of Laws, as amended, the undersigned corporation submits the following information:

1. The name of the nonprofit corporation is Charleston Carriage Horse Advocates

2. The initial registered office (registered agent's address in SC) of the nonprofit corporation is

23 Wentworth Street
Street Address

Charleston	Charleston	South Carolina	29401
City	County	State	Zip Code

The name of the registered agent of the nonprofit corporation at that office is

Ellen A. Harley
Print Name

I hereby consent to the appointment as registered agent of the corporation.

Ellen A. Harley
Agent's Signature

3. Check "a", "b", or "c" whichever is applicable. Check only one box:
   a. [X] The nonprofit corporation is a public benefit corporation.
   b. [ ] The nonprofit corporation is a religious corporation.
   c. [ ] The nonprofit corporation is a mutual benefit corporation.

4. Check "a" or "b", whichever is applicable:
   a. [ ] This corporation will have members.
   b. [X] This corporation will not have members.

5. The address of the principal office of the nonprofit corporation is

23 Wentworth Street	Charleston	Charleston	South Carolina	29401
Street Address	City	County	State	Zip Code

6. If this nonprofit corporation is either a **public benefit** or **religious corporation** complete either "a" or "b", whichever is applicable, to describe how the remaining assets of the corporation will be distributed upon dissolution of the corporation. **If you are going to apply for 501(c)(3) status, you must complete section "a."**
   a. [X] Upon dissolution of the corporation, assets shall be distributed for one or more exempt purposes within the meaning of section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future Federal tax code, or shall be

FILED
JAN 03 2017
Mark Hammond
SECRETARY OF STATE

EXHIBIT
4 Harley
January 31, 20
PENGAD 800-631-6989

CERTIFIED TO BE A TRUE AND CORRECT COPY
AS TAKEN FROM AND COMPARED WITH THE
ORIGINAL ON FILE IN THIS OFFICE
Sep 25 2019
REFERENCE ID: 405498
Mark Hammond
SECRETARY OF STATE OF SOUTH CAROLINA

distributed to the Federal government, or to a state or local government, for a public purpose. Any such asset not so disposed of shall be disposed of by the Court of Common Pleas of the county in which the principal office of the corporation is then located, exclusively for such purposes or to such organization or organizations, as said court shall determine, which are organized and operated exclusively for such purposes.

[ ] If you choose to name a specific 501(c)(3) entity to which the assets should be distributed, please indicate the name of the selected entity.

[redacted]

OR

b. [ ] If the dissolved corporation is not described in Section 501(c)(3) of the Internal Code, upon dissolution of the corporation, the assets shall be distributed to one or more public benefit or religious corporations or to one or more entities described in (i) above.

[ ] If you choose to name a specific public benefit, religious corporation or 501(c)(3) entity to which the assets should be distributed, please indicate the name of the selected entity.

_____

7. If the corporation is a **mutual benefit corporation** complete either "a" or 'b", whichever is applicable, to describe how the (remaining) assets of the corporation will be distributed upon dissolution of the corporation.

a. [ ] Upon dissolution of the mutual benefit corporation, the (remaining) assets shall be distributed to its members, or if it has no members, to those persons to whom the corporation holds itself out as benefiting or serving.

b. [ ] Upon dissolution of the mutual benefit corporation, the (remaining) assets, consistent with the law, shall be distributed to [redacted]

8. The optional provisions which the nonprofit corporation elects to include in the articles of incorporation are as follows (See 33-31-202(c) of the 1976 South Carolina Code of Laws, as amended, the applicable comments thereto, and the instructions to this form):

a. The purpose of the Corporation shall be to educate the public and advocate the humane treatment of livestock and animals that work in urban environments.

b. Notwithstanding any other provisions of these articles, the purposes for which the corporation is organized are exclusively charitable within the meaning of 501(c)(3) of the Internal Revenue Code of 1986 or the corresponding provision of any future United States Internal Revenue law.

c. Notwithstanding any other provisions of these articles, this organization shall not carry on any activities not permitted to be carried on by an organization exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code of 1986 or the corresponding provision of any future United States Internal Revenue law.

d. Upon dissolution of the corporation, assets shall be distributed for one or more exempt purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986 or the corresponding provision of any future federal tax code, or shall be distributed to the federal government, or to a state or local government for a public purpose. Any such

CERTIFIED TO BE A TRUE AND CORRECT COPY
AS TAKEN FROM AND COMPARED WITH THE
ORIGINAL ON FILE IN THIS OFFICE
Sep 25 2019
REFERENCE ID: 405498
SECRETARY OF STATE OF SOUTH CAROLINA

assets not so disposed of shall be disposed of by the Court of Common Pleas of the county in which the principal office of the corporation is then located, exclusively for such purposes or to such organization or organizations, as said court shall determine, which are organized and operated for such purposes.

9. The name and address of each incorporator is as follows (only one is required, but you may have more than one).

Name	Address	Zip Code
Ellen A. Harley	23 Wentworth Street, Charleston, South Carolina,	29401

10. Each original director of the nonprofit corporation must sign the articles but only if the directors are named in these articles.

Name (Only if named in articles)	Signature of director
Ellen A. Harley	ELLEN A. HARLEY

11. Each incorporator listed in #9 must sign the articles.

Ellen A. Harley
Signature of incorporator

Signature of incorporator

Signature of incorporator

12. If the document is not to be effective upon filing by the Secretary of State, the delayed effective date/time is _____

FILING CHECKLIST

- Articles of Incorporation (in duplicate)
- $25.00 made payable to the South Carolina Secretary of State - Political Associations must submit a CL-1 form and an additional $25 fee
- Self-Addressed, Stamped Return Envelope
- Return all documents to: South Carolina Secretary of State's Office
  Attn: Corporate Filings
  1205 Pendleton Street, Suite 525
  Columbia, SC 29201

REGISTRY OF DEEDS
DOCUMENT NO. 5[illegible]139

BK893PG221 MASSACHUSETTS QUITCLAIM DEED INDIVIDUAL (LONG FORM) 882

JEREMIAH G. MacKENTY

of Edgartown, County of Dukes County, Massachusetts,

being unmarried, for consideration paid, and in full consideration of $725,000.00

grant to ELLEN A. HARLEY *

of 46 Anson Street, Charleston, SC 29401 with **quitclaim covenants**

~~XXXXXXX~~

Registered Land [Description and encumbrances, if any]

That certain parcel of land, situated in Edgartown, County of Dukes County, Commonwealth of Massachusetts, being shown as Lot No. 26 on a plan drawn by Schofield, Barbini & Hoehn, Inc., dated October 10, 1996, revised Nov. 22, 1996 as approved by the Land Court, filed in the Land Registration Office as Plan 19226-1, a copy of a portion of which is to be filed in the Dukes County Registry District of the Land Court with Certificate of Title No. 9846, to which plan reference is hereby made for a more particular description thereof.

40 Meetinghouse Way, Edgartown

The premises are conveyed with the right and easement to walk in the field as shown on the attached Sketch Plan as Exhibit "A" provided that: (a) the passive activity of walking within the Field does not interfere with the existing or contemplated agricultural or farming or conservation uses of the Field; (b) the right to walk in the Field shall be limited to those areas two hundred (200) feet distant from the boundaries of the Building Envelopes shown on the Sketch Plan; and (c) that the Grantee, her heirs successors and assigns, indemnifies and saves harmless the owners of the Field from any claims or liabilities that may arise as a result of the exercise of the rights and easements set forth above.

The premises are conveyed subject to and together with the right to use the way (40.00 wide) (Kanomika Road) from Meetinghouse Road in a southwesterly direction, to be used in common with the Grantor, his heirs and assigns and all those lawfully entitled thereto for all purposes for which public streets and ways are used in the Town of Edgartown.

The granted premises are conveyed together with and as appurtenant to the within granted premises the perpetual easement in common with the Grantor, his heirs, successors and assigns, (I) to travel on foot and by vehicle over the "Way (40.00 Wide)" shown on said Plan No. 19226-I, (ii) to park one vehicle in the existing parking lot; (iii) to travel on foot only from said Way (40.00 Wide) to the shores of Wintucket Cove over the unnamed path located on the southwesterly leg of Lot 35 on said Plan No. 19226-K; (iv) to use the beach front area at the water's edge of Wintucket Cove for customary beach and boating purposes. The right and easement granted herein shall not be open to the public and shall be only for the benefit of the occupants of one principal dwelling and appurtenant guest house on said Lot 26. Notwithstanding anything contained herein to the contrary, the owner of said Lot 35 shall have the right, in his sole discretion, to relocate the easements created and reserved herein to a different location within Lot 35 and other land now or formerly of Forrester. In the event that the then owner of Lot 35 exercises its right to relocate said access, the owner of Lot 35 shall provide comparable quality access to Wintucket Cove with equivalent clearing and parking rights and facilities at the water's edge of Wintucket Cove to the extent permitted by applicable permit granting authorities.

Unregistered Land

An undivided 10.00% interest in and to Lot 1 as shown on "Plan of Land in Edgartown Mass surveyed for John E. Mackenty, et ali January 20, 1995, Scale 1"= 200' David E. Taylor Professional Land Surveyor, P. O. Box 854, Vineyard haven, MA 02568", recorded with the Dukes County Registry of Deeds in Edgartown Case File No. 631, to which plan reference is hereby made for a more particular description thereof and containing 7.2 acres of land more or less.

(*Individual — Joint Tenants — Tenants in Common.)

EXHIBIT
5 Hailey
January 31, 20

PENGAD 800-631-6989

BK893PG222

Witness my hand and seal this 26th day of July A.D. 2002

JEREMIAH G. MacKENTY

The Commonwealth of Massachusetts

Dukes County ss. July 26, 2002

Then personally appeared the above named JEREMIAH G. MacKENTY

and acknowledged the foregoing instrument to be his free act and deed before me

Notary Public ~~Justice of the Peace~~

My commission expires 6/21/26 2007

PN

EDGARTOWN
DEEDS REGIS
DUKES

07/29/02 3:20PM 01
000000 #6227

FEE $7306.00

CASH $3306.00

MARTHA'S VINEYARD LAND BANK FEE

☒ PAID $14,500.00

☐ EXEMPT $

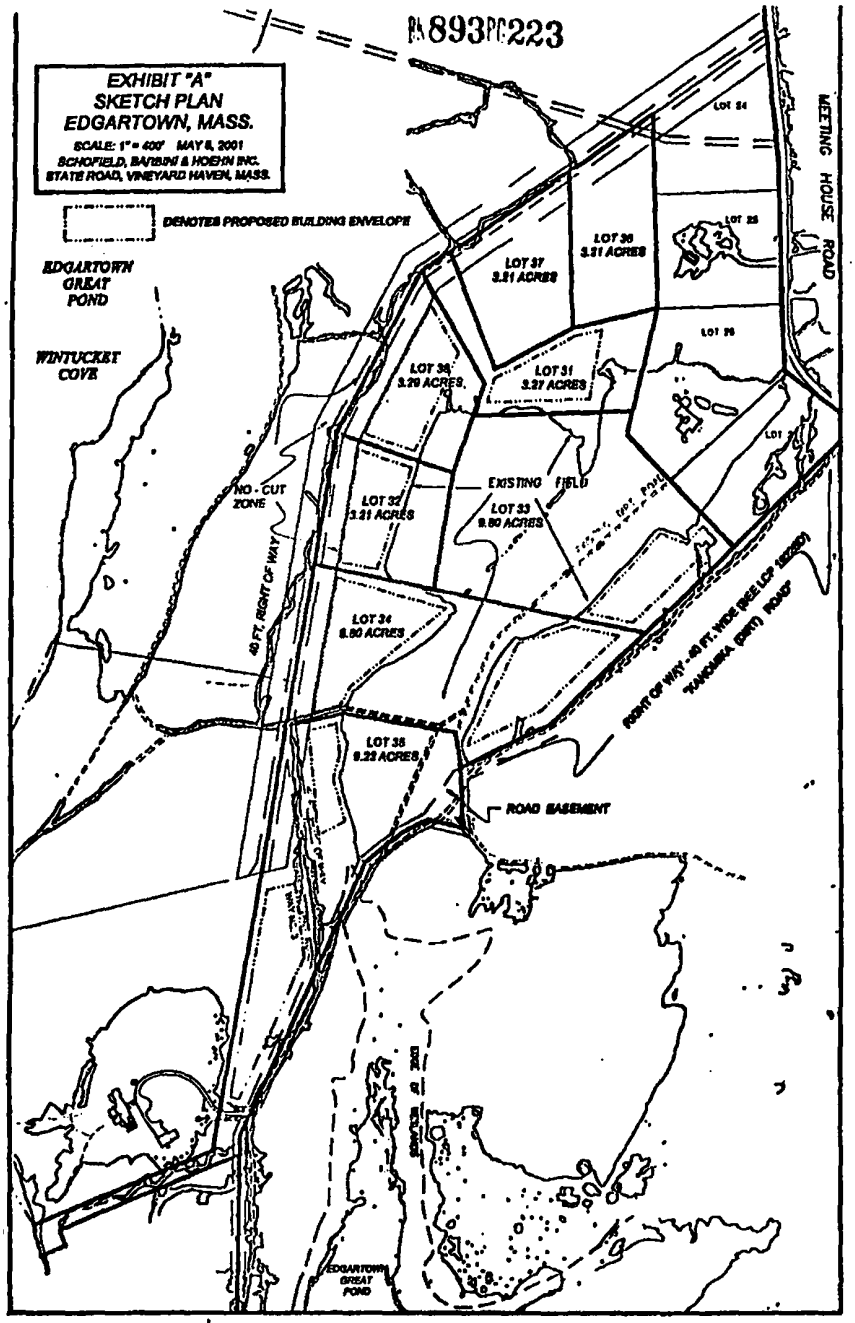
3,504 7/29/02

NO. DATE CERTIFICATION

CHAPTER 183 SEC. 6 AS AMENDED BY CHAPTER 497 of 1969

Every deed presented for record shall contain or have endorsed upon it the full name, residence and post office address of the grantee and a recital of the amount of the full consideration thereof in dollars or the nature of the other consideration therefor, if not delivered for a specific monetary sum. The full consideration shall mean the total price for the conveyance without deduction for any liens or encumbrances assumed by the grantee or remaining thereon. All such endorsements and recitals shall be recorded as part of the deed. Failure to comply with this section shall not affect the validity of any deed. No register of deeds shall accept a deed for recording unless it is in compliance with the requirements of this section.

BK893PG223



Edgartown, Mass. July 29 2002
at 3 o'clock and 00 minutes P M
received and entered with Dukes County Deeds
book 893 page 221

Attest:
Deanne C. Powers Register

Dukes Registry District
RECEIVED FOR REGISTRATION
July 29, 2002 3:00 P M
NOTED ON CERTIFICATE NO 11215
REGISTRATION BK. 140 PG. 225

40 MEETINGHOUSE WAY

Location	40 MEETINGHOUSE WAY	**Mblu**	27/ 8/ 14/ /
Owner	HARLEY ELLEN A	**Assessment**	$2,354,700
Appraisal	$2,354,700	**PID**	100019
Building Count	3		

Current Value

Appraisal			
Valuation Year	**Improvements**	**Land**	**Total**
2019	$1,576,300	$778,400	$2,354,700

Assessment			
Valuation Year	**Improvements**	**Land**	**Total**
2019	$1,576,300	$778,400	$2,354,700

Owner of Record

Owner	HARLEY ELLEN A	**Sale Price**	$725,000
Co-Owner		**Certificate**	
Address	PO BOX 22827 CHARLESTON, SC 29413-2827	**Book & Page**	60/ 095
		Sale Date	07/29/2002
		Instrument	00

Ownership History

Ownership History					
Owner	**Sale Price**	**Certificate**	**Book & Page**	**Instrument**	**Sale Date**
HARLEY ELLEN A	$725,000		60/ 095	00	07/29/2002
MACKENTY JEREMIAH	$0		20/ 380		12/11/1974

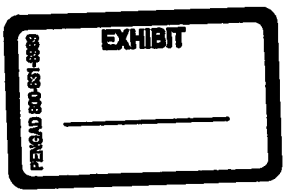
Building Information

Building 1 : Section 1

Year Built:	1870
Living Area:	4,040
Replacement Cost:	$1,214,843
Building Percent Good:	85
Replacement Cost Less Depreciation:	$1,032,600

Building Photo

Building Attributes	
Field	**Description**
Style	Colonial

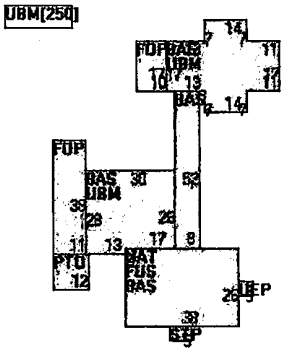


Model	Residential
Grade:	Good
Stories:	2 Stories
Occupancy	1
Exterior Wall 1	Clapboard
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Asph/F Gls/Cmp
Interior Wall 1	Drywall/Sheet
Interior Wall 2	
Interior Flr 1	Hardwood
Interior Flr 2	
Heat Fuel	Gas
Heat Type:	Forced Air-Duc
AC Type:	Central
Total Bedrooms:	5 Bedrooms
Total Bthrms:	3
Total Half Baths:	0
Total Xtra Fixtrs:	
Total Rooms:	7 Rooms
Bath Style:	Average
Kitchen Style:	Modern



(http://images.vgsi.com/photos2/EdgartownMAPhotos//\00\03\08/87.jpg)

Building Layout



(http://images.vgsi.com/photos2/EdgartownMAPhotos//Sketch

Building Sub-Areas (sq ft) Legend

Code	Description	Gross Area	Living Area
BAS	First Floor	3,052	3,052
FUS	Upper Story, Finished	988	988
FOP	Porch, Open, Finished	588	0
PTO	Patio	144	0
STP	Stoop	35	0
UAT	Attic, Unfinished	988	0
UBM	Basement, Unfinished	1,898	0
UEP	Porch, Enclosed, Unfinished	25	0
		7,718	4,040

Building 2 : Section 1

Year Built:	2005
Living Area:	1,911
Replacement Cost:	$383,921
Building Percent Good:	97
Replacement Cost Less Depreciation:	$372,400

Building Photo

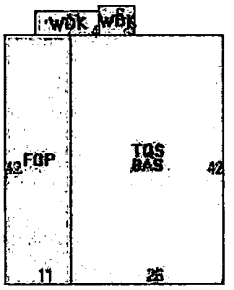
Building Attributes : Bldg 2 of 3

Field	Description
Style	Colonial
Model	Residential
Grade:	Average +10
Stories:	
Occupancy	
Exterior Wall 1	Clapboard
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Asph/F Gls/Cmp
Interior Wall 1	Wall Brd/Wood
Interior Wall 2	Drywall/Sheet
Interior Flr 1	Concr Abv Grad
Interior Flr 2	Pine/Soft Wood
Heat Fuel	Gas
Heat Type:	Hot Air-no Duc
AC Type:	Heat Pump
Total Bedrooms:	2 Bedrooms
Total Bthrms:	2
Total Half Baths:	1
Total Xtra Fixtrs:	
Total Rooms:	6
Bath Style:	Average
Kitchen Style:	Modern



(http://images.vgsi.com/photos2/EdgartownMAPhotos//\00\03\08/94.jpg)

Building Layout



(http://images.vgsi.com/photos2/EdgartownMAPhotos//Sketch

Building Sub-Areas (sq ft) Legend

Code	Description	Gross Area	Living Area
BAS	First Floor	1,092	1,092
TQS	Three Quarter Story	1,092	819
FOP	Porch, Open, Finished	462	0
WDK	Deck, Wood	74	0
		2,720	1,911

Building 3 : Section 1

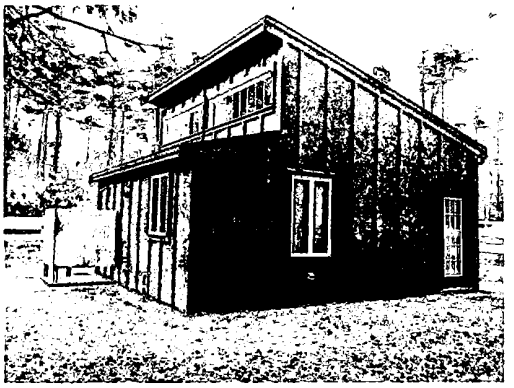
Year Built: 2013
Living Area: 418
Replacement Cost: $66,482
Building Percent Good: 98
Replacement Cost Less Depreciation: $65,200

Building Photo

Building Attributes : Bldg 3 of 3

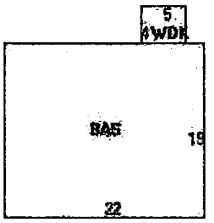
Field	Description
Style	Standard Basic
Model	Residential
Grade:	Average +10

Stories:	1
Occupancy	1
Exterior Wall 1	Pre-Fab Wood
Exterior Wall 2	
Roof Structure:	Shed
Roof Cover	Asph/F Gls/Cmp
Interior Wall 1	Drywall/Sheet
Interior Wall 2	
Interior Flr 1	Pine/Soft Wood
Interior Flr 2	
Heat Fuel	Electric
Heat Type:	Forced Air-Duc
AC Type:	Heat Pump
Total Bedrooms:	1 Bedroom
Total Bthrms:	1
Total Half Baths:	
Total Xtra Fixtrs:	
Total Rooms:	3
Bath Style:	Average
Kitchen Style:	Modern



(http://images.vgsi.com/photos2/EdgartownMAPhotos//\00\03\19/45.jpg)

Building Layout



(http://images.vgsi.com/photos2/EdgartownMAPhotos//Sketches,

Building Sub-Areas (sq ft) **Legend**

Code	Description	Gross Area	Living Area
BAS	First Floor	418	418
WDK	Deck, Wood	20	0
		438	418

Extra Features

Extra Features **Legend**

Code	Description	Size	Value	Bldg #
FPL3	FPL MSNRY 2ST CH	1 UNITS	$3,400	1

Land

Land Use

Use Code	1090
Description	MULTI HSES
Zone	A12
Neighborhood	0050
Alt Land Appr	No
Category	

Land Line Valuation

Size (Acres)	3.89
Frontage	0
Depth	0
Assessed Value	$778,400
Appraised Value	$778,400

Outbuildings

Outbuildings						Legend
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
FGR4	W/LOFT-AVG			1836 S.F	$55,100	2
ODS	OUTDOOR SHOWER			1 UNITS	$700	3
SHD1	SHED FRAME			288 S.F.	$4,600	2
SHD1	SHED FRAME			360 S.F.	$5,800	2
SPL3	INGR GUNITE			840 S.F.	$30,200	1
SHD1	SHED FRAME			528 S.F.	$6,300	1

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2019	$1,576,300	$778,400	$2,354,700
2018	$1,325,000	$707,700	$2,032,700
2017	$1,128,200	$660,600	$1,788,800

Assessment			
Valuation Year	Improvements	Land	Total
2019	$1,576,300	$778,400	$2,354,700
2018	$1,325,000	$707,700	$2,032,700
2017	$1,128,200	$660,600	$1,788,800

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25 OLD FARMS TRAIL

Location	25 OLD FARMS TRAIL	**Mblu**	27/ 8/ 19/ /
Owner	HARLEY ELLEN A TRS &	**Assessment**	$753,700
Appraisal	$753,700	**PID**	100650
Building Count	1		

Current Value

Appraisal

Valuation Year	Improvements	Land	Total
2019	$0	$753,700	$753,700

Assessment

Valuation Year	Improvements	Land	Total
2019	$0	$753,700	$753,700

Owner of Record

Owner	HARLEY ELLEN A TRS &	**Sale Price**	$650,000
Co-Owner	HARLEY EDWIN W TRS	**Certificate**	
Address	PO BOX 22827 CHARLESTON, SV 29413-2827	**Book & Page**	74/ 231
		Sale Date	05/21/2014
		Instrument	1T

Ownership History

Ownership History

Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
HARLEY ELLEN A TRS &	$650,000		74/ 231	1T	05/21/2014
FIELD STORM & DEBRA	$484,000		71/ 307	00	02/14/2012
MACKENTY JEREMIAH	$0		20/ 380		12/11/1974

Building Information

Building 1 : Section 1

Year Built:	
Living Area:	0
Replacement Cost:	$0
Building Percent Good:	
Replacement Cost Less Depreciation:	$0

Building Photo

Building Attributes

Field	Description

Style	Vacant Land
Model	
Grade:	
Stories:	
Occupancy	
Exterior Wall 1	
Exterior Wall 2	
Roof Structure:	
Roof Cover	
Interior Wall 1	
Interior Wall 2	
Interior Flr 1	
Interior Flr 2	
Heat Fuel	
Heat Type:	
AC Type:	
Total Bedrooms:	
Total Bthrms:	
Total Half Baths:	
Total Xtra Fixtrs:	
Total Rooms:	
Bath Style:	
Kitchen Style:	



(http://images.vgsi.com/photos2/EdgartownMAPhotos//\00\02\54/70.jpg)

Building Layout

(http://images.vgsi.com/photos2/EdgartownMAPhotos//Sketches,

Building Sub-Areas (sq ft)	Legend
No Data for Building Sub-Areas	

Extra Features

Extra Features	Legend
No Data for Extra Features	

Land

Land Use

Use Code	1300
Description	RES ACLNDV MDL00
Zone	A12
Neighborhood	0050
Alt Land Appr	No
Category	

Land Line Valuation

Size (Acres)	3.29
Frontage	
Depth	
Assessed Value	$753,700
Appraised Value	$753,700

Outbuildings

Outbuildings	Legend
No Data for Outbuildings	

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2019	$0	$753,700	$753,700
2018	$0	$685,200	$685,200
2017	$0	$639,600	$639,600

Assessment			
Valuation Year	Improvements	Land	Total
2019	$0	$753,700	$753,700
2018	$0	$685,200	$685,200
2017	$0	$639,600	$639,600

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19 OLD FARMS TRAIL

Location	19 OLD FARMS TRAIL	**Mblu**	27/ 8/ 18/ /
Owner	HARLEY ELLEN A	**Assessment**	$752,800
Appraisal	$752,800	**PID**	100649
Building Count	1		

Current Value

Appraisal

Valuation Year	Improvements	Land	Total
2019	$0	$752,800	$752,800

Assessment

Valuation Year	Improvements	Land	Total
2019	$0	$752,800	$752,800

Owner of Record

Owner	HARLEY ELLEN A	**Sale Price**	$650,000
Co-Owner		**Certificate**	
Address	PO BOX 22827 CHARLESTON, SC 29413	**Book & Page**	63/ 105
		Sale Date	12/15/2004
		Instrument	1N

Ownership History

Ownership History

Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
HARLEY ELLEN A	$650,000		63/ 105	1N	12/15/2004
MACKENTY JEREMIAH	$0		20/ 380		12/11/1974

Building Information

Building 1 : Section 1

Year Built:	
Living Area:	0
Replacement Cost:	$0
Building Percent Good:	
Replacement Cost Less Depreciation:	$0

Building Photo

Building Attributes

Field	Description
Style	Vacant Land

Model	
Grade:	
Stories:	
Occupancy	
Exterior Wall 1	
Exterior Wall 2	
Roof Structure:	
Roof Cover	
Interior Wall 1	
Interior Wall 2	
Interior Flr 1	
Interior Flr 2	
Heat Fuel	
Heat Type:	
AC Type:	
Total Bedrooms:	
Total Bthrms:	
Total Half Baths:	
Total Xtra Fixtrs:	
Total Rooms:	
Bath Style:	
Kitchen Style:	



(http://images.vgsi.com/photos2/EdgartownMAPhotos//default.jp

Building Layout

(http://images.vgsi.com/photos2/EdgartownMAPhotos//Sketches,

Building Sub-Areas (sq ft)	Legend
No Data for Building Sub-Areas	

Extra Features

Extra Features	Legend
No Data for Extra Features	

Land

Land Use

Use Code	1300
Description	RES ACLNDV MDL00
Zone	A12
Neighborhood	0050
Alt Land Appr	No
Category	

Land Line Valuation

Size (Acres)	3.27
Frontage	
Depth	
Assessed Value	$752,800
Appraised Value	$752,800

Outbuildings

Outbuildings	Legend
No Data for Outbuildings	

Valuation History

Appraisal

Valuation Year	Improvements	Land	Total
2019	$0	$752,800	$752,800
2018	$0	$684,400	$684,400
2017	$0	$638,900	$638,900

Assessment

Valuation Year	Improvements	Land	Total
2019	$0	$752,800	$752,800
2018	$0	$684,400	$684,400
2017	$0	$638,900	$638,900

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40 Meetinghouse Way, Dukes County, MA (/mason/Property/110085840)

Property Taxes

Tax year	**2018**	Land value	**$707,700**
Tax amount	**$7,867**	Building value	**$1,325,000**
		Market value	**$2,032,700**

South Carolina Secretary of State Mark Hammond

Business Entities Online

File, Search, and Retrieve Documents Electronically

This filing has been submitted and filed successfully.

Receipt

Transaction Information

Transaction ID: 26332

Receipt Date: 2/4/2017 7:49:59 AM

Charges

Pricing Summary

Item	Price
ARTICLES OF INCORPORATION	$25.00
Total Cost	**$25.00**
Total Amount Paid	**$25.00**

To request a Certificate of Existence (Certificate of Good Standing) or a Certificate of Authority for an out-of-state entity, please submit a document request at https://web.sc.gov/SOSDocumentRetrieval/.

Payment Info

Payment Method : Check

Name : Charleston Carriage Horse Advocates

Check Number : 2213

Entity Name

Charleston Carriage Horse Advocates

Completed Forms

170204-0749598 - ARTICLES OF INCORPORATION

Contact Information

Contact Name: **Ellen A. Harley**

Address:



CCW_Chas Carriage Horse Advocates_0001

23 Wentworth Street
Charleston, South Carolina 29401

CCW_Chas Carriage Horse Advocates_0002

CERTIFIED TO BE A TRUE AND CORRECT COPY
AS TAKEN FROM AND COMPARED WITH THE
ORIGINAL ON FILE IN THIS OFFICE

STATE OF SOUTH CAROLINA
SECRETARY OF STATE

JAN 03 2017

ARTICLES OF INCORPORATION
DOMESTIC NONPROFIT CORPORATION

Mark Hammond
SECRETARY OF STATE OF SOUTH CAROLINA

TYPE OR PRINT CLEARLY IN BLACK INK

Pursuant to Section 33-31-202 of the South Carolina Code of Laws, as amended, the undersigned corporation submits the following information:

1. The name of the nonprofit corporation is Charleston Carriage Horse Advocates

2. The initial registered office (registered agent's address in SC) of the nonprofit corporation is

23 Wentworth Street
Street Address

Charleston	Charleston	South Carolina	29401
City	County	State	Zip Code

The name of the registered agent of the nonprofit corporation at that office is

Ellen A. Harley
Print Name

I hereby consent to the appointment as registered agent of the corporation.

Ellen A. Harley
Agent's Signature

3. Check "a", "b", or "c" whichever is applicable. Check only one box:
   a. [X] The nonprofit corporation is a public benefit corporation.
   b. [ ] The nonprofit corporation is a religious corporation.
   c. [ ] The nonprofit corporation is a mutual benefit corporation.

4. Check "a" or "b", whichever is applicable:
   a. [ ] This corporation will have members.
   b. [X] This corporation will not have members.

5. The address of the principal office of the nonprofit corporation is

23 Wentworth Street	Charleston	Charleston	South Carolina	29401
Street Address	City	County	State	Zip Code

6. If this nonprofit corporation is either a **public benefit** or **religious corporation** complete either "a" or "b", whichever is applicable, to describe how the remaining assets of the corporation will be distributed upon dissolution of the corporation. **If you are going to apply for 501(c)(3) status, you must complete section "a."**
   a. [X] Upon dissolution of the corporation, assets shall be distributed for one or more exempt purposes within the meaning of section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future Federal tax code, or shall be

FILED
JAN 03 2017

Mark Hammond
SECRETARY OF STATE

CCW_Chas Carriage Horse Advocates_0003

distributed to the Federal government, or to a state or local government, for a public purpose. Any such asset not so disposed of shall be disposed of by the Court of Common Pleas of the county in which the principal office of the corporation is then located, exclusively for such purposes or to such organization or organizations, as said court shall determine, which are organized and operated exclusively for such purposes.

[ ] If you choose to name a specific 501(c)(3) entity to which the assets should be distributed, please indicate the name of the selected entity.

_____

OR

b. [ ] If the dissolved corporation is not described in Section 501(c)(3) of the Internal Code, upon dissolution of the corporation, the assets shall be distributed to one or more public benefit or religious corporations or to one or more entities described in (I) above.

[ ] If you choose to name a specific public benefit, religious corporation or 501(c)(3) entity to which the assets should be distributed, please indicate the name of the selected entity.

_____

7. If the corporation is a **mutual benefit corporation** complete either "a" or "b", whichever is applicable, to describe how the (remaining) assets of the corporation will be distributed upon dissolution of the corporation.

a. [ ] Upon dissolution of the mutual benefit corporation, the (remaining) assets shall be distributed to its members, or if it has no members, to those persons to whom the corporation holds itself out as benefiting or serving.

b. [ ] Upon dissolution of the mutual benefit corporation, the (remaining) assets, consistent with the law, shall be distributed to _____

8. The optional provisions which the nonprofit corporation elects to include in the articles of incorporation are as follows (See 33-31-202(c) of the 1976 South Carolina Code of Laws, as amended, the applicable comments thereto, and the instructions to this form):

a. The purpose of the Corporation shall be to educate the public and advocate the humane treatment of livestock and animals that work in urban environments.

b. Notwithstanding any other provisions of these articles, the purposes for which the corporation is organized are exclusively charitable within the meaning of 501(c)(3) of the Internal Revenue Code of 1986 or the corresponding provision of any future United States Internal Revenue law.

c. Notwithstanding any other provisions of these articles, this organization shall not carry on any activities not permitted to be carried on by an organization exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code of 1986 or the corresponding provision of any future United States Internal Revenue law.

d. Upon dissolution of the corporation, assets shall be distributed for one or more exempt purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986 or the corresponding provision of any future federal tax code, or shall be distributed to the federal government, or to a state or local government for a public purpose. Any such

assets not so disposed of shall be disposed of by the Court of Common Pleas of the county in which the principal office of the corporation is then located, exclusively for such purposes or to such organization or organizations, as said court shall determine, which are organized and operated for such purposes.

9. The name and address of each incorporator is as follows (only one is required, but you may have more than one).

Name	Address	Zip Code
Ellen A. Harley	23 Wentworth Street, Charleston, South Carolina, 29401	
Name	Address	Zip Code
Name	Address	Zip Code

10. Each original director of the nonprofit corporation must sign the articles but only if the directors are named in these articles:

Name (Only if named in articles)	Signature of director
Name (Only if named in articles)	Signature of director
Name (Only if named in articles)	Signature of director

11. Each incorporator listed in #9 must sign the articles.

Signature of incorporator

Signature of incorporator

Signature of incorporator

12. If the document is not to be effective upon filing by the Secretary of State, the delayed effective date/time is _____

FILING CHECKLIST

- Articles of Incorporation (in duplicate)
- $25.00 made payable to the South Carolina Secretary of State - Political Associations must submit a CL-1 form and an additional $25 fee
- Self-Addressed, Stamped Return Envelope
- Return all documents to: South Carolina Secretary of State's Office
  Attn: Corporate Filings
  1205 Pendleton Street, Suite 525
  Columbia, SC 29201

CHARLESTON CARRIAGE HORSE ADVOCATES
SOUTH CAROLINA NONPROFIT CORPORATION
BYLAWS

ARTICLE I – NAME AND OFFICES

Section 1.1. Name of Corporation. The name of the Corporation shall be as specified in its Articles of Incorporation, to wit: Charleston Carriage Horse Advocates hereinafter referred to as the "Corporation").

Section 1.2. Address of Corporation. The Corporation shall maintain its Principal Office as required by the South Carolina Nonprofit Act of 1994, as amended (hereinafter the "Act"), in the City of Charleston, South Carolina, but may be moved to such other location as the Board of Directors (hereinafter the "Board") may from time to time designate. The Corporation may maintain such other offices both within and without the State of South Carolina as the Board of Directors may authorize.

Section 1.3. Corporate Seal. The seal of the corporation shall be of such design as shall be approved and adopted from time to time by the Board of Directors, and the seal or a facsimile thereof may be affixed by any person authorized by the Board of Directors or these Bylaws by impression, by printing, by rubber stamp, or otherwise. The foregoing notwithstanding, however, unless otherwise required by the laws of the State of South Carolina, the Board of Directors may opt not to utilize a corporate seal.

ARTICLE II – NATURE OF CORPORATION

Section 2.1. Non-Profit. The Corporation does not contemplate pecuniary gain or profit, incidental or otherwise.

Section 2.2. Purposes. The corporation has been organized for the purposes set forth in the Articles of Incorporation; to wit, in accordance with section 501(c)(3) of the Internal Revenue Code, as a public benefit corporation, specifically with the mission to educate the public and advocate the humane treatment of livestock and animals that work in urban environments, and to do all things necessary or convenient, and not inconsistent with the law, to further these goals. The purpose of the Corporation is exclusively charitable within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (hereinafter the "Code").

Section 2.3. Limitations and Restrictions.
Income and Distributions: No part of the assets, income, or net earnings of the Corporation shall be distributable to or shall inure to the benefit of Trustees, Directors, Officers, or any organizer or private individual, but reasonable expenses may be reimbursed and reasonable compensation may be paid for services rendered to enable the Corporation to provide the functions for which it has been organized.

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Dissolution: Pursuant to federal law, upon the dissolution of the Corporation, its assets may not inure to the benefit of any private person. Any assets attained through restricted agreements with a donor through awards, grants or gifts must be returned to the entity, if such entity is a legal non-profit entity. All other assets of the Corporation shall, after necessary expenses thereof, be distributed to another organization, with a similar purpose, exempt under IRS Section 501(c)(3), or corresponding provision of any subsequent Federal tax laws, or to the Federal government, or to a state or local government, for a public purpose. Any such asset not so disposed of shall be disposed of by the Court of Common Pleas of the county in which the principal office of the corporation is then located, exclusively for such purposes or to such organization or organizations, as said court shall determine, which are organized and operated exclusively for such purposes.

Scope of Activity: Notwithstanding any other provision herein, the Corporation shall not carry on any other activities not permitted to be carried on by (a) a corporation exempt from federal income tax under Section 501 (c)(3) of the Internal Revenue Code of 1986, as amended, or the corresponding provision of any future United States Internal Revenue Law, or (b) by an organization, contributions to which are deductible under section 170 (c)(2) of the Internal Revenue Code, or corresponding section of any future federal tax code.

Prohibited Transactions: No substantial part of the activities of the organization shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the organization shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office.

Section 2.4. Non-Discrimination. In administering its affairs, the Corporation shall not discriminate against any person on the basis of race, creed, color, religion, national origin, sex, marital status, sexual orientation, handicap status, or age.

ARTICLE III – MEMBERS

Section 3.1. No Members. The Corporation shall have no members. Any action which would otherwise, by law, require approval by a majority of all members or approval by the members shall require only approval of the Board of Directors. All rights which would otherwise, by law, vest in the members shall vest in the Board of Directors. Nothing in this Article III shall be construed to limit the Corporation's right to refer to persons associated with it as "members," even though such persons are not members. The Board of Directors may also, but without establishing memberships, create an advisory council or honorary board or such other auxiliary groups as it deems appropriate to advise and support the Corporation.

Section 3.2. Place and Time of Annual Meetings. The Board shall hold its annual meeting on the first Friday in the month of May, at such places within or without the

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State of South Carolina and at such times that shall be specified in the respective notices of such meetings or waivers thereof.

ARTICLE IV – BOARD OF DIRECTORS, CHARTER GOVERNING BOARD

Section 4.1. Initial Directors. The initial Board shall consist of five (5) persons appointed by the incorporator. The initial Board shall serve an initial term of either one or two years in order to stagger the terms of the individual directors for the purposes of maintaining continuity and experience. The initial directors shall be eligible for re-election to two-year terms thereafter; however, in all cases, directors shall serve until their successors shall have been elected and qualified, or until such director's earlier removal, resignation, death or incapacity.

Section 4.2. Qualification, Number, Election and Term. All directors shall be natural persons. The number of directors to serve on the Board may be amended by a duly adopted resolution of the Board, however, this number shall not be greater than a maximum of 9 directors nor less than the minimum number required by South Carolina law. All directors elected after the initial board shall serve two-year terms and shall be eligible for re-election to only one successive term by the Board; however, in all cases, current directors shall serve until their successors shall have been elected and qualified, or until such director's earlier removal, resignation, death or incapacity. When a seat becomes vacant on the Board, the current Board shall fill it by majority vote; however, a director shall abstain from voting upon his or her own nomination for re-election to the Board.

Section 4.3. Powers. The Board shall have ultimate authority over the conduct and management of the business and affairs of the Corporation.

Section 4.4. Meetings; Quorum; Notice; Waiver. Regular meetings of the Board shall be held at such places, within or without the State of South Carolina, and on such days and at such times as shall be fixed from time to time by the Board. Rules of procedure for the conduct of such meetings shall be adopted by resolution of the Board. Notice of such regular meetings need not be given. A majority of the Board shall constitute a quorum for the transaction of business, but a lesser number may adjourn to another day if a quorum is not present. The act of the majority of the directors present at a meeting at which a quorum is present shall be the act of the Board, unless the act of a greater number is required by the Articles of Incorporation or these Bylaws. Special meetings of the Board may be held at any time and place, within or without the State of South Carolina, upon the call of the Chairman of the Board, the President or Secretary of the Corporation by written notice delivered to each director not less than three (3) days before such meeting; provided, however, that any director may, at any time, in writing, waive notice of any meeting. Attendance of a director at any meeting shall constitute a waiver of notice of the meeting except where a director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. For purposes of this section, "delivery" of notice of a board of director's meeting may be

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accomplished either by hand-delivery, through the U.S. Postal Service, through a private parcel carrier service, or electronically by facsimile transmission. "Delivery" is completed upon receipt by the director through any of the aforementioned means except when delivery of notice is by U.S. Postal Service or private parcel carrier service, in which case, delivery shall be completed upon delivery of the notice to the director's last known home address.

Section 4.5. Meetings Requiring Special Notice. Meetings at which the following actions are to be considered shall require written notice delivered not less than ten (10) days prior to the Meeting: (i) removal of a director; (ii) a transaction involving a director with a conflict of interest; (iii) indemnification of officers, employees and agents; (iv) amendment of the Articles of Incorporation; (v) merger; (vi) sale of assets other than in the regular course of activities; and (vii) dissolution. Meetings at which amendments to these Bylaws are to be considered shall require written notice delivered not less than thirty (30) days prior to the Meeting as provided in Section 9.8, below.

Section 4.6. Director meeting via telephone conference. Directors may appear at a meeting of the Board by means of telephone conference or similar communication system whereby all persons participating in the meeting can hear each other, and participation in a meeting in this manner shall constitute presence in person at the meeting. Furthermore, a director appearing at Board meeting via telephone conference shall also be allowed to vote by this medium. Furthermore, it is permissible for all directors to appear at a meeting of the Board via telephone conference or similar communication system.

Section 4.7. Action by Consent. Any action which is required to be or may be taken at a meeting of the Board may be taken without a meeting if consents in writing, setting forth the action so taken, are signed by all the directors. The written consent may be executed in several identical counterparts by the directors with the effect as if the directors had executed a single document. Unless otherwise permitted by the Act, such written consent must be signed by all directors and included in the minutes filed with the corporate records reflecting the action taken.

Section 4.8. Presumption of Assent. A director of the Corporation who is present at a meeting of the Board at which action on any corporate matter is taken shall be presumed to have assented to the action taken unless (i) such director objects at the beginning of the meeting, or promptly upon arrival, to holding the meeting or transacting business at the meeting, (ii) the director votes against the action and the vote is entered in the minutes of the meeting, (iii) the director's dissent or abstention for the action taken is entered in the minutes of the meeting, or (iv) the director delivers written notice of dissent or abstention to the presiding officer of the meeting before its adjournment or the Corporation immediately after the adjournment of the meeting. The right to dissent shall not apply to a director who voted in favor of such action.

Section 4.9. Resignation and Filling of Vacancies of Directors. Any director of the Corporation may resign at any time by giving written notice of such resignation to the Board, the Chairman of the Board, or the Corporation. Any such resignation shall take

effect at the time specified therein or, if no time be specified, upon receipt thereof by the Board or one of the above-named officers. Vacancies on the Board and newly created directorships resulting from any increase in the number of directors to constitute the Board may be filled by a duly approved resolution of a majority of the directors then in office. If the directors remaining in office constitute fewer than a quorum of the board, they may fill the vacancy by the affirmative vote of a majority of all the directors remaining in office. The death of any director shall be treated as a voluntary resignation by the Corporation.

Section 4.10. Compensation of Directors. Directors, as such, may receive such compensation and be reimbursed for expenses of attendance at any meeting of the Board as shall be determined by resolution of the Board of Directors. Nothing herein contained shall be construed to preclude any Director from serving the Corporation in any other capacity and receiving compensation therefor.

Section 4.11. Committees. The Board, by resolution adopted by a majority of the whole Board, may designate two or more directors to constitute a committee. Each such committee, to the extent provided in such resolution, shall have and may exercise the authority of the Board, as so delegated in the resolution, in the management of the Corporation; but the designation of such committee and the delegation thereto of authority shall not operate to relieve the Board, or any member thereof, of any responsibility imposed upon it or such member by law.

Section 4.12. Power and duties of the Board. The property and business of the Corporation shall be controlled and managed by the Board; however, the Board may delegate duties to the officers of the Corporation to the fullest extent allowed by law.

Section 4.13. Removal of directors. The Board may, by resolution adopted by the affirmative vote of 66% or more of the directors, remove a fellow Board member. Sixty-six percent of all directors, not 66% of those directors in attendance at the meeting, must vote in favor of removal for the resolution to pass.

ARTICLE V – OFFICERS

Section 5.1. Number of Officers. The officers of the Corporation shall be a President, a Vice President, a Secretary, and a Treasurer. The aforementioned officers must be members of the Board. The officers shall perform such duties as usually pertain to the offices which they hold or as may be assigned to them by the Board of Directors.

Section 5.2. Election of Officers. The President, Vice President, Secretary, and Treasurer of the Corporation shall be elected annually by the Board at the designated Annual Meeting. Officers shall be elected by a plurality of the votes cast by the Members of the Board and may succeed themselves. Each person elected as an officer shall continue in office until the next annual meeting after his/her election or until his/her successor shall have been duly elected and qualified, or until his/her earlier death or

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resignation, in accordance with the Bylaws. Vacancies of officers caused by death, resignation, or decrease in the number of officers may be filled by a majority vote of the Board at a special meeting called for that purpose or at any regular meeting.

Section 5.3. Additional Officers and Agents. The Board, at any meeting, may, by resolution, appoint such additional officers and such agents and determine their term of office and compensation, if any, as it may deem advisable. The Board may delegate to any officer or committee the power to appoint such subordinate officers, agents, or employees and to determine their terms of office and compensation, if any.

ARTICLE VI – COMMITTEES

Section 6.1. Ad Hoc Committees. The Board may from time to time, by resolution, constitute such committees of officers, employees, or non-members, with such functions, powers and duties as the Board deems necessary or appropriate. Unless the Board shall provide otherwise, each such committee shall enact rules and regulations for its governance.

ARTICLE VII – INDEMNIFICATION

Section 7.1. General. The Corporation shall indemnify each officer, Board member, employee and representative (hereinafter the "Indemnitee") from the expenses and risks as set forth in this Article if such Indemnitee has acted in good faith or in a manner which a reasonable person would believe to be in or not opposed to the best interests of the Corporation and, with respect to any criminal action proceeding, had no reason to believe his or her conduct was unlawful. A member shall not be considered to be acting in good faith if he/she has knowledge concerning the matter in question that would cause his/her reliance to be unwarranted. Absent breach of fiduciary duty, lack of good faith, or self-dealing actions taken as a member or any failure to take any action shall be presumed to be in the best interests of the Corporation.

Section 7.2. Expenses. Indemnitees shall be indemnified against all expenses (including attorney's fees), judgments, fines and amounts paid in settlement actually and reasonably incurred by the Indemnitee in connection with any threatened, pending or completed action, suit or proceeding whether civil, criminal, administrative or investigative (other than an action by or in the right of the Corporation) by reason of the fact that the Indemnitee is or was a representative, officer or director of the Corporation, or is or was serving at the request of the Corporation as a representative of another corporation, partnership, joint venture, trust or other enterprise.

ARTICLE VIII – LIMITATION OF PERSONAL LIABILITY

Section 8.1. Personal Liability. A member of the Board shall not be personally liable for monetary damages for any action taken or any failure to take any action, unless (a) such member has breached or failed to perform his/her duties as a member of the Board, including his/her duties as a member of any committee of the Board upon which he/she may serve, pursuant to the standard of care set forth in Section 8.2 of this Article, and (b) such breach or failure to perform constitutes self-dealing, willful misconduct, or recklessness.

Section 8.2. Standard of Care. Each member of the Board shall stand in a fiduciary relation to the Corporation and shall perform his/her duties as a member, including his or her duties as a member of any committee of the Board upon which he or she may serve, in good faith, including reasonable inquiry, skill and diligence, as a person of ordinary prudence would use under similar circumstances. In performing his or her duties, a member shall be entitled to rely in good faith on information, opinions, reports or statements, including financial statements and other financial data, if prepared or presented by those believed to be competent, capable, knowledgeable, or have such expertise on the subject matter.

A member shall not be considered to be acting in good faith if he/she has knowledge concerning the matter in question that would cause his/her reliance to be unwarranted. Absent breach of fiduciary duty or lack of good faith, actions taken as a member or any failure to take any action shall be presumed to be in the best interests of the Corporation.

ARTICLE IX – MISCELLANEOUS PROVISIONS

Section 9.1. Fiscal Year and Audit. Unless the Board shall select another date through a duly adopted resolution, the fiscal year of the corporation shall begin on the first day of January of each year and end on the 31st day of December.

Section 9.2. Execution of Contracts. The President has authority to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Corporation. The Board may also authorize any other officer, employee or agent, in the name of and on behalf of the Corporation, to enter into any contract or execute and deliver any instrument, and such authority may be general or confined to specific instances. Unless so authorized by these Bylaws or by the Board, no officer, employee, or agent shall have any power to bind the Corporation by any contract or engagement or to pledge its credit or to render it liable pecuniarily for any purpose or in any amount.

Section 9.3. Commercial Paper. All checks and other orders for the payment of money out of the funds of the Corporation, and all notes or evidences of indebtedness of the Corporation, shall be executed on behalf of the Corporation by such officer or officers or employee or employees, as the Board may, by resolution, from time to time determine.

Section 9.4. Deposits. All funds of the Corporation not otherwise employed shall be deposited, from time to time, to the credit of the Corporation in such banks, trust companies, or other depositories as the Board may, from time to time, select or as may be selected by any officer or employee of the Corporation to whom such power may, from time to time, be delegated by the Board; and for the purpose of such deposit, any officer, or any employee to whom such power may be delegated by the Board, may endorse, assign and deliver checks, drafts, and other orders for the payment of money that are payable to the order of the Corporation.

Section 9.5. Notices. Except as may otherwise be required by law, any notice required to be given shall be in writing and signed by the Chairperson or the Secretary; and any notice so required shall be deemed to be sufficient if given by depositing the same in a post office box in a sealed postpaid wrapper, addressed to the person entitled thereto at his last postal address appearing on the records of the Corporation, and such notice shall be deemed to have been given on the day of such mailing. Any notices required to be given may be waived, by the person entitled thereto in writing (including telegraph, cable, radio or wireless), whether before or after the meeting or other matter in respect of which such notice is to be given, and in such event such notice need not be given to such person.

Section 9.6. Forms of Records. When consistent with good business practices, any records of the Corporation may be maintained in other than written form if such other form is capable of reasonable preservation and conversion into written form within a reasonable time.

Section 9.7. Corporate Records. The Corporation shall keep as permanent written records a copy of the minutes of all meetings of its members and Board, a record of all actions taken by the members or directors without a meeting, and a record of all actions taken by committees of the Board. The Corporation shall maintain appropriate accounting records. The Corporation or its agent shall maintain a record of the name and address, in alphabetical order, of each member. The Corporation shall keep a copy of the records at its Principal Office.

Section 9.8. Bylaw Amendments. These Bylaws may be altered, amended, or repealed and new Bylaws may be adopted by a majority vote of the Board at a regularly scheduled Board meeting, provided that notice of any proposed amendment or change is made available to Members of the Board at least thirty (30) days prior to the meeting at which they are voted upon. Only editorial changes to proposed amendments may be made at the meeting. The Board will review the Bylaws at least once every three years. Any amendments to the Bylaws that would result in the Corporation's loss of its ability to claim non-profit status under either the Internal Revenue Code or the South Carolina Non-profit Corporation Act, shall be null and void.

Section 9.9. Severability. If any provision of these Bylaws or the application thereof to any person or circumstances shall be held invalid or unenforceable to any extent by a court of competent jurisdiction, such provision shall be complied with or enforced to the

greatest extent permitted by law as determined by such court, and the remainder of these Bylaws and the application of such provision to other persons or circumstances shall not be affected thereby and shall continue to be complied with and enforced to the greatest extent permitted by law.

Section 9.10. Usage. In construing these Bylaws, feminine or neuter pronouns shall be substituted for masculine forms and vice versa, and plural terms shall be substituted for singular forms and vice versa, in any place in which the context so requires. The section and paragraph headings contained in these Bylaws are for reference purposes only and shall not affect in any way the meaning or interpretation of these Bylaws. Terms such as "hereof", "hereunder" "hereto", and words of similar import shall refer to these Bylaws in the entirety and all references to "Articles", "Paragraphs", "Sections", and similar cross references shall refer to specified portions of these Bylaws, unless the context clearly requires otherwise. Terms used herein which are not otherwise defined shall have their plain and ordinary meaning. All references to statutory provisions shall be deemed to include corresponding sections of succeeding law.

Section 9.11. Conflict Between Bylaws, Articles and South Carolina Law. The Articles of Incorporation of the Corporation and South Carolina law including, without limitation, the Act, together with the regulations, are incorporated herein by reference. Any conflict within the terms of these Bylaws, the Articles, and the Code should be resolved in the following order: (1) the Act, (2) the Articles, and (3) these Bylaws.

The foregoing are certified to be the true and complete Bylaws of the Corporation as adopted by the Incorporator effective as of March 24, 2017.

ATTEST:

Ellen A. Harley
Incorporator

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Form 1023 Checklist

(Revised December 2013)

Application for Recognition of Exemption under Section 501(c)(3) of the Internal Revenue Code

Note. *Retain a copy of the completed Form 1023 in your permanent records. Refer to the* General Instructions *regarding Public Inspection of approved applications.*

Check each box to finish your application (Form 1023). Send this completed Checklist with your filled-in application. If you have not answered all the items below, your application may be returned to you as incomplete.

☑ Assemble the application and materials in this order:

- Form 1023 Checklist
- Form 2848, *Power of Attorney and Declaration of Representative* (if filing)
- Form 8821, *Tax Information Authorization* (if filing)
- Expedite request (if requesting)
- Application (Form 1023 and Schedules A through H, as required)
- Articles of organization
- Amendments to articles of organization in chronological order
- Bylaws or other rules of operation and amendments
- Documentation of nondiscriminatory policy for schools, as required by Schedule B
- Form 5768, Election/Revocation of Election by an Eligible Section 501(c)(3) Organization To Make Expenditures To Influence Legislation (if filing)
- All other attachments, including explanations, financial data, and printed materials or publications. Label each page with name and EIN.

☑ User fee payment placed in envelope on top of checklist. DO NOT STAPLE or otherwise attach your check or money order to your application. Instead, just place it in the envelope.

☑ Employer Identification Number (EIN) [redacted]

☑ Completed Parts I through XI of the application, including any requested information and any required Schedules A through H.

- You must provide specific details about your past, present, and planned activities.
- Generalizations or failure to answer questions in the Form 1023 application will prevent us from recognizing you as tax exempt.
- Describe your purposes and proposed activities in specific easily understood terms.
- Financial information should correspond with proposed activities.

☑ Schedules. Submit only those schedules that apply to you and check either "Yes" or "No" below.

Schedule A	Yes ___ No X	Schedule E	Yes ___ No X
Schedule B	Yes ___ No X	Schedule F	Yes ___ No X
Schedule C	Yes ___ No X	Schedule G	Yes ___ No X
Schedule D	Yes ___ No X	Schedule H	Yes ___ No X

☑ An exact copy of your complete articles of organization (creating document). Absence of the proper purpose and dissolution clauses is the number one reason for delays in the issuance of determination letters.

- Location of Purpose Clause from Part III, line 1 (Page, Article and Paragraph Number) Art. 8 a&b
- **Location of Dissolution Clause from Part III, line 2b or 2c (Page, Article and Paragraph Number) or by operation of state law** Art. 8 c

☑ Signature of an officer, director, trustee, or other official who is authorized to sign the application.

- Signature at Part XI of Form 1023.

☑ Your name on the application must be the same as your legal name as it appears in your articles of *organization.*

Send completed Form 1023, user fee payment, and all other required information, to:

Internal Revenue Service
P.O. Box 192
Covington, KY 41012-0192

If you are using express mail or a delivery service, send Form 1023, user fee payment, and attachments to:

Internal Revenue Service
201 West Rivercenter Blvd.
Attn: Extracting Stop 312
Covington, KY 41011

Form **1023**
(Rev. December 2013)
Department of the Treasury
Internal Revenue Service

Application for Recognition of Exemption

(00)

Under Section 501(c)(3) of the Internal Revenue Code

(Use with the June 2006 revision of the Instructions for Form 1023 and the current Notice 1382)

OMB No. 1545-0056

Note: If exempt status is approved, this application will be open for public inspection.

Use the instructions to complete this application and for a definition of all ***bold*** *items.* For additional help, call IRS Exempt Organizations Customer Account Services toll-free at 1-877-829-5500. Visit our website at **www.irs.gov** for forms and publications. If the required information and documents are not submitted with payment of the appropriate user fee, the application may be returned to you.

Attach additional sheets to this application if you need more space to answer fully. Put your name and EIN on each sheet and identify each answer by Part and line number. Complete Parts I - XI of Form 1023 and submit only those Schedules (A through H) that apply to you.

Part I Identification of Applicant

1 Full name of organization (exactly as it appears in your **organizing document**) **Charleston Carriage Horse Advocates**	2 c/o Name (if applicable) **Ellen Harley**
3 **Mailing address** (Number and street) (see instructions) Room/Suite **23 Wentworth Street**	4 Employer Identification Number (EIN) [redacted]
City or town, state or country, and ZIP + 4 **Charleston, SC 29401**	5 Month the annual accounting period ends (01 - 12) **01**
6 Primary contact (officer, director, trustee, or **authorized representative**) a Name: **Ellen Harley**	b Phone: **(843) 412-8174** c Fax: (optional)

7 Are you represented by an authorized representative, such as an attorney or accountant? If "Yes," provide the authorized representative's name, and the name and address of the authorized representative's firm. Include a completed Form 2848, *Power of Attorney and Declaration of Representative*, with your application if you would like us to communicate with your representative. ☐ Yes ☑ No

8 Was a person who is not one of your officers, directors, trustees, employees, or an authorized representative listed in line 7, paid, or promised payment, to help plan, manage, or advise you about the structure or activities of your organization, or about your financial or tax matters? If "Yes," provide the person's name, the name and address of the person's firm, the amounts paid or promised to be paid, and describe that person's role. ☐ Yes ☑ No

9a Organization's website:

b Organization's email: (optional)

10 Certain organizations are not required to file an information return (Form 990 or Form 990-EZ). If you are granted tax-exemption, are you claiming to be excused from filing Form 990 or Form 990-EZ? If "Yes," explain. See the instructions for a description of organizations not required to file Form 990 or Form 990-EZ. ☐ Yes ☑ No

11 Date incorporated if a corporation, or formed, if other than a corporation. (MM/DD/YYYY) 01 / 03 / 2017

12 Were you formed under the laws of a foreign country? If "Yes," state the country ☐ Yes ☑ No

Part II Organizational Structure

You must be a corporation (including a limited liability company), an unincorporated association, or a trust to be tax exempt. (See instructions.) **DO NOT file this form unless you can check "Yes" on lines 1, 2, 3, or 4.**

1	Are you a **corporation**? If "Yes," attach a copy of your articles of incorporation showing **certification of filing** with the appropriate state agency. Include copies of any amendments to your articles and be sure they also show state filing certification.	☑ Yes	☐ No
2	Are you a **limited liability company (LLC)**? If "Yes," attach a copy of your articles of organization showing certification of filing with the appropriate state agency. Also, if you adopted an operating agreement, attach a copy. Include copies of any amendments to your articles and be sure they show state filing certification. Refer to the instructions for circumstances when an LLC should not file its own exemption application.	☐ Yes	☑ No
3	Are you an **unincorporated association**? If "Yes," attach a copy of your articles of association, constitution, or other similar organizing document that is dated and includes at least two signatures. Include signed and dated copies of any amendments.	☐ Yes	☑ No
4a	Are you a **trust**? If "Yes," attach a signed and dated copy of your trust agreement. Include signed and dated copies of any amendments.	☐ Yes	☑ No
b	Have you been funded? If "No," explain how you are formed without anything of value placed in trust.	☐ Yes	☐ No
5	Have you adopted **bylaws**? If "Yes," attach a current copy showing date of adoption. If "No," explain how **your officers, directors,** or trustees are **selected**.	☑ Yes	☐ No

Part III Required Provisions in Your Organizing Document

The following questions are designed to ensure that when you file this application, your organizing document contains the required provisions to meet the organizational test under section 501(c)(3). Unless you can check the boxes in both lines 1 and 2, your organizing document does not meet the organizational test. **DO NOT file this application until you have amended your organizing document.** Submit your original and amended organizing documents (showing state filing certification if you are a corporation or an LLC) with your application.

1	**Section 501(c)(3) requires that your organizing document state your exempt purpose(s), such as charitable, religious, educational, and/or scientific purposes. Check the box to confirm that your organizing document meets this requirement. Describe specifically where your organizing document meets this requirement, such as** *a reference to a particular article or section in your organizing document. Refer to the instructions for exempt* **purpose language. Location of Purpose Clause (Page, Article, and Paragraph):** Art. 8 a & b	☑
2a	Section 501(c)(3) requires that upon dissolution of your organization, your remaining assets must be used exclusively for exempt purposes, such as charitable, religious, educational, and/or scientific purposes. Check the box on line 2a to confirm that your organizing document meets this requirement by express provision for the distribution of assets upon dissolution. If you rely on state law for your dissolution provision, do not check the box on line 2a and go to line 2c.	☑
2b	If you checked the box on line **2a, specify the location** of your dissolution clause (Page, Article, and Paragraph). Do not complete line 2c if you **checked box 2a.** Art. 8 c	
2c	See the instructions for information about the operation of state law in your particular state. Check this box if you rely on operation of state law for your dissolution provision and indicate the state:	☐

Part IV Narrative Description of Your Activities

Using an attachment, describe your *past, present,* and *planned* activities in a narrative. If you believe that you have already provided some of this information in response to other parts of this application, you may *summarize* that information here and refer to the specific parts of the application for supporting details. You may also attach representative copies of newsletters, brochures, or similar documents for supporting details to this narrative. Remember that if this application is approved, it will be open for public inspection. Therefore, your narrative description of activities should be thorough and accurate. Refer to the instructions for information that must be included in your description.

Part V Compensation and Other Financial Arrangements With Your Officers, Directors, Trustees, Employees, and Independent Contractors

1a List the names, titles, and mailing addresses of all of your officers, directors, and trustees. For each person listed, state their total annual **compensation**, or proposed compensation, for all services to the organization, whether as an officer, employee, or other position. Use actual figures, if available. Enter "none" if no compensation is or will be paid. If additional space is needed, attach a separate sheet. Refer to the instructions for information on what to include as compensation.

Name	Title	Mailing address	Compensation amount (annual actual or estimated)
See Attachment			

United States Treasury

Charleston Carriage Horse Advocates
EIN # 82-[illegible]7162

Part V **Compensation and Other Financial Arrangements With Your Officers, Directors, Trustees, Employees, and Independent Contractors** *(Continued)*

b List the names, titles, and mailing addresses of each of your five highest compensated employees who receive or will receive compensation of more than $50,000 per year. Use the actual figure, if available. Refer to the instructions for information on what to include as compensation. Do not include officers, directors, or trustees listed in line 1a.

Name	Title	Mailing address	Compensation amount (annual actual or estimated)
N/A			

c List the names, names of businesses, and mailing addresses of your five highest compensated **independent contractors** that receive or will receive compensation of more than $50,000 per year. Use the actual figure, if available. Refer to the instructions for information on what to include as compensation.

Name	Title	Mailing address	Compensation amount (annual actual or estimated)
N/A			

The following "Yes" or "No" questions relate to *past, present, or planned* relationships, transactions, or agreements with your officers, directors, trustees, highest compensated employees, and highest compensated independent contractors listed in lines 1a, 1b, and 1c.

2a Are any of your officers, directors, or trustees **related** to each other through **family** or **business relationships**? If "Yes," identify the individuals and explain the relationship. ☐ Yes ☑ No

b Do you have a business relationship with any of **your officers, directors,** or **trustees other than** through their **position** as an **officer, director,** or **trustee**? If "Yes," **identify** the **individuals and describe** the business **relationship** with **each** of **your** officers, directors, or trustees. ☐ Yes ☑ No

c Are any of your officers, directors, or trustees related to your highest compensated **employees** or highest compensated independent contractors listed on lines 1b or 1c through **family** or **business** relationships? If "Yes," identify the individuals and explain the relationship. ☐ Yes ☑ No

3a For each of your officers, directors, trustees, highest compensated employees, and highest compensated independent contractors listed on lines 1a, 1b, or 1c, attach a list showing their name, qualifications, average hours worked, and duties.

b Do any of your officers, directors, trustees, highest compensated employees, and highest compensated independent contractors listed on lines 1a, 1b, or 1c receive compensation from any other organizations, whether **tax exempt** or **taxable**, that are related to you through **common control**? If "Yes," identify the **individuals, explain** the relationship between you and the other organization, and describe the compensation arrangement. ☐ Yes ☑ No

4 In establishing the compensation for your officers, directors, trustees, highest compensated employees, and highest **compensated independent** contractors listed on lines 1a, 1b, **and** 1c, the following **practices** are **recommended, although** they are not required to obtain exemption. Answer "Yes" to all the practices you use.

a Do you or will the individuals that approve **compensation arrangements follow a conflict of interest policy?** ☑ Yes ☐ No

b Do you or will you **approve compensation arrangements in advance of paying compensation?** ☑ Yes ☐ No

c Do you or will you **document in writing the date and terms of approved compensation arrangements?** ☑ Yes ☐ No

Part V **Compensation and Other Financial Arrangements With Your Officers, Directors, Trustees, Employees, and Independent Contractors** *(Continued)*

d	Do you or will you record in writing the decision made by each individual who decided or voted on compensation arrangements?	☑ Yes	☐ No
e	Do you or will you approve compensation arrangements based on information about compensation paid by **similarly situated** taxable or tax-exempt organizations for similar services, current compensation surveys compiled by independent firms, or actual written offers from similarly situated organizations? Refer to the instructions for Part V, lines 1a, 1b, and 1c, for information on what to include as compensation.	☑ Yes	☐ No
f	Do you or will you record in writing both the information on which you relied to base your decision and its source?	☑ Yes	☐ No
g	**If you answered "No" to any item on lines 4a through 4f,** describe how you set compensation that is **reasonable for your officers, directors, trustees, highest** compensated employees, and highest **compensated independent contractors listed in Part V,** lines 1a, 1b, and 1c.		
5a	Have you adopted a **conflict of interest policy** consistent with the sample conflict of interest policy in Appendix A to the instructions? If "Yes," provide a copy of the policy and explain how the policy has been adopted, such as by resolution of your governing board. If "No," answer lines 5b and 5c.	☑ Yes	☐ No
b	What procedures will you follow to assure that persons who have a conflict of interest will not have influence over you for setting their own compensation?		
c	What procedures will you follow to assure that persons who have a conflict of interest will not have influence over you regarding business deals with themselves?		
	Note: A conflict of interest policy is recommended though it is not required to obtain exemption. Hospitals, see Schedule C, Section I, line 14.		
6a	Do you or will you compensate any of your officers, directors, trustees, highest **compensated** employees, and highest compensated independent contractors **listed** in lines 1a, 1b, or 1c **through non-fixed payments,** such as discretionary bonuses or revenue-based payments? If "Yes," describe all non-fixed compensation arrangements, including how the amounts are determined, who is eligible for such arrangements, whether you place a limitation on **total compensation, and how you** determine or will determine that you pay no more than reasonable **compensation for services. Refer** to the instructions for Part V, lines 1a, 1b, and 1c, for information on what **to include as compensation.**	☐ Yes	☑ No
b	**Do you or will you compensate any of your employees, other than your officers, directors, trustees, or your five highest compensated employees who receive or will receive compensation of more than $50,000 per year, through non-fixed payments, such as discretionary bonuses or revenue-based payments? If "Yes," describe all non-fixed compensation arrangements, including how the amounts are or will be determined, who is or will be eligible for such arrangements, whether you place or will place** a limitation on total compensation, and how you determine or will determine that you pay no more than **reasonable compensation for services. Refer to the instructions for Part V, lines 1a, 1b, and 1c,** for information on what to include as compensation.	☐ Yes	☑ No
7a	**Do you or will you purchase any goods, services, or assets from any of your officers, directors, trustees, highest compensated employees, or highest compensated independent contractors** listed in **lines 1a, 1b, or 1c? If "Yes," describe** any such purchase that you made or intend to make, from whom you make or will make such purchases, how the terms are or will be negotiated at **arm's length,** and explain how you determine or will determine that you pay no more than **fair market value. Attach copies of any written contracts or other** agreements relating to such purchases.	☐ Yes	☑ No
b	**Do you or will you sell any goods, services, or assets to any of your officers, directors, trustees, highest compensated employees, or highest compensated independent contractors listed in lines 1a, 1b, or 1c? If "Yes," describe any such sales that you made or intend to make, to whom you make or will make such sales, how the terms are or will be negotiated at arm's length, and explain how you determine or will determine you are or will be paid at least fair market value. Attach copies of any written contracts or other agreements relating to such sales.**	☐ Yes	☑ No
8a	Do you or will you have any leases, contracts, loans, or other agreements with your officers, directors, trustees, highest compensated employees, or highest compensated independent contractors listed in lines 1a, 1b, or 1c? If "Yes," provide the information requested in lines 8b through 8f.	☐ Yes	☑ No
b	Describe any written or oral arrangements that you made or intend to make.		
c	Identify with whom you have or will have such arrangements.		
d	Explain how the terms are or will be negotiated at arm's length.		
e	Explain how you determine you pay no more than fair market value or you are paid at least fair market value.		
f	Attach copies of any signed leases, contracts, loans, or other agreements relating to such arrangements.		
9a	Do you or will you have any leases, contracts, loans, or other agreements with any organization in which any of your officers, directors, or trustees are also officers, directors, or trustees, or in which any individual officer, director, or trustee owns more than a 35% interest? If "Yes," provide the information requested in lines 9b through 9f.	☐ Yes	☑ No

Part V Compensation and Other Financial Arrangements With Your Officers, Directors, Trustees, Employees, and Independent Contractors *(Continued)*

b Describe any written or oral arrangements you made or intend to make.

c Identify with whom you have or will have such arrangements.

d Explain how the terms are or will be negotiated at arm's length.

e Explain how you determine or will determine you pay no more than fair market value or that you are paid at least fair market value.

f Attach a copy of any signed leases, contracts, loans, or other agreements relating to such arrangements.

Part VI Your Members and Other Individuals and Organizations That Receive Benefits From You

The following "Yes" or "No" questions relate to goods, services, and funds you provide to individuals and organizations as part of your activities. Your answers should pertain to *past, present,* and *planned* activities. (See instructions.)

1a	In carrying out your exempt purposes, do you provide goods, services, or funds to individuals? If "Yes," describe each program that provides goods, services, or funds to individuals.	☐ Yes	☑ No
b	In carrying out your exempt purposes, do you provide goods, services, or funds to organizations? If "Yes," describe each program that provides goods, services, or funds to organizations.	☐ Yes	☑ No
2	Do any of your programs limit the provision of goods, services, or funds to a specific individual or group of specific individuals? For example, answer "Yes," if goods, services, or funds are provided only for a particular individual, your members, individuals who work for a particular employer, or graduates of a particular school. If "Yes," explain the limitation and how recipients are selected for each program.	☐ Yes	☑ No
3	Do any individuals who receive goods, services, or funds through your programs have a family or business relationship with any officer, director, trustee, or with any of your highest compensated employees or highest compensated independent contractors listed in Part V, lines 1a, 1b, and 1c? If "Yes," explain how these related individuals are eligible for goods, services, or funds.	☐ Yes	☑ No

Part VII Your History

The following "Yes" or "No" questions relate to your history. (See instructions.)

1	Are you a **successor** to another organization? Answer "Yes," if you have taken or will take over the activities of another organization; you took over 25% or more of the fair market value of the net assets of another organization; or you were established upon the conversion of an organization from for-profit to non-profit status. If "Yes," complete Schedule G.	☐ Yes	☑ No
2	Are you submitting this application more than 27 months after the end of the month in which you were legally formed? If "Yes," complete Schedule E.	☐ Yes	☑ No

Part VIII Your Specific Activities

The following "Yes" or "No" questions relate to specific activities that you may conduct. Check the appropriate box. Your answers should pertain to *past, present,* and *planned* activities. (See instructions.)

1	Do you support or oppose candidates in **political campaigns** in any way? If "Yes," explain.	☐ Yes	☑ No
2a	Do you attempt to **influence legislation**? If "Yes," explain how you attempt to influence legislation and complete line 2b. If "No," go to line 3a.	☑ Yes	☐ No
b	**Have you made or are you making an election to have your legislative activities measured by expenditures by filing Form 5768? If "Yes," attach a copy of the Form 5768 that was already filed or attach a completed Form 5768 that you are filing with this application. If "No," describe whether your attempts to influence legislation are a substantial part of your activities. Include the time and money** spent on your attempts to influence legislation as compared to your total activities.	☐ Yes	☑ No
3a	Do you or will you operate bingo or **gaming** activities? If "Yes," describe who conducts them, and list all revenue received or expected to be received and expenses paid or expected to be paid in operating these activities. **Revenue and expenses** should be provided for the time periods specified in Part IX, Financial Data.	☐ Yes	☑ No
b	Do you or will you enter into contracts or other **agreements** with individuals or organizations to conduct bingo or gaming for you? If "Yes," describe any written or oral arrangements that you made or intend to make, identify with whom you have or will have such arrangements, explain how the terms are or will be negotiated at arm's length, and explain how you determine or will determine you pay no more than fair market value or you will be paid at least fair market value. Attach copies or any written contracts or other agreements relating to such arrangements.	☐ Yes	☑ No

c List the states and local jurisdictions, including Indian Reservations, in which you conduct or will conduct gaming or bingo.

Part VIII Your Specific Activities *(Continued)*

4a Do you or will you undertake **fundraising?** If "Yes," check all the fundraising programs you do or will conduct. (See instructions.) ☑ Yes ☐ No

- ☐ mail solicitations
- ☐ email solicitations
- ☐ personal solicitations
- ☐ vehicle, boat, plane, or similar donations
- ☐ foundation grant solicitations
- ☐ phone solicitations
- ☐ accept donations on your website
- ☐ receive donations from another organization's website
- ☐ government grant solicitations
- ☐ Other

Attach a description of each fundraising program.

b Do you or will you have written or oral contracts with any individuals or organizations to raise funds for you? If "Yes," describe these activities. Include all revenue and expenses from these activities and state who conducts them. Revenue and expenses should be provided for the time periods specified in Part IX, Financial Data. Also, attach a copy of any contracts or agreements. ☐ Yes ☑ No

c Do you or will you engage in fundraising activities for other organizations? If "Yes," describe these arrangements. Include a description of the organizations for which you raise funds and attach copies of all contracts or agreements. ☐ Yes ☑ No

d List all states and local jurisdictions in which you conduct fundraising. For each state or local jurisdiction listed, specify whether you fundraise for your own organization, you fundraise for another organization, or another organization fundraises for you.

e Do you or will you maintain separate accounts for any contributor under which the contributor has the right to advise on the use or distribution of funds? Answer "Yes" if the donor may provide advice on the types of investments, distributions from the types of investments, or the distribution from the donor's contribution account. If "Yes," describe this program, including the type of advice that may be provided and submit copies of any written materials provided to donors. ☑ Yes ☐ No

5 Are you affiliated with a governmental unit? If "Yes," explain. ☐ Yes ☑ No

6a Do you or will you engage in **economic development?** If "Yes," describe your program. ☐ Yes ☑ No

b Describe in full who benefits from your economic development activities and how the activities promote exempt purposes.

7a Do or will persons other than your employees or volunteers **develop** your facilities? If "Yes," describe each facility, the role of the developer, and any business or family relationship(s) between the developer and your officers, directors, or trustees. ☐ Yes ☑ No

b Do or will persons other than your employees or volunteers **manage** your activities or facilities? If "Yes," describe each activity and facility, the role of the manager, and any business or family relationship(s) between the manager and your officers, directors, or trustees. ☐ Yes ☑ No

c If there is a business or family relationship between any manager or developer and your officers, directors, or trustees, identify the individuals, explain the relationship, describe how contracts are negotiated at arm's length so that you pay no more than fair market value, and submit a copy of any contracts or other agreements.

8 Do you or will you enter into **joint ventures**, including partnerships or **limited liability companies** treated as partnerships, in which you share profits and losses with partners other than section 501(c)(3) organizations? If "Yes," describe the activities of these joint ventures in which you participate. ☐ Yes ☑ No

9a Are you applying for exemption as a childcare organization under section 501(k)? If "Yes," answer lines 9b through 9d. If "No," go to line 10. ☐ Yes ☑ No

b Do you provide child care so that parents or caretakers of children you care for can be **gainfully employed** (see instructions)? If "No," explain how you qualify as a childcare organization described in section 501(k). ☐ Yes ☐ No

c Of the children for whom you provide child care, are **85%** or more of them cared for by you to enable their parents or caretakers to be gainfully employed (see instructions)? If "No," explain how you qualify as a childcare organization described in section 501(k). ☐ Yes ☐ No

d Are your services available to the general public? If "No," describe the specific group of people for whom your activities are available. Also, see the instructions and explain how you qualify as a childcare organization described in section 501(k). ☐ Yes ☐ No

10 Do you or will you publish, own, or have rights in music, literature, tapes, artworks, choreography, scientific discoveries, or other **intellectual property?** If "Yes," explain. Describe who owns or will own any copyrights, patents, or trademarks, whether fees are or will be charged, how the fees are determined, and how any items are or will be produced, distributed, and marketed. ☑ Yes ☐ No

Part VIII Your Specific Activities *(Continued)*

11	Do you or will you accept contributions of: real property; conservation easements; closely held securities; intellectual property such as patents, trademarks, and copyrights; works of music or art; licenses; royalties; automobiles, boats, planes, or other vehicles; or collectibles of any type? If "Yes," describe each type of contribution, any conditions imposed by the donor on the contribution, and any agreements with the donor regarding the contribution.	☑ Yes	☐ No
12a	Do you or will you operate in a foreign country or countries? If "Yes," answer lines 12b through 12d. If "No," go to line 13a.	☐ Yes	☑ No
b	Name the foreign countries and regions within the countries in which you operate.		
c	Describe your operations in each country and region in which you operate.		
d	Describe how your operations in each country and region further your exempt purposes.		
13a	Do you or will you make grants, loans, or other distributions to organization(s)? If "Yes," answer lines 13b through 13g. If "No," go to line 14a.	☐ Yes	☑ No
b	Describe how your grants, loans, or other distributions to organizations further your exempt purposes.		
c	*Do you have written contracts with each of these organizations? If "Yes," attach a copy of each contract.*	☐ Yes	☐ No
d	Identify each recipient organization and any relationship between you and the recipient organization.		
e	Describe the records you keep with respect to the grants, loans, or other distributions you make.		
f	Describe your selection process, including whether you do any of the following:		
	(i) Do you require an application form? If "Yes," attach a copy of the form.	☐ Yes	☐ No
	(ii) Do you require a grant proposal? If "Yes," describe whether the grant proposal specifies your responsibilities and those of the grantee, obligates the grantee to use the grant funds only for the purposes for which the grant was made, provides for periodic written reports concerning the use of grant funds, requires a final written report and an accounting of how grant funds were used, and acknowledges your authority to withhold and/or recover grant funds in case such funds are, or appear to be, misused.	☐ Yes	☐ No
g	Describe your procedures for oversight of distributions that assure you the resources are used to further your exempt purposes, including whether you require periodic and final reports on the use of resources.		
14a	Do you or will you make grants, loans, or other distributions to foreign organizations? If "Yes," answer lines 14b through 14f. If "No," go to line 15.	☐ Yes	☑ No
b	Provide the name of each foreign organization, the country and regions within a country in which each foreign organization operates, and describe any relationship you have with each foreign organization.		
c	Does any foreign organization listed in line 14b accept contributions earmarked for a specific country or specific organization? If "Yes," list all earmarked organizations or countries.	☐ Yes	☐ No
d	Do your contributors know that you have ultimate authority to use contributions made to you at your discretion for purposes consistent with your exempt purposes? If "Yes," describe how you relay this information to contributors.	☐ Yes	☐ No
e	Do you or will you make pre-grant inquiries about the recipient organization? If "Yes," describe these inquiries, including whether you inquire about the recipient's financial status, its tax-exempt status under the Internal Revenue Code, its ability to accomplish the purpose for which the resources are provided, and other relevant information.	☐ Yes	☐ No
f	Do you or will you use any additional procedures to ensure that your distributions to foreign organizations are used in furtherance of your exempt purposes? If "Yes," describe these procedures, including site visits by your employees or compliance checks by impartial experts, to verify that grant funds are being used appropriately.	☐ Yes	☐ No

Part VIII Your Specific Activities *(Continued)*

15	Do you have a **close connection** with any organizations? If "Yes," explain.	☐ Yes	☑ No
16	Are you applying for exemption as a **cooperative hospital service organization** under section 501(e)? If "Yes," explain.	☐ Yes	☑ No
17	Are you applying for exemption as a **cooperative service organization of operating educational organizations** under section 501(f)? If "Yes," explain.	☐ Yes	☑ No
18	Are you applying for exemption as a **charitable risk pool** under section 501(n)? If "Yes," explain.	☐ Yes	☑ No
19	Do you or will you operate a **school**? If "Yes," complete Schedule B. Answer "Yes," whether you operate a school as your main function or as a **secondary activity.**	☐ Yes	☑ No
20	Is your main function to provide **hospital** or **medical care**? If "Yes," complete Schedule C.	☐ Yes	☑ No
21	Do you or will you provide **low-income housing** or housing for the **elderly** or **handicapped**? If "Yes," complete Schedule F.	☐ Yes	☑ No
22	Do you or will you provide scholarships, fellowships, educational loans, or other educational grants to individuals, including grants for travel, study, or other similar purposes? If "Yes," complete Schedule H. **Note: Private foundations** may use Schedule H to request advance approval of individual grant procedures.	☐ Yes	☑ No

Part IX Financial Data

For purposes of this schedule, years in existence refer to completed tax years. If in existence 4 or more years, complete the schedule for the most recent 4 tax years. If in existence more than 1 year but less than 4 years, complete the statements for each year in existence and provide projections of your likely revenues and expenses based on a reasonable and good faith estimate of your future finances for a total of 3 years of financial information. If in existence less than 1 year, provide projections of your likely revenues and expenses for the current year and the 2 following years, based on a reasonable and good faith estimate of your future finances for a total of 3 years of financial information. (See instructions.)

A. Statement of Revenues and Expenses

	Type of revenue or expense	Current tax year	3 prior tax years or 2 succeeding tax years			
		(a) From ..... To	(b) From ..... To	(c) From ..... To	(d) From ..... To	(e) Provide Total for (a) through (d)
Revenues	1 Gifts, grants, and contributions received (do not include unusual grants)	23850.29	170000.00	170000.00		
	2 Membership fees received					
	3 Gross investment income					
	4 Net unrelated business income					
	5 Taxes levied for your benefit					
	6 Value of services or facilities furnished by a governmental unit without charge (not including the value of services generally furnished to the public without charge)					
	7 Any revenue not otherwise listed above or in lines 9–12 below (attach an itemized list)					
	8 Total of lines 1 through 7	23850.29	170000.00	170000.00		
	9 Gross receipts from admissions, merchandise sold or services performed, or furnishing of facilities in any activity that is related to your exempt purposes (attach itemized list)					
	10 Total of lines 8 and 9	23850.29	170000.00	170000.00		
	11 Net gain or loss on sale of capital assets (attach schedule and see instructions)					
	12 Unusual grants					
	13 Total Revenue Add lines 10 through 12	23850.29	170000.00	170000.00		
Expenses	14 Fundraising expenses	956.87	1000.00	1000.00		
	15 Contributions, gifts, grants, and similar amounts paid out (attach an itemized list)					
	16 Disbursements to or for the benefit of members (attach an itemized list)					
	17 Compensation of officers, directors, and trustees					
	18 Other salaries and wages	2700.00	2700.00	2700.00		
	19 Interest expense					
	20 Occupancy (rent, utilities, etc.)					
	21 Depreciation and depletion					
	22 Professional fees	12750.00	37500.00	37500.00		
	23 Any expense not otherwise classified, such as program services (attach itemized list)	10143.42	126210.00	126210.00		
	24 Total Expenses Add lines 14 through 23	26550.29	167410.00	167410.00		

Part IX Financial Data *(Continued)*

B. Balance Sheet (for your most recently completed tax year) — Year End: (Whole dollars)

	Assets		
1	Cash	1	
2	Accounts receivable, net	2	
3	Inventories	3	
4	Bonds and notes receivable (attach an itemized list)	4	
5	Corporate stocks (attach an itemized list)	5	
6	Loans receivable (attach an itemized list)	6	
7	Other investments (attach an itemized list)	7	
8	Depreciable and depletable assets (attach an itemized list)	8	
9	Land	9	
10	Other assets (attach an itemized list)	10	
11	Total Assets (add lines 1 through 10)	11	
	Liabilities		
12	Accounts payable	12	
13	Contributions, gifts, grants, etc. payable	13	
14	Mortgages and notes payable (attach an itemized list)	14	
15	Other liabilities (attach an itemized list)	15	
16	Total Liabilities (add lines 12 through 15)	16	
	Fund Balances or Net Assets		
17	Total fund balances or net assets	17	
18	Total Liabilities and Fund Balances or Net Assets (add lines 16 and 17)	18	

19 Have there been any substantial changes in your assets or liabilities since the end of the period shown above? If "Yes," explain. ☐ Yes ☐ No

Part X Public Charity Status

Part X is designed to classify you as an organization that is either a private foundation or a public charity. Public charity status is a more favorable tax status than private foundation status. If you are a private foundation, Part X is designed to further determine whether you are a private operating foundation. (See instructions.)

1a Are you a private foundation? If "Yes," go to line 1b. If "No," go to line 5 and proceed as instructed. If you are unsure, see the instructions. ☐ Yes ☑ No

b As a private foundation, section 508(e) requires special provisions in your organizing document in addition to those that apply to all organizations described in section 501(c)(3). Check the box to confirm that your organizing document meets this requirement, whether by express provision or by reliance on operation of state law. Attach a statement that describes specifically where your organizing document meets this requirement, such as a reference to a particular article or section in your organizing document or by operation of state law. See the instructions, including Appendix B, for information about the special provisions that need to be contained in your organizing document. Go to line 2. ☐

2 Are you a private operating foundation? To be a private operating foundation you must engage directly in the active conduct of charitable, religious, educational, and similar activities, as opposed to indirectly carrying out these activities by providing grants to individuals or other organizations. If "Yes," go to line 3. If "No," go to the signature section of Part XI. ☐ Yes ☐ No

3 Have you existed for one or more years? If "Yes," attach financial information showing that you are a private operating foundation; go to the signature section of Part XI. If "No," continue to line 4. ☐ Yes ☐ No

4 Have you attached either (1) an affidavit or opinion of counsel, (including a written affidavit or opinion from a certified public accountant or accounting firm with expertise regarding this tax law matter), that sets forth facts concerning your operations and support to demonstrate that you are likely to satisfy the requirements to be classified as a private operating foundation; or (2) a statement *describing your proposed operations as a private operating foundation*? ☐ Yes ☐ No

5 If you answered "No" to line 1a, indicate the type of public charity status you are requesting by checking one of the choices below. You may check only one box.

The organization is not a private foundation because it is:

a 509(a)(1) and 170(b)(1)(A)(i)—a church or a convention or association of churches. Complete and attach Schedule A. ☐

b 509(a)(1) and 170(b)(1)(A)(ii)—a school. Complete and attach Schedule B. ☐

c 509(a)(1) and 170(b)(1)(A)(iii)—a hospital, a cooperative hospital service organization, or a medical research organization operated in conjunction with a hospital. Complete and attach Schedule C. ☐

d 509(a)(3)—an organization supporting either one or more organizations described in line 5a through c, f, g, or h or a publicly supported section 501(c)(4), (5), or (6) organization. Complete and attach Schedule D. ☐

Part X Public Charity Status *(Continued)*

e 509(a)(4)—an organization organized and operated exclusively for testing for public safety. ☐

f 509(a)(1) and 170(b)(1)(A)(iv)—an organization operated for the benefit of a college or university that is owned or operated by a governmental unit. ☐

g 509(a)(1) and 170(b)(1)(A)(vi)—an organization that receives a substantial part of its financial support in the form of contributions from publicly supported organizations, from a governmental unit, or from the general public. ☐

h 509(a)(2)—an organization that normally receives not more than one-third of its financial support from gross investment income and receives more than one-third of its financial support from contributions, membership fees, and gross receipts from activities related to its exempt functions (subject to certain exceptions). ☐

i A publicly supported organization, but unsure if it is described in 5g or 5h. The organization would like the IRS to decide the correct status. ☑

6 If you checked box g, h, or i in question 5 above, you must request either an advance or a definitive ruling by selecting one of the boxes below. Refer to the instructions to determine which type of ruling you are eligible to receive.

a **Request for Advance Ruling:** By checking this box and signing the consent, pursuant to section 6501(c)(4) of the Code you request an advance ruling and agree to extend the statute of limitations on the assessment of excise tax under section 4940 of the Code. The tax will apply only if you do not establish public support status at the end of the 5-year advance ruling period. The assessment period will be extended for the 5 advance ruling years to 8 years, 4 months, and 15 days beyond the end of the first year. You have the right to refuse or limit the extension to a mutually agreed-upon period of time or issue(s). Publication 1035, *Extending the Tax Assessment Period*, provides a more detailed explanation of your rights and the consequences of the choices you make. You may obtain Publication 1035 free of charge from the IRS web site at *www.irs.gov* or by calling toll-free 1-800-829-3676. Signing this consent will not deprive you of any appeal rights to which you would otherwise be entitled. If you decide not to extend the statute of limitations, you are not eligible for an advance ruling.

Consent Fixing Period of Limitations Upon Assessment of Tax Under Section 4940 of the Internal Revenue Code

For Organization

(Signature of Officer, Director, Trustee, or other authorized official)	(Type or print name of signer)	(Date)
	(Type or print title or authority of signer)	

For IRS Use Only

IRS Director, Exempt Organizations	(Date)

b **Request for Definitive Ruling:** Check this box if you have completed one tax year of at least 8 full months and you are requesting a definitive ruling. To confirm your public support status, answer line 6b(i) if you checked box g in line 5 above. Answer line 6b(ii) if you checked box h in line 5 above. If you checked box i in line 5 above, answer both lines 6b(i) and (ii) ☐

(i) (a) Enter 2% of line 8, column (e) on Part IX-A. Statement of Revenues and Expenses. _____

(b) Attach a list showing the name and amount contributed by each person, company, or organization whose gifts totaled more than the 2% amount. If the answer is "None," check this box. ☐

(ii) (a) For each year amounts are included on lines 1, 2, and 9 of Part IX-A. Statement of Revenues and Expenses, attach a list showing the name of and amount received from each disqualified person. If the answer is "None," check this box. ☐

(b) For each year amounts are included on line 9 of Part IX-A. Statement of Revenues and Expenses, attach a list showing the name of and amount received from each payer, other than a disqualified person, whose payments were more than the larger of (1) 1% of line 10, Part IX-A. Statement of Revenues and Expenses, or (2) $5,000. If the answer is "None," check this box. ☐

7 Did you receive any unusual grants during any of the years shown on Part IX-A. Statement of Revenues and Expenses? If "Yes," attach a list including the name of the contributor, the date and amount of the grant, a brief description of the grant, and explain why it is unusual. ☐ Yes ☐ No

Part XI User Fee Information

You must include a user fee payment with this application. It will not be processed without your paid user fee. If your average annual gross receipts have exceeded or will exceed $10,000 annually over a 4-year period, you must submit payment of $850. If your gross receipts have not exceeded or will not exceed $10,000 annually over a 4-year period, the required user fee payment is $400. See instructions for Part XI, for a definition of **gross receipts** over a 4-year period. Your check or money order must be made payable to the United States Treasury. *User fees are subject to change. Check our website at www.irs.gov and type "User Fee" in the keyword box, or call Customer Account Services at 1-877-829-5500 for current information.*

1	Have your annual gross receipts averaged or are they expected to average not more than $10,000? If "Yes," check the box on line 2 and enclose a user fee payment of $400 (Subject to change—see above). If "No," check the box on line 3 and enclose a user fee payment of $850 (Subject to change—see above).	☐ Yes	☑ No
2	Check the box if you have enclosed the reduced user fee payment of $400 (Subject to change).		☐
3	Check the box if you have enclosed the user fee payment of $850 (Subject to change).		☑

I declare under the penalties of perjury that I am authorized to sign this application on behalf of the above organization and that I have examined this application, including the accompanying schedules and attachments, and to the best of my knowledge it is true, correct, and complete.

Please Sign Here ▶ Ellen A. Harley (Signature of Officer, Director, Trustee, or other authorized official)

Ellen Harley (Type or print name of signer)

July 4, 2017 (Date)

President (Type or print title or authority of signer)

Reminder: Send the completed Form 1023 Checklist with your filled-in-application. Form 1023 (Rev 12-2013)

IRS FORM 1023

Part I - Identification of Applicant

7. Form 2848

Attachments for Charleston Carriage Horse Advocates

EIN: 82-1071612

CCW_Chas Carriage Horse Advocates_0030

Form **2848**
(Rev. Dec. 2015)
Department of the Treasury
Internal Revenue Service

Power of Attorney and Declaration of Representative

▶ Information about Form 2848 and its instructions is at *www.irs.gov/form2848*.

OMB No. 1545-0150

For IRS Use Only
Received by:
Name
Telephone
Function
Date / /

Part I Power of Attorney

Caution: A separate Form 2848 must be completed for each taxpayer. Form 2848 will not be honored for any purpose other than representation before the IRS.

1 Taxpayer information. Taxpayer must sign and date this form on page 2, line 7.

Taxpayer name and address	Taxpayer identification number(s)	
Charleston Carriage Horse Advocates **23 Wentworth Street** **Charleston, SC 29401**	[redacted]	
	Daytime telephone number **(843) 412-8174**	Plan number (if applicable)

hereby appoints the following representative(s) as attorney(s)-in-fact:

2 Representative(s) must sign and date this form on page 2, Part II.

Name and address	CAF No. / PTIN / Telephone No. / Fax No.
David Wolf **286 Meeting Street, 1st Floor** **Charleston, SC 29401**	CAF No. **None** PTIN **None** Telephone No. **(843) 853-8000** Fax No. **(843) 853-9002**
Check if to be sent copies of notices and communications ☐	Check if new: Address ☐ Telephone No. ☐ Fax No. ☐
Name and address	CAF No. / PTIN / Telephone No. / Fax No.
Check if to be sent copies of notices and communications ☐	Check if new: Address ☐ Telephone No. ☐ Fax No. ☐
Name and address	CAF No. / PTIN / Telephone No. / Fax No.
(Note: IRS sends notices and communications to only two representatives.)	Check if new: Address ☐ Telephone No. ☐ Fax No. ☐
Name and address	CAF No. / PTIN / Telephone No. / Fax No.
(Note: IRS sends notices and communications to only two representatives.)	Check if new: Address ☐ Telephone No. ☐ Fax No. ☐

to represent the taxpayer before the Internal Revenue Service and perform the following acts:

3 Acts authorized (you are required to complete this line 3). With the exception of the acts described in line 5b, I authorize my representative(s) to receive and inspect my confidential tax information and to perform acts that I can perform with respect to the tax matters described below. For example, my representative(s) shall have the authority to sign any agreements, consents, or similar documents (see instructions for line 5a for authorizing a representative to sign a return).

Description of Matter (Income, Employment, Payroll, Excise, Estate, Gift, Whistleblower, Practitioner Discipline, PLR, FOIA, Civil Penalty, Sec. 5000A Shared Responsibility Payment, Sec. 4980H Shared Responsibility Payment, etc.) (see instructions)	Tax Form Number (1040, 941, 720, etc.) (if applicable)	Year(s) or Period(s) (if applicable) (see instructions)
Application for Recognition of Exemption under 501(c)(3)	**1023**	**2017-2018**

4 Specific use not recorded on Centralized Authorization File (CAF). If the power of attorney is for a specific use not recorded on CAF, check this box. See the instructions for **Line 4. Specific Use Not Recorded on CAF** . . . . . ▶ ☐

5a Additional acts authorized. In addition to the acts listed on line 3 above, I authorize my representative(s) to perform the following acts (see instructions for line 5a for more information):

☐ Authorize disclosure to third parties; ☐ Substitute or add representative(s); ☐ Sign a return; _____

☐ Other acts authorized: _____

b Specific acts not authorized. My representative(s) is (are) not authorized to endorse or otherwise negotiate any check (including directing or accepting payment by any means, electronic or otherwise, into an account owned or controlled by the representative(s) or any firm or other entity with whom the representative(s) is (are) associated) issued by the government in respect of a federal tax liability.
List any other specific deletions to the acts otherwise authorized in this power of attorney (see instructions for line 5b):

6 Retention/revocation of prior power(s) of attorney. The filing of this power of attorney automatically revokes all earlier power(s) of attorney on file with the Internal Revenue Service for the same matters and years or periods covered by this document. If you do not want to revoke a prior power of attorney, check here . . . . . ▶ ☐
YOU MUST ATTACH A COPY OF ANY POWER OF ATTORNEY YOU WANT TO REMAIN IN EFFECT.

7 Signature of taxpayer. If a tax matter concerns a year in which a joint return was filed, each spouse must file a separate power of attorney even if they are appointing the same representative(s). If signed by a corporate officer, partner, guardian, tax matters partner, executor, receiver, administrator, or trustee on behalf of the taxpayer, I certify that I have the legal authority to execute this form on behalf of the taxpayer.
▶ IF NOT COMPLETED, SIGNED, AND DATED, THE IRS WILL RETURN THIS POWER OF ATTORNEY TO THE TAXPAYER.

Signature	Date	Title (if applicable)
Ellen A Harley	7.4.2017	Director/CEO

Print Name	Print name of taxpayer from line 1 if other than individual
Ellen Harley	Charleston Carriage Horse Advocates

Part II Declaration of Representative

Under penalties of perjury, by my signature below I declare that:

- I am not currently suspended or disbarred from practice, or ineligible for practice, before the Internal Revenue Service;
- I am subject to regulations contained in Circular 230 (31 CFR, Subtitle A, Part 10), as amended, governing practice before the Internal Revenue Service;
- I am authorized to represent the taxpayer identified in Part I for the matter(s) specified there; and
- I am one of the following:

a Attorney—a member in good standing of the bar of the highest court of the jurisdiction shown below.
b Certified Public Accountant—licensed to practice as a certified public accountant is active in the jurisdiction shown below.
c Enrolled Agent—enrolled as an agent by the Internal Revenue Service per the requirements of Circular 230.
d Officer—a bona fide officer of the taxpayer organization.
e Full-Time Employee—a full-time employee of the taxpayer.
f *Family Member—a member of the taxpayer's immediate family (spouse, parent, child, grandparent, grandchild, step-parent, step-child, brother, or sister).*
g **Enrolled** Actuary—enrolled as an **actuary** by the Joint Board for the Enrollment of Actuaries under 29 U.S.C. 1242 (the authority to practice before **the** Internal Revenue Service is **limited by** section 10.3(d) of Circular 230).
h **Unenrolled Return Preparer—Authority to practice before the IRS is limited. An unenrolled return preparer may represent, provided the preparer (1) prepared and signed the return or claim for refund (or prepared if there is no signature space on the form); (2) was eligible to sign the return or claim for refund; (3) has a valid PTIN; and (4) possesses the required Annual Filing Season Program Record of Completion(s). *See Special Rules and Requirements for Unenrolled Return Preparers in the instructions for additional information.***
k Student **Attorney** or CPA—**receives permission to represent** taxpayers before the IRS by virtue of his/her status as a law, business, or accounting student **working** in an LITC or **STCP. See** instructions **for** Part II for additional information and requirements.
r Enrolled Retirement Plan Agent—enrolled as a retirement plan agent under the requirements of Circular 230 (the authority to practice before the Internal Revenue Service is limited by section 10.3(e)).

▶ IF THIS DECLARATION OF REPRESENTATIVE IS NOT COMPLETED, SIGNED, AND DATED, THE IRS WILL RETURN THE POWER OF ATTORNEY. REPRESENTATIVES MUST SIGN IN THE ORDER LISTED IN PART I, LINE 2.

Note: For designations d-f, enter your title, position, or relationship to the taxpayer in the "Licensing jurisdiction" column.

Designation—Insert above letter (a–r).	Licensing jurisdiction (State) or other licensing authority (if applicable)	Bar, license, certification, registration, or enrollment number (if applicable).	Signature	Date
a	SC	0017041		7/4/17

CCW_Chas Carriage Horse Advocates_0032

IRS FORM 1023

Part II - Organizational Structure

1. Articles of Incorporation

Attachments for Charleston Carriage Horse Advocates

EIN: 82-1071612

CCW_Chas Carriage Horse Advocates_0033

CHARLESTON CARRIAGE HORSE ADVOCATES
SOUTH CAROLINA NONPROFIT CORPORATION
INCORPORATOR ORGANIZATIONAL MINUTES

March 24, 2017

The following resolutions are adopted by written consent of the Board of Directors of the Non-Profit Corporation pursuant to the authority granted in South Carolina Code Ann. § 33-31-205(a)(2)--(b).

1. Resolution Adopting Bylaws

The following resolution adopting bylaws for the company is adopted:

> RESOLVED, that the form of bylaws presented to the incorporator, a copy of which is attached to these minutes and incorporated herein by reference, are hereby adopted and approved as the bylaws of the Corporation. Said bylaws shall remain in full force and effect until amended or repealed by action of the Board of Directors.

2. Resolution Affirming the Articles of Incorporation

Articles of Incorporation for the Corporation were filed with the South Carolina Secretary of State on January 3, 2017. A stamped filed copy of the articles was returned and shall be retained by the corporation in its minute book. This resolution reaffirms all of the terms and provisions contained in said articles of incorporation.

> RESOLVED, that the Articles of Incorporation, as filed with the South Carolina Secretary of State on January 3, 2017, are hereby affirmed as being the Articles of Incorporation of this Corporation.

3. Resolution Electing Directors

The Corporation's Bylaws provide that the Incorporator shall appoint five (5) directors to an initial term of one or two years. The following resolution with respect to the election of the initial Board of Directors of the Corporation is hereby adopted:

> RESOLVED, that the following persons are hereby elected as the initial directors of the Corporation, to serve the term set out to the left of the director's name, unless removed prior to that time or until their successors have been duly elected and qualified:

Ellen A. Harley	2 years
Elizabeth Slagsvol	2 years
Catherine Poag	1 year
Barbara Hart	1 year

4. Preparation of Minute Book

The following resolution with respect to adopting and approving the minute book of the Corporation is adopted:

> RESOLVED, that a copy of the Articles of Incorporation, the Bylaws of the Corporation and all minutes and consents of the Corporation shall be filed in the Corporation's minute book which shall be maintained as part of the official records of this Corporation at the principal office of the Corporation.

5. Bank Accounts

The following resolution with respect to the opening and maintenance of bank accounts for the Corporation is adopted:

> RESOLVED, that the Corporation shall open one or more bank accounts with depositories selected by the Board of Directors and the depository's form of resolution is hereby adopted and incorporated herein by reference and such resolution when executed on behalf of the Corporation shall be filed in the Corporation's minute book.

6. Payment of Expenses in Connection with the Formation of the Corporation

Certain expenses have been incurred in connection with the formation of the Corporation. The following resolution in respect of the payment of such expenses is adopted:

> RESOLVED, that the Corporation shall pay all of those expenses incurred in connection with the formation of the Corporation and the commencement of its operations and reimbursement of any such expenses to any person who has paid such expenses on behalf of the Corporation is hereby authorized.

7. Application for a Tax Identification Number

An application for a Tax Identification Number was submitted on behalf of the Corporation and a Tax Identification Number has been assigned by the IRS to the Corporation. The following resolution reaffirms the submission of an application for a federal Tax Identification Number for the Corporation is adopted:

> RESOLVED, that the action of the Board of Directors in filing the appropriate form with the Internal Revenue Service to obtain a federal Tax Identification Number for the Corporation is hereby affirmed and ratified.

8. Application for Tax Exempt Status

The following resolution with respect to seeking a tax exempt status for the Corporation under Section 501(c)(3) is adopted:

> RESOLVED, that the action of the Board of Directors in completing and filing an Application for Recognition of Exemption Under Section 501(c)(3) of the Internal Revenue Code with the Internal Revenue Service on behalf of the Corporation in an effort to obtain a charitable organization tax exemption is hereby approved.

The above resolution is taken by the Incorporator of the Corporation, and her consent to these actions is reflected in her signature below. These resolutions shall be effective on the date first set forth above.

Ellen A. Harley
Incorporator

IRS FORM 1023

Part IV - Narrative Description of Your Activities

Charleston Carriage Horse Advocates exists to educate the public and to create public awareness and action to secure humane working conditions for carriage animals that work on City streets and humane conditions for livestock.

We plan to use, primarily, social media to accomplish our goal and our mission. We are currently using and will continue to use our Facebook page, Instagram and Twitter to highlight current conditions and to advocate for 1) a peer-review, academic prospective study to be conducted in Charleston SC on current working conditions of carriage animals in Charleston and 2) to encourage humane conditions for livestock and working animals in SC.

We will employ paid media, free media via news articles, radio and tv interviews, participation in pedestrian marches and gatherings to raise public awareness of the current situation and to advocate for humane working conditions for carriage animals. We have been and will continue to provide banners, bumper stickers and other promotional materials to citizens to raise awareness.

We will circulate petitions and we have and will continue to videotape and photograph working animals on the streets of Charleston for the purpose of raising awareness and educating the public on the issue of humane treatment of carriage animals.

We will engage local neighborhood groups to voice their concerns on behalf of the animals and will engage with elected officials to educate them and to raise awareness of the issue.

We will speak with journalists, write letters to the editor and opinion articles to educate the public on the importance of humane treatment of working animals and livestock.
We plan to raise money that will be used for paid media and for consulting oversight of social media with the aim to raise awareness of the issue and to educate the public on the issue. We will expend money raised on promotional materials and on participation in gatherings and events with the goal to raise public awareness and to encourage activism for our cause. We may employ professional political consultants as well as media consultants to help us achieve our goals and mission.

We do not anticipate having full-time employees but may employ part-time summer interns and/or part-time employees to assist with outreach as well as office duties. We expect to gather volunteers who will assist us in our efforts to achieve humane working conditions for carriage animals.

We currently have social media presence where we seek to create awareness and relevancy of the need for humane conditions for livestock and animals working in urban environments.

We are building a website that will serve as a more complete platform for providing education and awareness of the need for humane conditions for livestock and working animals.

We present Power Point presentations to Neighborhood Organizations in the Charleston area to educate, raise awareness and to answer questions and address concerns of audience participants.

We will speak before City Council when appropriate about the issue and will meet with individual elected officials to present our Power Point, answer questions and to urge them to consider policy that could improve humane working conditions of animals and humane treatment of livestock. Our organization will be focused primarily on grass-roots, community support and the building of coalitions that will provide education in and incentive for elected officials to support humane working conditions of animals.

IRS FORM 1023

Part V - Compensation and Other Financial Arrangements . . .

5a. Conflict of Interest Policy

Attachments for Charleston Carriage Horse Advocates

EIN: 82-1071612

CCW_Chas Carriage Horse Advocates_0052

CHARLESTON CARRIAGE HORSE ADVOCATES
SOUTH CAROLINA NONPROFIT CORPORATION
CONFLICT OF INTEREST POLICY

ARTICLE I - Purpose

The purpose of the conflict of interest policy is to protect this tax-exempt organization's (Organization) interest when it is contemplating entering into a transaction or arrangement that might benefit the private interest of an officer or director of the Organization or might result in a possible excess benefit transaction. This policy is intended to supplement but not replace any applicable state and federal laws governing conflict of interest applicable to nonprofit and charitable organizations.

ARTICLE II - Definitions

1. Interested Person

Any director, principal officer, or member of a committee with governing board delegated powers, who has a direct or indirect financial interest, as defined below, is an interested person.

2. Financial Interest

A person has a financial interest if the person has, directly or indirectly, through business, investment, or family:

a An ownership or investment interest in any entity with which the Organization has a transaction or arrangement,

b. A compensation arrangement with the Organization or with any entity or individual with which the Organization has a transaction or arrangement, or

c. A potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which the

Organization is negotiating a transaction or arrangement.

Compensation includes direct and indirect remuneration as well as gifts or favors that are not insubstantial.

A financial interest is not necessarily a conflict of interest. Under Article III, Section 2, a person who has a financial interest may have a conflict of interest only if the appropriate governing board or committee decides that a conflict of interest exists.

ARTICLE III - Procedures

1. Duty to Disclose

In connection with any actual or possible conflict of interest, an interested person must disclose the existence of the financial interest and be given the opportunity to disclose all material facts to the directors and members of committees with governing board delegated powers considering the proposed transaction or arrangement.

2. Determining Whether a Conflict of Interest Exists

After disclosure of the financial interest and all material facts, and after any discussion with the interested person, he/she shall leave the governing board or committee meeting while the determination of a conflict of interest is discussed and voted upon The remaining board or committee members shall decide if a conflict of interest exists.

3. Procedures for Addressing the Conflict of Interest

a. An interested person may make a presentation at the governing board or committee meeting, but after the presentation, he/she shall leave the meeting during the discussion of, and the vote on, the transaction or arrangement involving the possible conflict of interest.

b. The chairperson of the governing board or committee shall, if appropriate, appoint a disinterested person or committee to investigate alternatives to the proposed transaction or arrangement.

c. After exercising due diligence, the governing board or committee shall determine whether the Organization can obtain with reasonable efforts a more advantageous transaction or arrangement from a person or entity that would not give rise to a conflict of interest.

d. If a more advantageous transaction or arrangement is not reasonably possible under circumstances not producing a conflict of interest, the governing board or committee shall determine by a majority vote of the disinterested directors whether the transaction or arrangement is in the Organization's best interest, for its own benefit, and whether it is fair and reasonable. In conformity with the above determination it shall make its decision as to whether to enter into the transaction or arrangement.

4. Violations of the Conflicts of Interest Policy

a. If the governing board or committee has reasonable cause to believe a member has failed to disclose actual or possible conflicts of interest, it shall inform the member of the basis for such belief and afford the member an opportunity to explain the alleged failure to disclose.

b. If, after hearing the member's response and after making further investigation as warranted by the circumstances, the governing board or committee determines the member has failed to disclose an actual or possible conflict of interest, it shall take appropriate disciplinary and corrective action.

ARTICLE IV - Records of Proceedings

The minutes of the governing board and all committees with board delegated powers shall contain:

a. The names of the persons who disclosed or otherwise were found to have a financial interest in connection with an actual or possible conflict of interest, the nature of the financial interest, any action taken to determine whether a conflict of interest was present, and the governing board's or committee's decision as to whether a conflict of interest in fact existed.

b. The names of the persons who were present for discussions and votes relating to the transaction or arrangement, the content of the discussion, including any alternatives to the proposed transaction or arrangement, and a record of any votes taken in connection with the proceedings.

ARTICLE V - Compensation

a. A voting member of the governing board who receives compensation, directly or indirectly, from the Organization for services is precluded from voting on matters pertaining to that member's compensation.

b. A voting member of any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from the Organization for services is precluded from voting on matters pertaining to that member's compensation.

c. No voting member of the governing board or any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from the Organization, either individually or collectively, is prohibited from providing information to any committee regarding compensation.

ARTICLE VI - Annual Statements

Each director, principal officer and member of a committee with governing board delegated powers shall annually sign a statement which affirms such person:

a. Has received a copy of the conflicts of interest policy,

b. Has read and understands the policy,

c. Has agreed to comply with the policy, and

d. Understands the Organization is charitable and in order to maintain its federal tax exemption it must engage primarily in activities which accomplish one or more of its tax-exempt purposes.

ARTICLE VII - Periodic Reviews

To ensure the Organization operates in a manner consistent with charitable purposes and does not engage in activities that could jeopardize its tax-exempt status, periodic reviews shall be conducted. The periodic reviews shall, at a minimum, include the following subjects:

a. Whether compensation arrangements and benefits are reasonable, based on competent survey information, and the result of arm's length bargaining.

b. Whether partnerships, joint ventures, and arrangements with management organizations conform to the Organization's written policies, are properly recorded, reflect reasonable investment or payments for goods and services, further charitable purposes and do not result in inurement, impermissible private benefit or in an excess benefit transaction.

ARTICLE VIII - Use of Outside Experts

When conducting the periodic reviews as provided for in Article VII, the Organization may, but need not, use outside advisors. If outside experts are used, their use shall not relieve the governing board of its responsibility for ensuring periodic reviews are conducted.

The foregoing are certified to be the true and complete ~~Bylaws~~ Conflict of Interest Policy of the Corporation as adopted by the Board of Directors effective as of March 24, 2017.

ATTEST:

Ellen A. Harley
President

CHARLESTON CARRIAGE HORSE ADVOCATES
SOUTH CAROLINA NONPROFIT CORPORATION
BOARD OF DIRECTORS UNANIMOUS CONSENT

March 24, 2017

The following resolutions are adopted by written consent of the Board of Directors of the Non-Profit Corporation pursuant to the authority granted in South Carolina Code Ann. § 33-31-821.

1. **Resolution Adopting Conflict of Interest Policy**
The following resolution adopting a Conflict of Interest Policy is adopted

> RESOLVED, that the form of Conflict of Interest Policy presented to the **Board of Directors, a copy of which is attached to this Consent and incorporated herein** by reference, **is hereby adopted and approved as the Conflict of Interest Policy of the Corporation. Said Conflict of Interest Policy shall remain in full force and effect until amended or repealed by** action of the Board of Directors

The above resolution was adopted by the Board of Directors of the Corporation, and their approval of this action is reflected in their signatures below. Each of the signature pages signed by the Directors shall be regarded together as a portion of the whole consent, whether a photostatic, facsimile or similar reproduction of a writing signed by a Director, required by S.C. Code Ann. § 33-31-821. These resolution shall be effective on the date first set forth above.

Ellen A. Harley
Director

Elizabeth Slagsvol
Director

Elizabeth Fort
Director

Catherine Poag
Director

Barbara Hart
Director

CHARLESTON CARRIAGE HORSE ADVOCATES
SOUTH CAROLINA NONPROFIT CORPORATION
BOARD OF DIRECTORS UNANIMOUS CONSENT

March 24, 2017

The following resolutions are adopted by written consent of the Board of Directors of the Non-Profit Corporation pursuant to the authority granted in South Carolina Code Ann. § 33-31-821.

1. Resolution Adopting Conflict of Interest Policy

The following resolution adopting a Conflict of Interest Policy is adopted:

> RESOLVED, that the form of Conflict of Interest Policy presented to the Board of Directors, a copy of which is attached to this Consent and incorporated herein by reference, is hereby adopted and approved as the Conflict of Interest Policy of the Corporation. Said Conflict of Interest Policy shall remain in full force and effect until amended or repealed by action of the Board of Directors.

The above resolution was adopted by the Board of Directors of the Corporation, and their approval of this action is reflected in their signatures below. Each of the signature pages signed by the Directors shall be regarded together as a portion of the whole consent, whether a photostatic, facsimile or similar reproduction of a writing signed by a Director, required by S.C. Code Ann. § 33-31-821. These resolution shall be effective on the date first set forth above.

Ellen A. Harley
Director

Elizabeth Slagsvol
Director

Catherine Poag
Director

Barbara Hart
Director

CCW_Chas Carriage Horse Advocates_0058

CHARLESTON CARRIAGE HORSE ADVOCATES
SOUTH CAROLINA NONPROFIT CORPORATION
BOARD OF DIRECTORS UNANIMOUS CONSENT

March 24, 2017

The following resolutions are adopted by written consent of the Board of Directors of the Non-Profit Corporation pursuant to the authority granted in South Carolina Code Ann § 33-31-821.

1 Resolution Adopting Conflict of Interest Policy

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Ellen A. Harley
Director

Elizabeth Slagsvol
Director

Catherine Poag
Director

Barbara Hart
Director

IRS FORM 1023

PART VIII - Your Specific Activities

2a & b. Influence of Legislation

Our attempts to influence policy by appealing to elected officials will not be a substantial part of our activities. We will speak before City Council when appropriate about the issue and will meet with individual elected officials to present our Power Point, answer questions and to urge them to consider policy that could improve humane working conditions of animals and humane treatment of livestock. We will not propose specific legislation. Our organization will be focused primarily on grass-roots, community support and the building of coalitions that will provide education in and incentive for elected officials to support humane working conditions of animals. We expect to expend no funds specifically targeted to elected officials.

IRS FORM 1023

Part VIII - Your Specific Activities

4a. Fundraising

Mail Solicitations: We will mail letters to people we think may be interested in supporting humane treatment of animals working in urban environments as well as humane treatment of livestock. We do not plan to use purchased mailing lists but only those lists of people who have expressed interest to us.

Email Solicitations: We will email people with whom we regularly communicate who are known to us to be interested in the humane treatment of animals working in urban environments as well as humane treatment of livestock.

Personal Solicitations: We will meet with people with whom we regularly communicate who are known to us to be interested in the humane treatment of animals working in urban environments as well as humane treatment of livestock.

Vehicle, Boat, Plane, or similar donations: We do not expect to solicit items to auction, raffle, etc.

Foundation Grant Solicitations: We may, in the future, seek Foundation Grants but initially we will not do so, as we do not have the resources to devote to putting together Grant Applications.

Phone Solicitations: We do not plan to purchase phone lists nor do we plan to hire services to conduct phone solicitations for donations.

Accept donations on your website: We will make an appeal and have a mechanism so that people can donate to the cause should they feel inclined.

Receive donations from another organization's website: We have no plans to do so at this time.

Government Grant solicitations: We may, in the future, seek Foundation Grants but initially we will not do so, as we do not have the resources to devote to putting together Grant Applications. However, we do not expect that we would qualify for Government Grants.

Other: We may from time to time, organize a social event as a fundraiser. We would ask for Sponsorships and ticket purchases to the Event to raise funds for our non-profit cause.

IRS FORM 1023

Part VIII - Your Specific Activities

4d. States and Local Jurisdictions

We intend to only conduct fundraising in the State of South Carolina and its local jurisdictions.

IRS FORM 1023

Part VIII - Your Specific Activities

4e. Advice on the use or distribution of funds which serves to restrict the use of the funds to a particular purpose will be accepted, so long as the restricted purpose serves to fulfill our mission and will not encumber or obligate the non-profit to activities or commitments that are not consistent with our mission.

IRS FORM 1023

Part VIII - Your Specific Activities

10. Intellectual Property

We will produce videos and photographs of animals working in urban environments as well as interviews of people who are concerned about humane conditions of working animals. We will produce Ad copy and run commercials on television, radio, digital impressions and static billboards on the issue of humane treatment of working animals. Charleston Carriage Horse Advocates will own rights to all the above. No fees will be charged for proper use but permission will be required to reproduce or distribute.

IRS FORM 1023

Part VIII - Your Specific Activities

11. Types of contributions to be accepted

We will accept contributions of real property or securities. We have not received any donations of these items to date nor has anyone offered any donations to date. Should there be conditions we would accept the donation only if it serves to fulfill our mission and will not encumber or obligate the non-profit to activities or commitments that are not consistent with our mission.

DOMANGUE CONSULTING

phone. (225) 337-6402 | email. amy@domangueconsulting.com

Social Media Proposal

Charleston Carriage Horse Advocates

Thursday, June 23

Produce and conduct daily social media activities to raise awareness and improve conditions for the horses of Charleston's horse drawn carriage industry.

- Develop monthly social media calendar: Facebook, Twitter, and Instagram. The social media calendar includes daily topics, content and links for each platform
- Secure and establish social media web presence for Charleston Carriage Horse Advocates
- Format, schedule and post Monday-Friday to Facebook, Twitter, and Instagram
- Maintain photo database containing images that showcase the work conditions, health of the horses, and the daily activities of the horse drawn carriage industry in partnership with local photographer
- Develop monthly "call to action" campaigns to drive positive change
- Leverage events, milestones, and announcements to garner support on social media
- Identify and collect newsworthy images and content for Facebook, Twitter, and Instagram.
- Conduct proactive outreach via Instagram, Facebook, and Twitter to educate visitors on the horse drawn carriage industry.
- Cultivate relationships through social media channels to organically grow followers and interactions
- Oversee and manage social media advertising activities ($200/month budget)

The scope of work outlined in this proposal will be implemented on a monthly basis. Timelines and assignments for implementation will be developed and coordinated with Charleston Carriage Horse Advocates' designated project liaison.

Project Investment

Monthly - $1,400 (Representing 20 hours per month of Amy's services. Time will be closely monitored and reported monthly to ensure optimization of time.)

Elizabeth Slagsvol
Print Name

Advocate Social Med. Leader
Position

Company Name

Signature of Client

June 27. 2016
Date

10:05 Order
Call to Fort Dyf (Castle Carey)
Attendees PDAG ask Barbara

Charleston Carriage Horse Advocates

Minutes
December 12, 2017

Approved as amended

Website
We reviewed the website and spent considerable (almost the entire time) time going through each section and discussing appropriate changes. Those changes to be made by Amy Dye. Want to be sure that "Donate" option is on as many website pages as possible. Also discussed including ways for people to send letters to city officials, newspaper editor, etc. supporting CCHA position and with their own stories.

Facebook
Our Facebook page has been very successful in many ways-- We have over 13,000, followers and the incident in April 2017 with video of horse collapsed on Meeting Street was picked up by USA Today and other local/national news outlets, including TV stations and Newpapers and was viewed by over 13 million people and many, many comments posted to our page. Also had video of Mule down in street in October-- That had over 100,000 views.
Will Continue to educate using Facebook and try to post as many videos as possible when accidents. Photos and most of all videos have great visual impact. Amy monitors comments on Facebook and removes foul language etc.

Fundraising
We talked about fundraising. The need to expand the # and base of donors both by sending letters and structuring website for easy donations. Amy explained how fundraising on Facebook works and process to be able to do that-- Talked about how website donations would work and how to track, sending thank you, compiling information. Catherine to do the tracking and follow up and talk with mailing/printing companies including pricing and time frame for mailing solicitation letters. Need personal contact for some individuals. Perhaps a cocktail party or social event for select group of potential donors.

Strategy
Our static billboards work best, have been in a good location and have attracted much attention--Agreed to continue to use billboards at certain times of year since are expensive to design and keep up.
Ellen mentioned targeted digital ads and how those work. Will continue to use those at set times.
Elizabeth mentioned the "thumbs down" idea and all agreed that was a great idea that we should plan to use.
Need to find more people downtown who will hang banners-- especially on streets that carriages go down--
Beth is working on petition and networking with other carriage cities--

Carriage Industry
Carriage industry continues to use bullying tactics and complain about animal rights terrorists attacking them- and City is very lax in enforcing ordinances and will continue that way.

Overall, we are having a very successful year and have gained considerable momentum.

Adjourned 11:47 PCW

Charleston Carriage Horse Advocates
ANNUAL MEETING of the BOARD OF DIRECTORS
May 4, 2018
23 Wentworth Street, Charleston, SC 29401

AGENDA

Call to Order, Welcome and Remarks

Minutes from last meeting

Treasurer's Report

Board Report

Other Business
- Election
- Non-profit Filings – State and Federal

Committee Reports
Social Media
- Facebook
- Cause Media

Digital Advertising
Static Advertising
Fundraising
Community Outreach

Adjournment

...Continuation of the Board Meeting Minutes

Friday the Fourth of May, 2018
23 Wentworth St. Charleston, SC

Present: Ellen Harley, Catherine Poag & Elizabeth Slagsvol

The board discussed the ways we would like to utilize Molly Epps over the summer. Elizabeth Slagsvol would like to use Dan Krosse's video in additional cities to add to our educational outreach. We have permission from Dan to use that video for CCHA.

There will be an addition of a new "activities in Charleston" web page on the current CCHA web site. This new page will incorporate specific Ad-words and phrases to utilize our Google Grant budget. Elizabeth Slagsvol is working with Katie Kelderman on that project. Ellen Harley and Catherine Poag edited the submitted content and we discussed additions to the page.

The board is looking for additional members. We would like to include men on the board, a new "fan" of CCHA, Fred Schwaibold was briefly discussed as a possibility. Ellen Harley offered information on Louise Palmer, a Marketing Executive from CT as a prospect.

Ellen Harley will be out of town beginning May 23rd. Ellen plans to attend the May 16th "Human City Meeting".

The board discussed the importance of involvement with the Neighborhood Associations. We would like to involved West Ashley. David Maybank is a possibility, but there may be a familial conflict. Ellen plans to meet with Anne Merck. There was a bit of discussion regarding the Dana Beach PAC, and the possibility of setting up our own PAC. We need a list of Charleston Neighborhood Associations (CNAs). Elizabeth Fort will have that info. We are urged to meet members of the respective NAs as a "one on one" effort.

We will have a list of African American "slights" from the Industry on hand for when we meet with Judge Patricia Henley and Henry Darby.

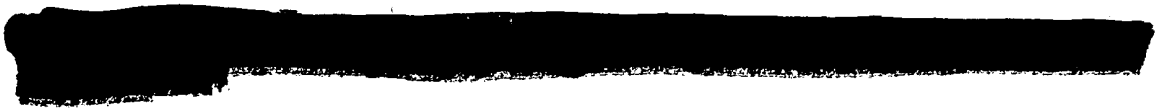
CCHA needs to have a plan for Electoral Outreach. Meet City Council Representatives to foster more community involvement.

Amy Dye needs to meet with the Media as she is the best suited for that specific "outreach" task. At this time CAS is actively looking for a PR & Strategy firm.

We plan to attend the Chili Cook-Off again this year.

Molly Epps will be able to help CCHA with upcoming Festivals. Molly can hand out Thumbs Down hand-fans and cards to interested people. Ellen will arrange a meeting with Molly for the week of May 14th.
Elizabeth Slagsvol, plans to meet with Nicole Wells, the T-Rex girl.

Taco Boy was the victim of a Doyle attack. Ellen will speak to a mutual acquaintance to arrange a meeting with the Taco Boy owner.



A phone conference with Sarah Symoens is scheduled for May 11, 1:00PM.

The board would like an update from Amy Dye about the Thumbs Down campaign.

Catherine Poag discussed the Tourism Commission Meetings that she has attended. There have been negative comments about the CCHA Billboard. In Catherine's opinion, Bob Seidler presents himself as a go-between for the Carriage Companies and CCHA. "We can work it out" is his message. It is suggested that Catherine approach the female,Tourism Commission Board member who "visited the stables" and gave them a Thumbs up.

The board ended the Meeting at 1:20 PM

CHARLESTON CARRIAGE HORSE ADVOCATES
BOARD MEETING
November 7, 2018

Call to Order

Minutes Approved

Attendees from last meeting: Ellen Harley, Catherine Poag, Beth Slagsvol, Elizabeth Fort, Barbara Hart

Lawsuit
- CCHA Lawsuit
  - FOIA Requests
  - Depositions
- Chicago Lawsuit

Tourism Commission
Website Revisions
Facebook friends and activity
Facebook Ads
Instagram followers and activity
Twitter followers and activity
Google Ad Words
Blog
Advertising Campaign
- Billboards
- Digital Impressions
- Banners
- Bumper Stickers
- Hats, Fans, stickers, Hand-out Cards

Personal Outreach
- Whistleblower
- CAS Board
- Local Neighborhood Associations
  - CNA
  - HANA
  - Harleston Village
  - Maczyk-WRaggsborough

- Mayor's Night In
- City Council
- Suburban Neighborhood Associations

Media Outreach

- Print
  - Local
    - City Paper
    - Post and Courier
    - Charleston Magazine
    - Garden and Gun
    - Skirt!
  - Regional
    - Atlanta Constitution
    - The State
    - Charlotte Observer
  - National
    - NYTimes (regional reporter Richard Fausett)
    - Town and Country
    - Travel & Leisure
    - Conde Nast Traveler
    - Destinations magazine
    - Other travel magazines

- General
  - Meet with local print media reporters (and investigative reporters).
  - Meet with local TV media reporters (and investigative reporters).
  - Meet with NY Times, Myrtle Beach, other cities' reporters.
  - Interview on Talk Radio Shows
  - Letters to the Editor (City Paper, P&C, The Mercury, out of town newspapers; The State, The Atlanta Constitution, Charlotte Observer)
  - Letters/Op-Eds to Magazines (Charleston Magazine, Garden & Gun, Charleston Business Journal
  - Ashley Hall (ask Elizabeth Fort and Elizabeth Bradham to help)
  - Fodors Travel Guide
  - Trip Advisor/Yelp
  - Other Travel Guides
  - You Tube
  - Videos
    - Interview video

Petition: How to leverage/utilize

Fundraising

- Personal
- Event
- Social Media
- Crowd Funding
- Lush Cosmetics

Volunteers

College Students
CofC
Other colleges

Local Initiatives:
Chili Cook-Off
SEWE
Fashion Week
Food and Wine
Cooper River Bridge Run

Individuals/ companies to meet or speak with:

- Andy Brack
- Elizabeth Bradham
- CAS Board Members
- City Council members
- Tourism Commission members
- Neighborhood Association Boards
- Ben Pogue
- Mary Black
- Angela Black
- Christina Dodd
- Charleston City Paper Editor and journalists
- Post and Courier Editorial Page editor
- News Editors for local TV Stations
- Individuals that have contacted CCHA
- Local Business owners (Kirwins, Taco Boy; others that have been maligned by Industry and those we know are sympathetic to our cause
- Donors
- Other Stakeholders

December 1, 2018

We are excited to include you as a partner in giving voice to the animals that work the streets of Charleston. Charleston Carriage Horse Advocates began less than two years ago as a local group of neighbors concerned about the living and working conditions of these voiceless creatures that toil in searing heat and humidity, pulling loads of 17 passengers (about 2 ½ TONS per tour). You, too, have witnessed the extreme temperatures and loads and you, like we, believe these constitute inhumane working conditions.

Allow me to catch you up to date on what is going on.
Earlier this summer, Charleston Carriage Works, one of the wagon companies in Charleston, filed a sham lawsuit and called a press conference to loudly announce they were suing us. The lawsuit has no basis, whatsoever. *The lawsuit was and is a PR stunt, designed to divert your attention and our energies and resources away from our advocacy for the animals.*

The reason is simple. *The carriage industry does not want to meet the issue of humane treatment of these animals head on, just as they don't want us shining the light of day on their safety record.*

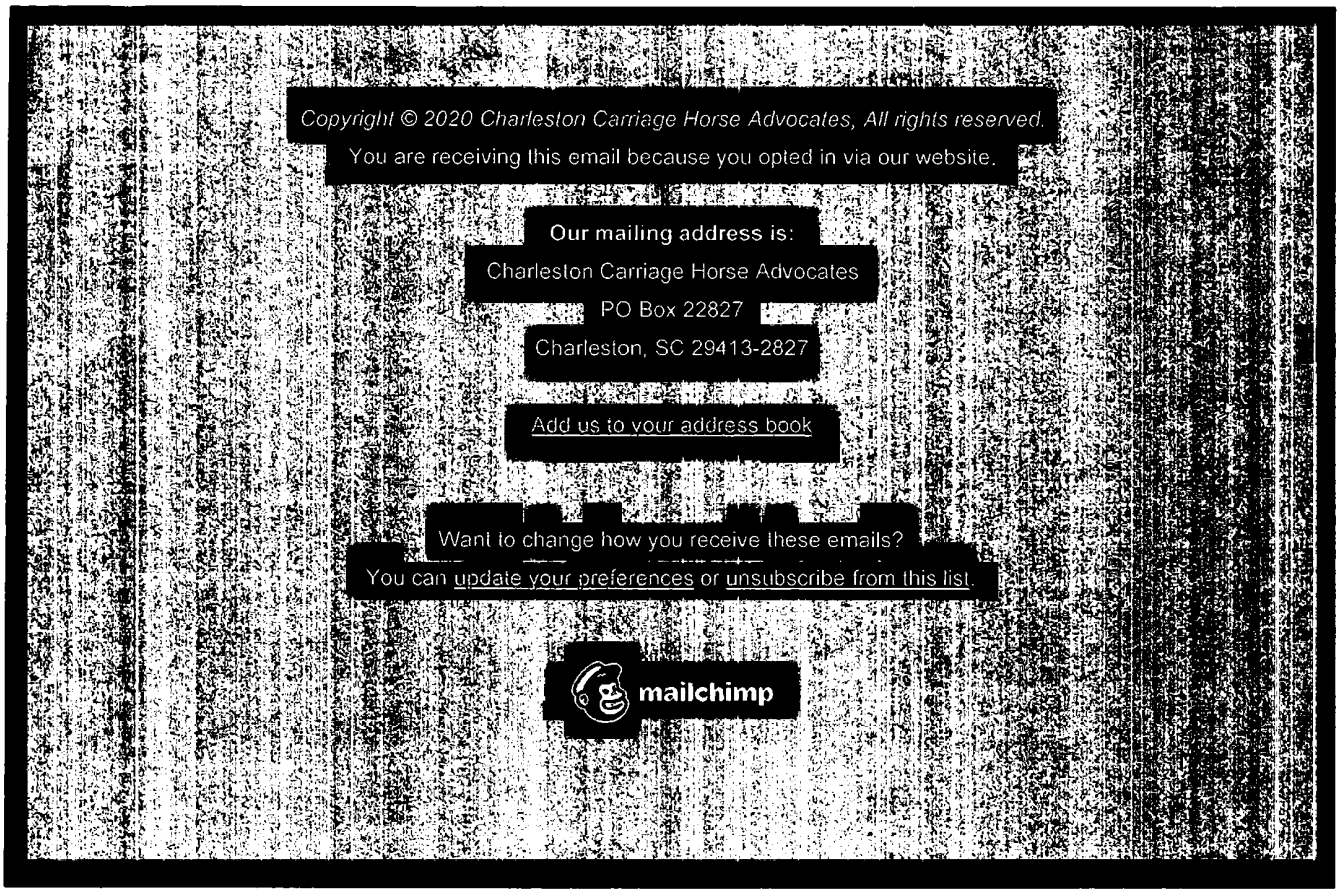
People from Charleston and all over the country have become increasingly aware of the conditions that these animals labor under and the safety issues that go along with having horses and mules in crowded urban areas – and they don't like what they're seeing and hearing. Regardless of what sham lawsuits the industry may file or what court they may run to next, there is an unmistakable groundswell of local citizens who are committed to vigorously advocating for the humane treatment of these voiceless animals and for the safety of passengers and pedestrians.

We presently have over 25,000 social media followers. We are a growing force. But we can't do this alone. We need your support.

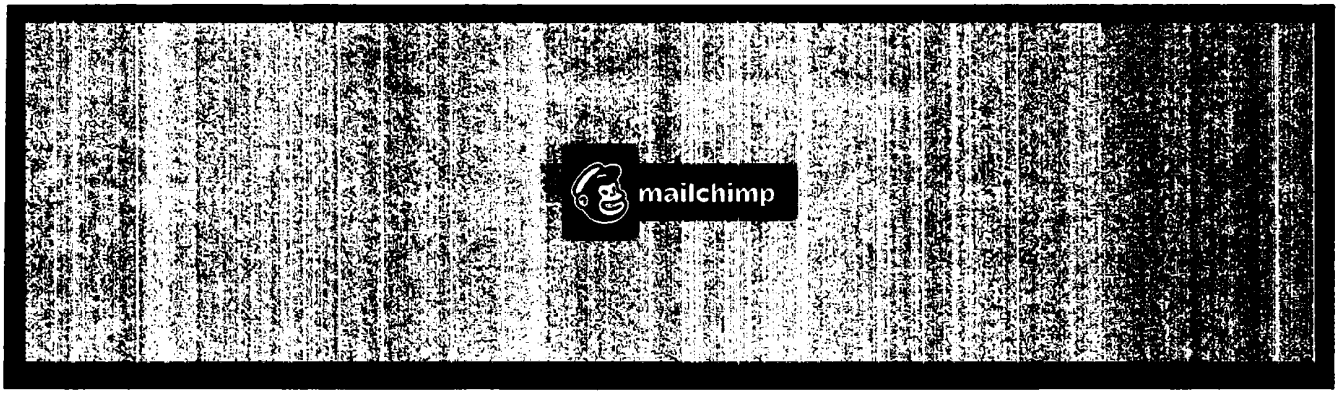
What can you do to help these voiceless animals?
Please consider **donating** to *get the word out* via billboards, digital ads, bumper stickers, and banners. Help us to *defend ourselves* in this sham lawsuit. Your donation is tax-deductible to the fullest extent allowed by law. To donate, visit www.charlestoncarriagehorseadvocates.com **Join us** on Facebook and Instagram!

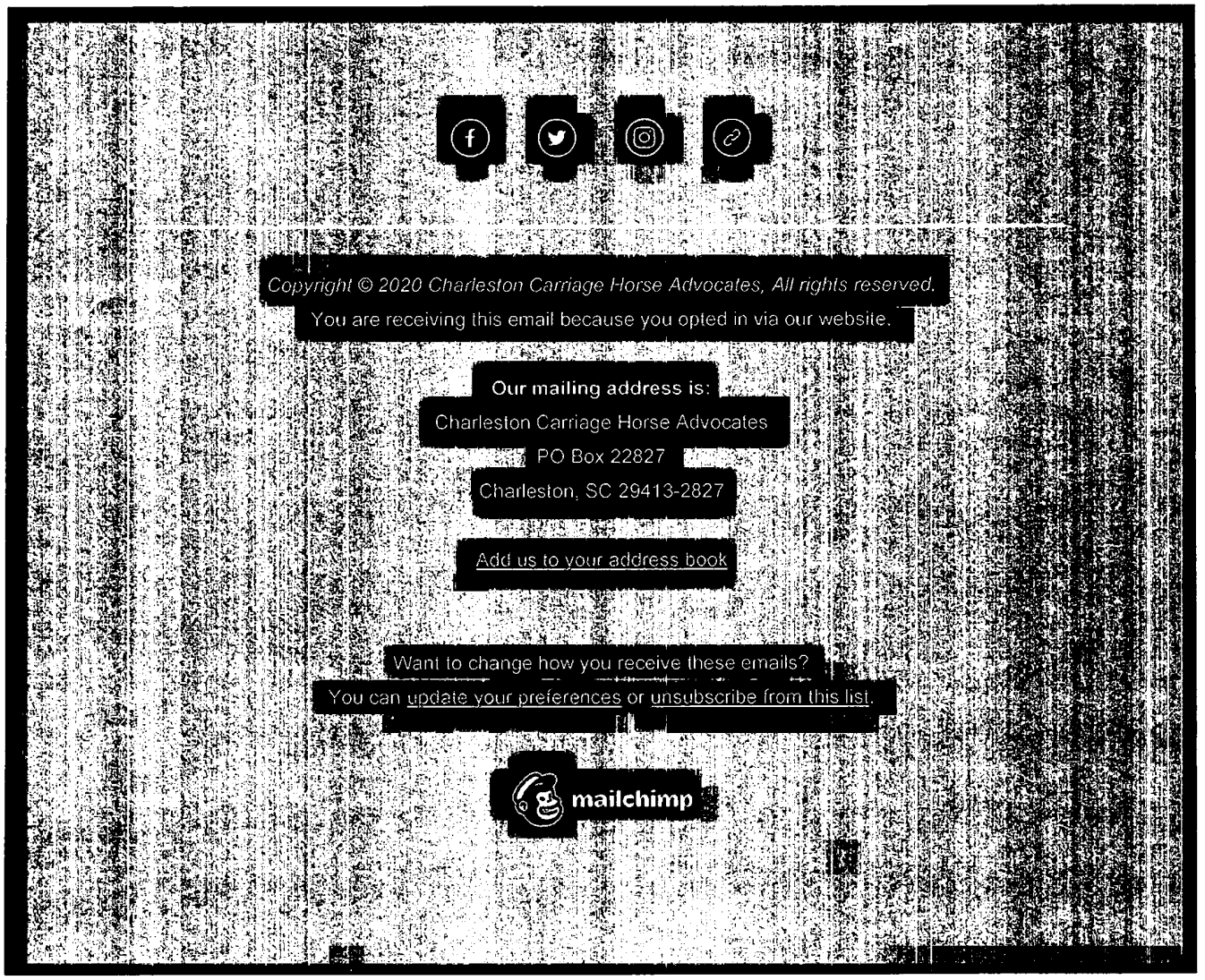
Please consider placing the enclosed bumper sticker on your automobile. Let others know you care. Lend your voice to these animals that cannot speak for themselves.

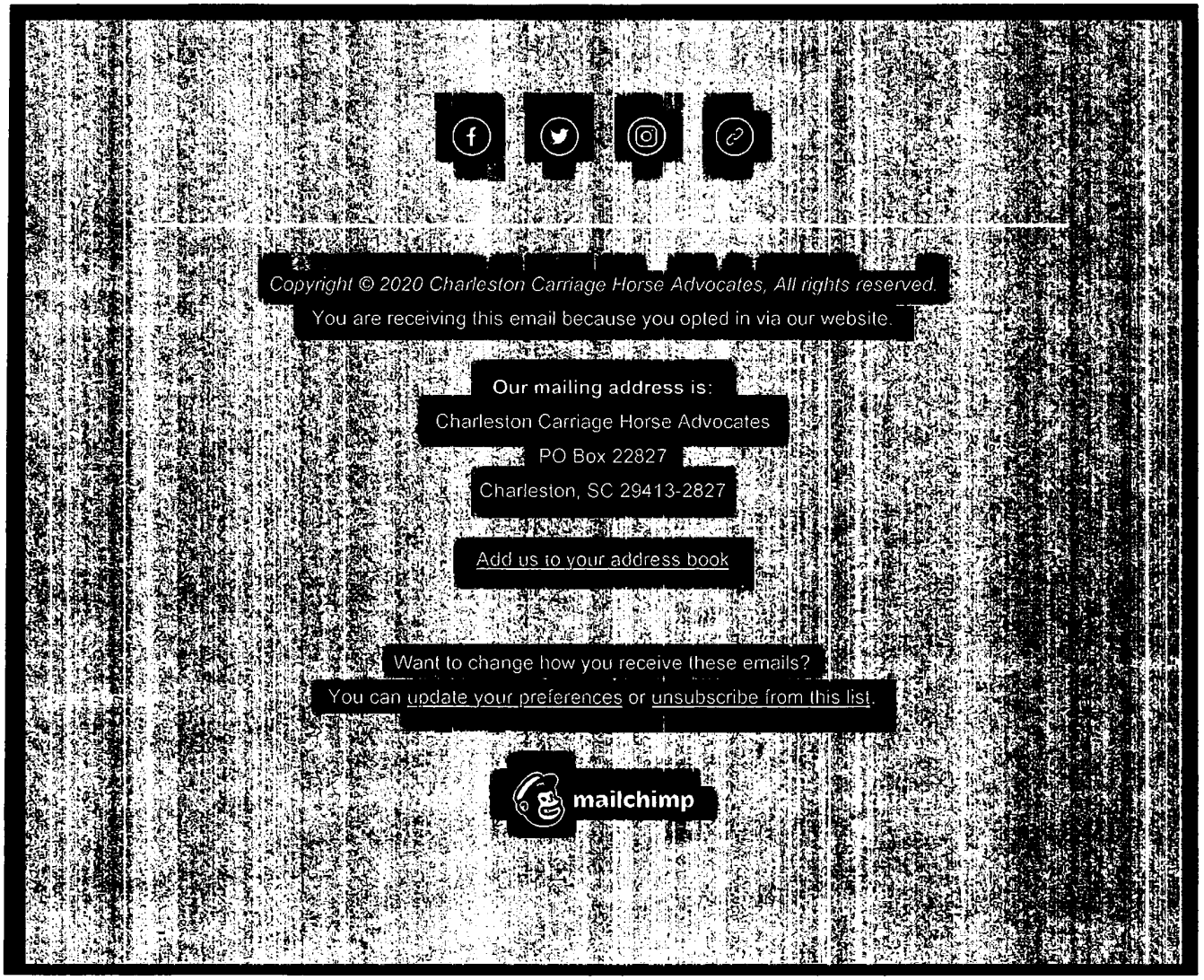
Thank you!
Charleston Carriage Horse Advocates

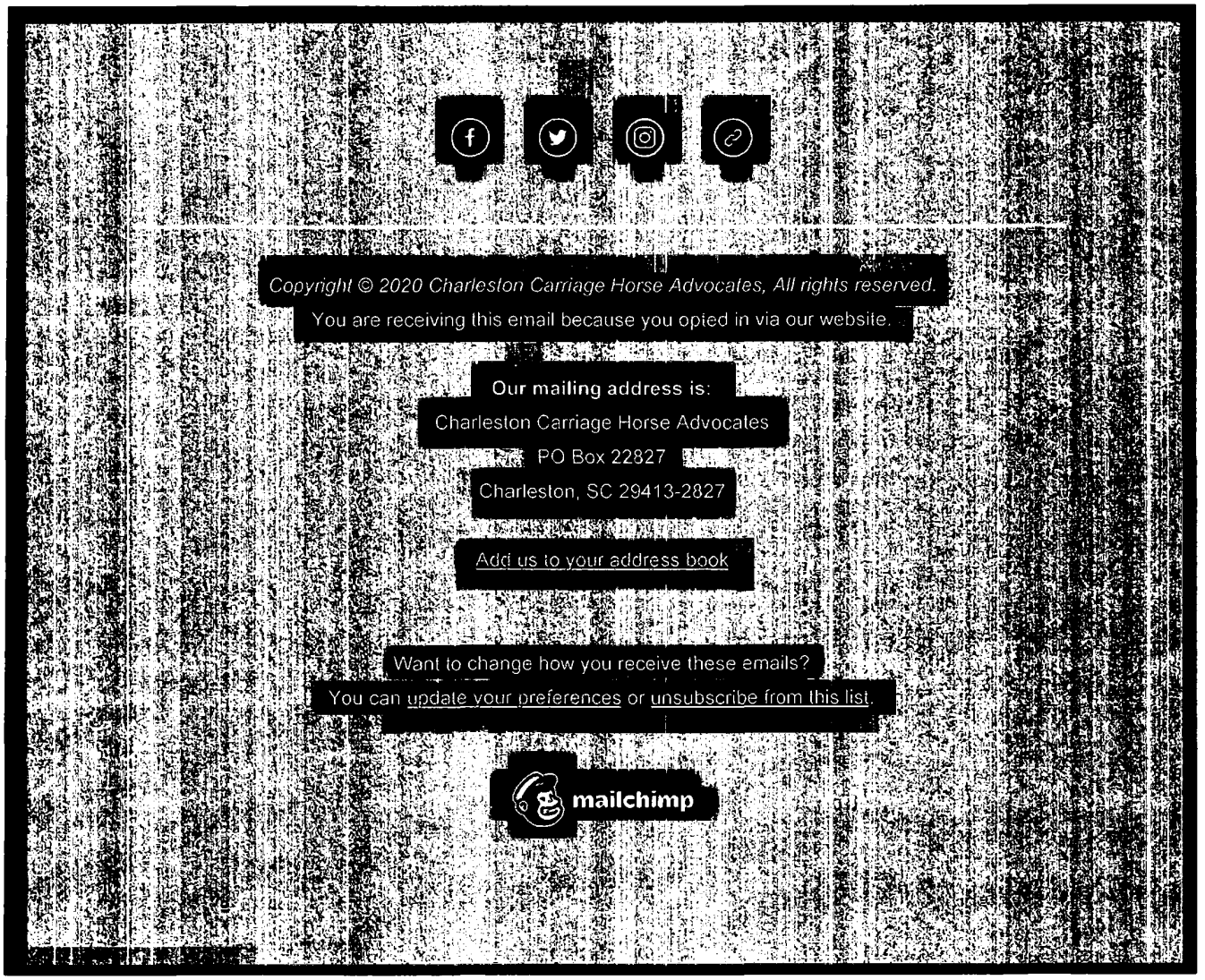

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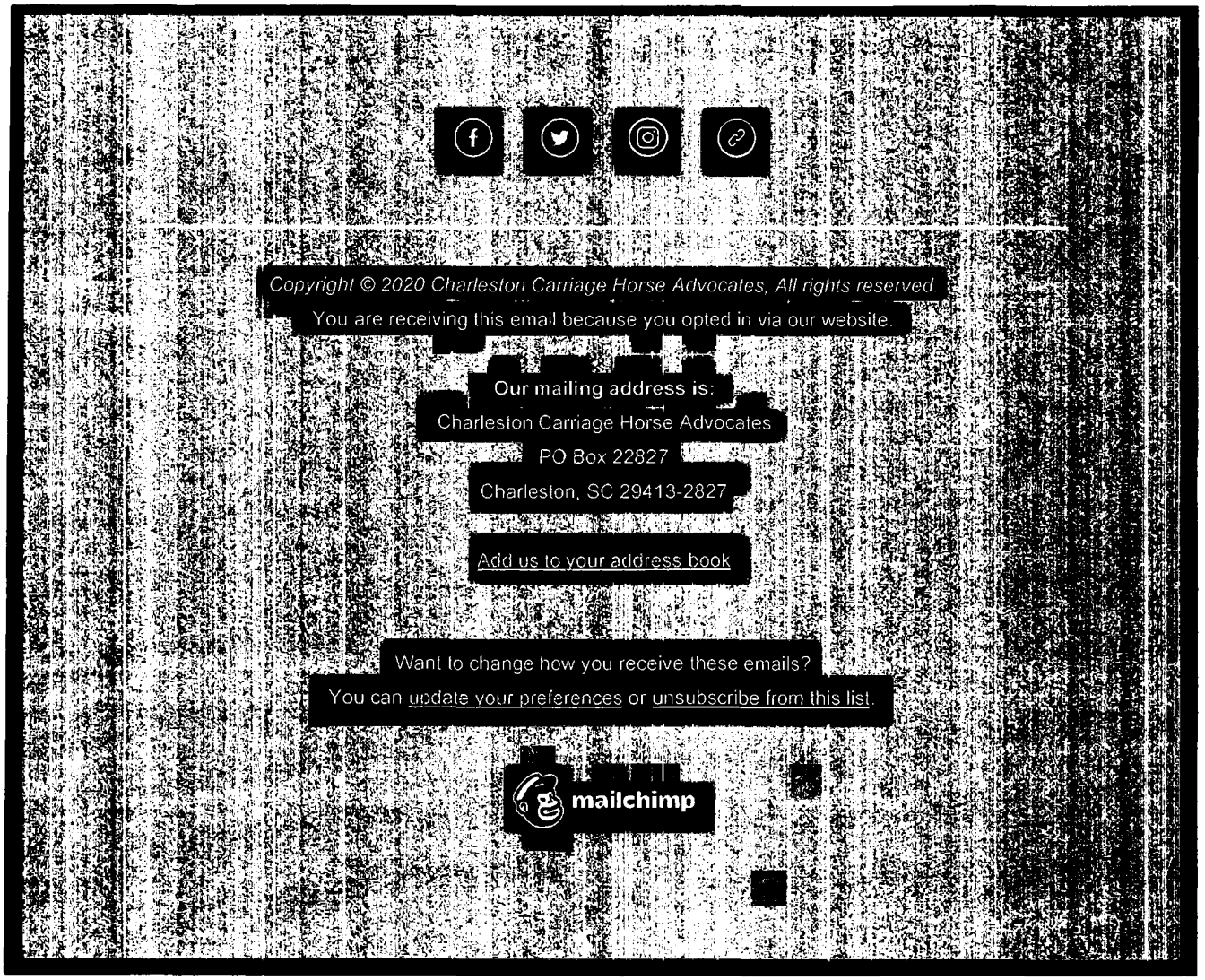

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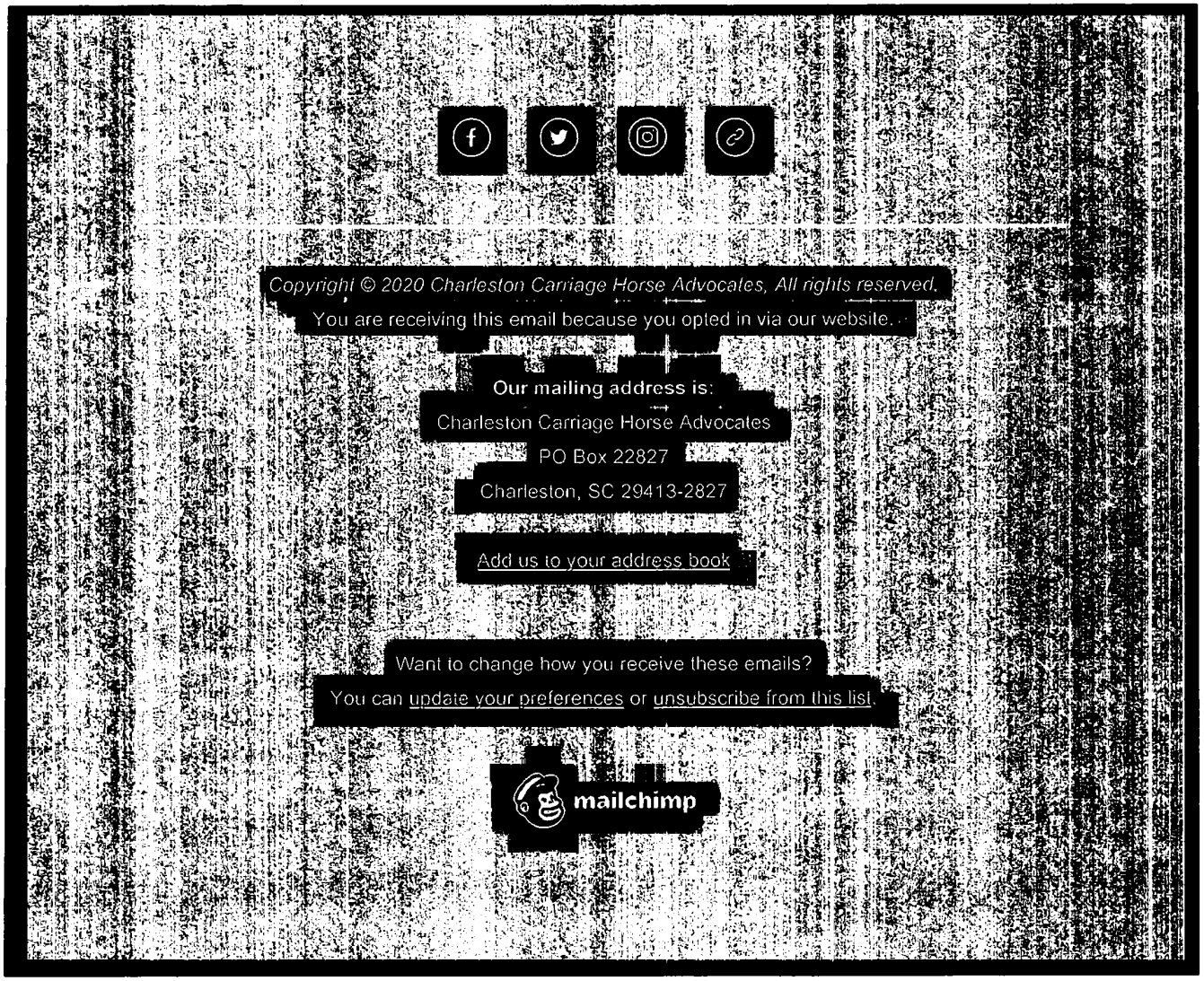

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Just $5.

That's what it will take for voiceless horses and mules to speak their truth to tourists and locals this holiday season!

Let's get their message out.

Forced to pull the heaviest passenger load in the Nation.

Forced to work in the most extreme temperature in the Nation.

And that's only the beginning...

PLEASE! Donate now!

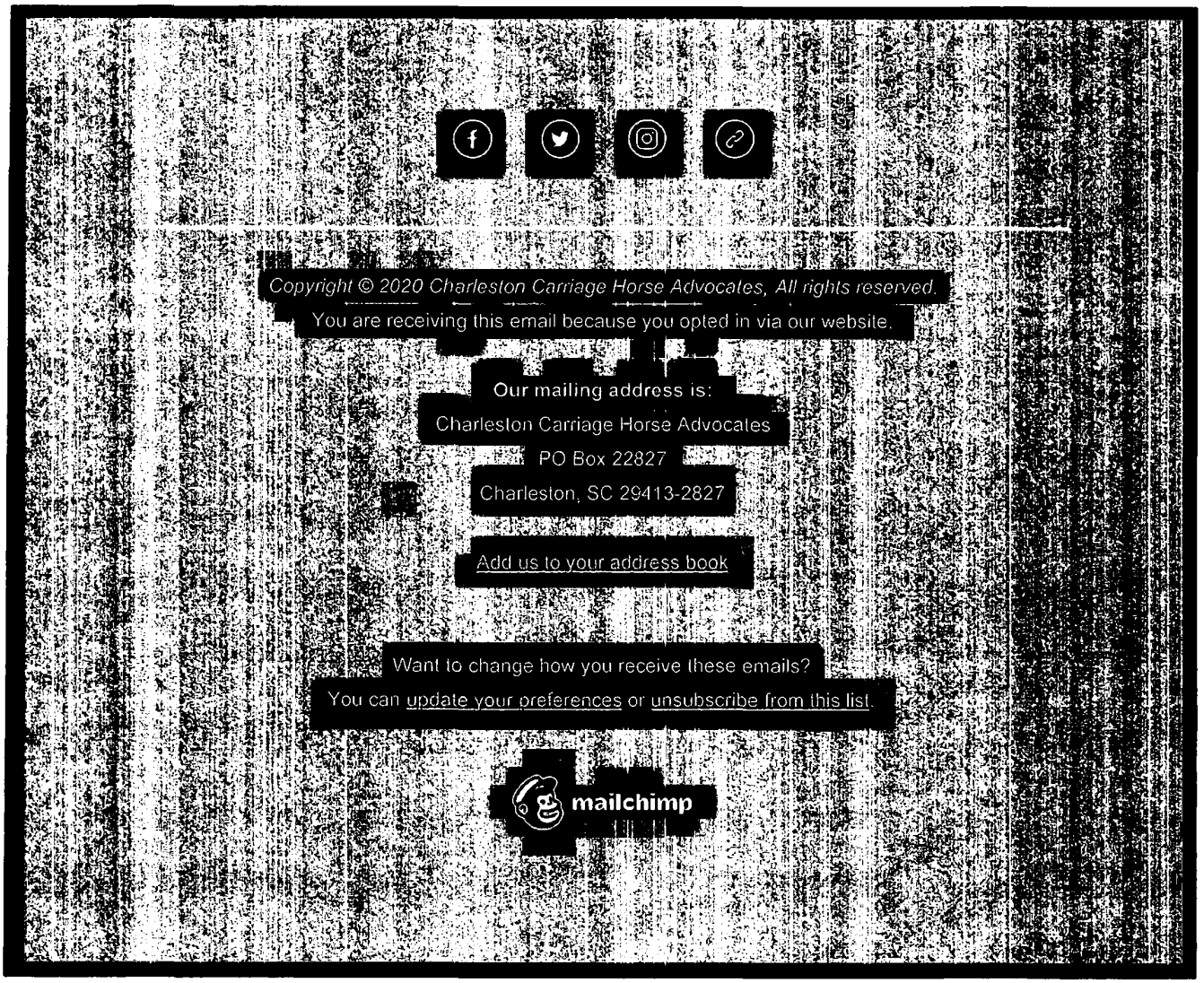
Donate Now

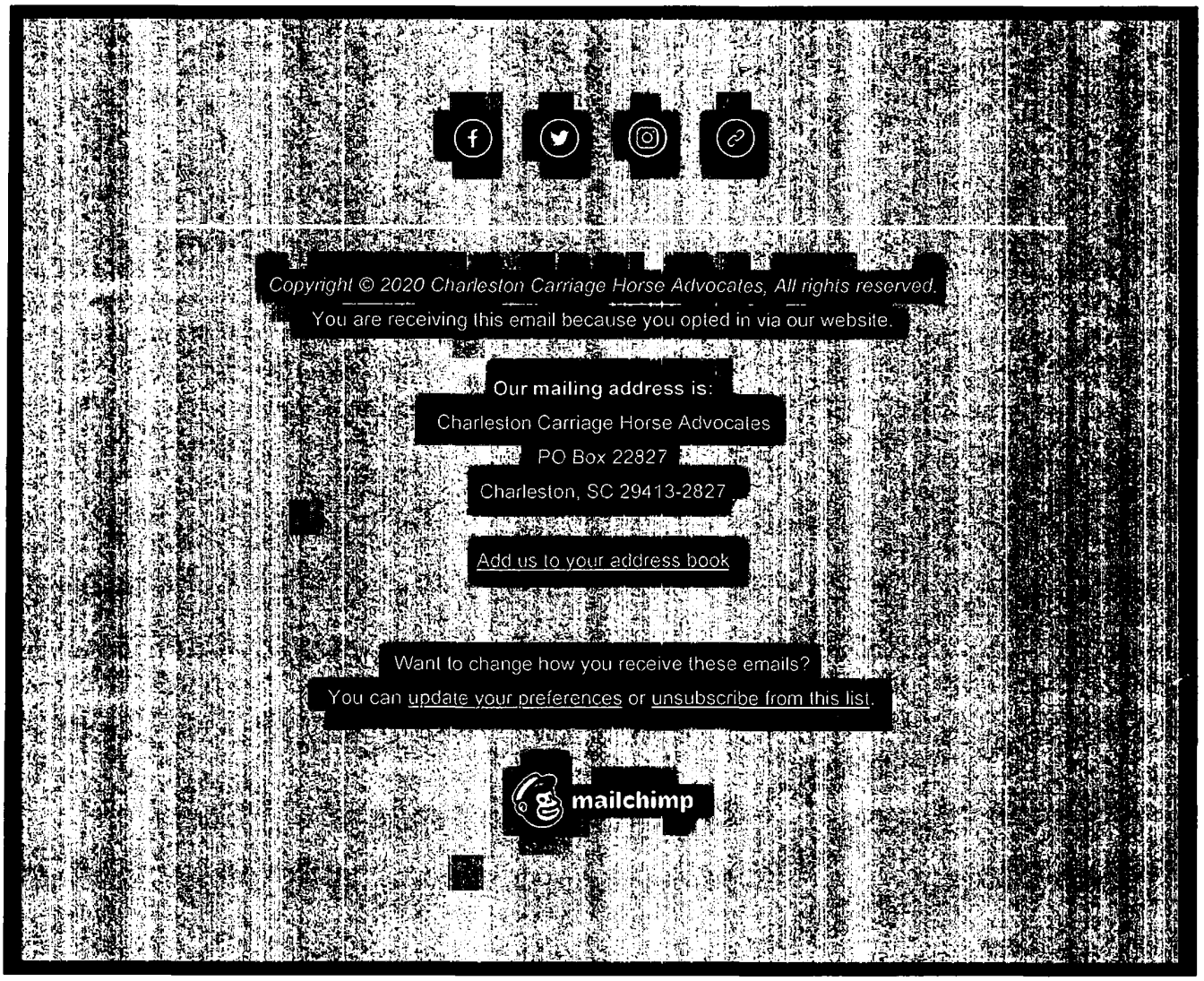
Joseph Thompson, III

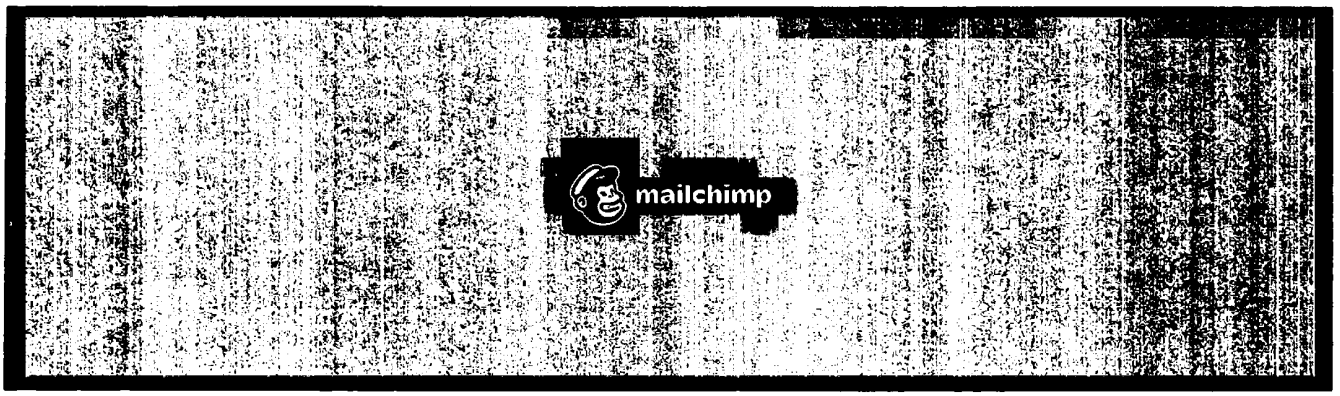
From: CCHA <ccha.join@gmail.com>
Sent: Monday, January 27, 2020 1:55 PM
To: Joseph Thompson, III
Subject: [Test] Supporters: Just $5. It's up to you.

CHARLESTON CARRIAGE HORSE ADVOCATES

Just $5. It's up to you.


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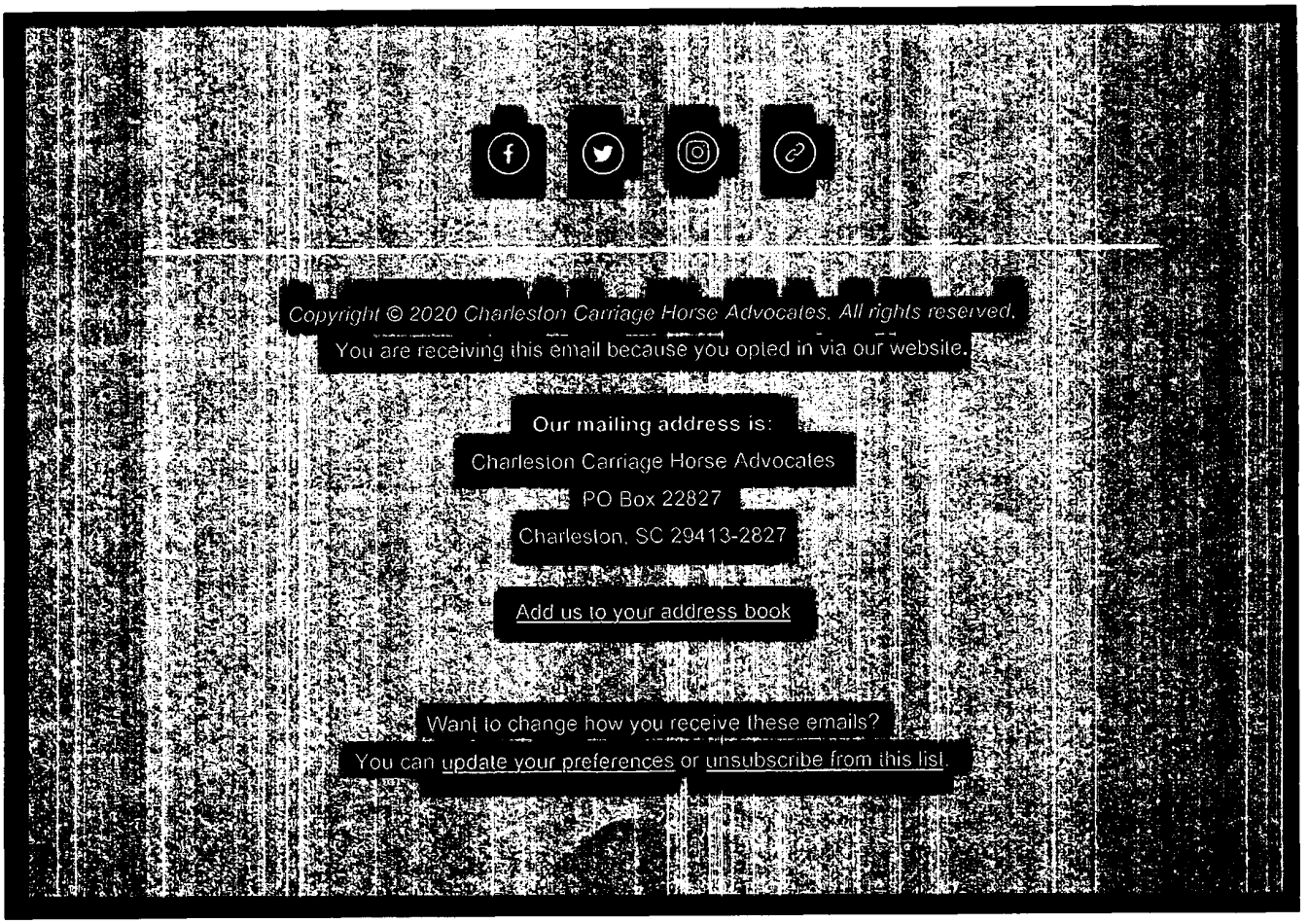

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in Charleston urging them to pass an ordinance that is humane and does not allow the for-profit Carriage Tour business to self-regulate.

A lot of you have asked how you can help. Our letter campaign is still active. You can send a letter to elected official. Click the button below to access the letter campaign:

TAKE ACTION



other cities (4-6 passengers)?

2) Charleston's carriage ordinance allows carriage wagon operators to work animals at the most extreme temperatures in the U.S. 95 degrees that must be measured 4 times before animals are brought off the streets. If at any point the temperature dips even .01 then the readings begin all over again. According to NOAA, https://www.weather.gov/safety/heat-index
95 degrees in typical Charleston humidity is in the Danger zone.
Do you support lowering the temperature and removing the 4 readings, requiring one reading?

3) The thermometer for measuring temperature is located 4 stories in the air above a hotel. Weatherbug, the producer of the gauge, stated in a Tourism Commission meeting in 2017 that the gauge is not intended to measure where the horses and mules work on Charleston streets. Other cities, OSHA and the military use Wet Globe technology to get accurate readings at street level. Do you support using appropriate technology such as Wet Globe technology, to obtain accurate readings at street level, where the horses and mules work?

If you hear of a forum, please contact us so that we can share the information. (ccha.join@gmail.com)

Our Social Media Reach!

Our social media campaign has achieved a major feat: we have had over 1 Million users. People from Charleston, people from all over the U.S. and world are taking notice. They see for themselves the cruelty of forcing animals to pull the heaviest loads in the most extreme temperatures in the U.S.

Letters to Elected Officials:

Thanks to your efforts, over 375 letters were sent in August to elected officials



Saturday, October 5th at 11AM on the steps of the Customs House for a peaceful rally to give voice to Charleston animals that are forced to work on our streets. Bring your family, your dog and your friends! We are encouraging participants to wear a white shirt and if a woman, consider wearing a hoopskirt! After a short Rally we will walk peacefully around the Market, holding signs (we can supply or you can make your own!). Shoot us an email telling us you plan to attend at ccha.join@gmail.com

What is their position on the carriage issue?

Charleston will elect a Mayor and City Council in November. Please attend Mayoral and City Council candidate forums. Here are a couple of questions to ask the candidates to answer:

1) Charleston's carriage ordinance allows the heaviest passenger loads per horse of anywhere in the U.S. Seventeen passengers plus a wagon and harness. This adds up to approximately 2 1/2 tons per tour. Do you support changing the ordinance to limit the number of passengers to what is used in

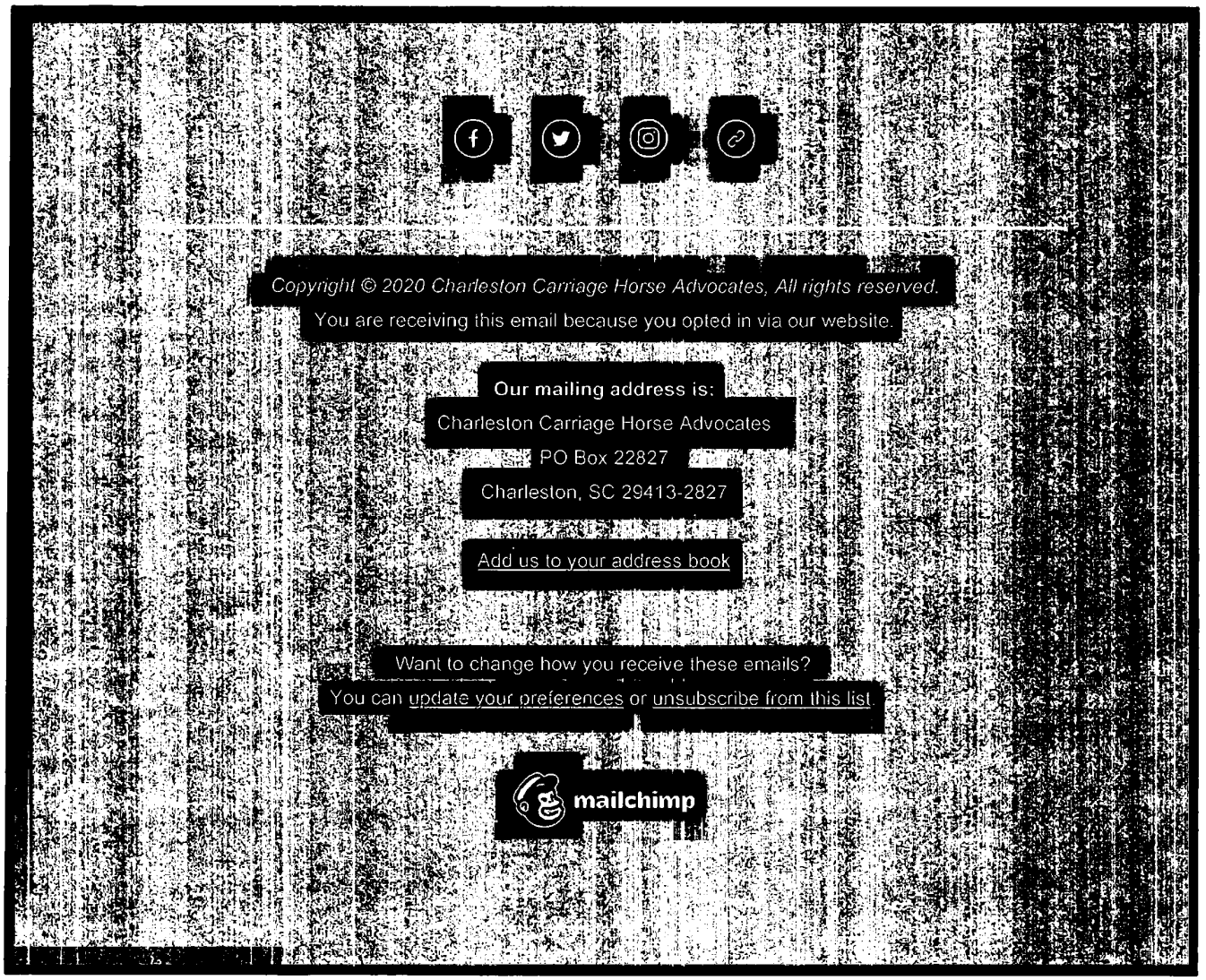
Joseph Thompson, III

From: CCHA <ccha.join@gmail.com>
Sent: Monday, January 27, 2020 2:06 PM
To: Joseph Thompson, III
Subject: [Test] Peaceful Rally for the Horses - Please Join Us!



Peaceful Rally for the Horses

Please join us!


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You are receiving this email because you opted in via our website.
Our mailing address is:
Charleston Carriage Horse Advocates
PO Box 22827
Charleston, SC 29413-2827
Add us to your address book
Want to change how you receive these emails?
You can update your preferences or unsubscribe from this list.
mailchimp

CERTIFIED TO BE A TRUE AND CORRECT COPY AS TAKEN FROM AND COMPARED WITH THE ORIGINAL ON FILE IN THIS OFFICE

JAN 03 2017

Mark Hammond
SECRETARY OF STATE OF SOUTH CAROLINA

STATE OF SOUTH CAROLINA
SECRETARY OF STATE

ARTICLES OF INCORPORATION
DOMESTIC NONPROFIT CORPORATION

TYPE OR PRINT CLEARLY IN BLACK INK

Pursuant to Section 33-31-202 of the South Carolina Code of Laws, as amended, the undersigned corporation submits the following information:

1. The name of the nonprofit corporation is Charleston Carriage Horse Advocates

2. The initial registered office (registered agent's address in SC) of the nonprofit corporation is

23 Wentworth Street
Street Address

Charleston	Charleston	South Carolina	29401
City	County	State	Zip Code

The name of the registered agent of the nonprofit corporation at that office is

Ellen A. Harley
Print Name

I hereby consent to the appointment as registered agent of the corporation

Ellen A. Harley
Agent's Signature

3. Check "a", "b", or "c" whichever is applicable. Check only one box:
   a. [x] The nonprofit corporation is a public benefit corporation.
   b. [ ] The nonprofit corporation is a religious corporation.
   c. [ ] The nonprofit corporation is a mutual benefit corporation.

4. Check "a" or "b", whichever is applicable:
   a [ ] This corporation will have members.
   b. [x] This corporation will not have members.

5. The address of the principal office of the nonprofit corporation is

23 Wentworth Street	Charleston	Charleston	South Carolina	29401
Street Address	City	County	State	Zip Code

6. If this nonprofit corporation is either a **public benefit** or **religious corporation** complete either "a" or "b", whichever is applicable, to describe how the remaining assets of the corporation will be distributed upon dissolution of the corporation. If **you are going to apply for 501(c)(3) status, you must complete section "a."**

   a [x] **Upon dissolution of the corporation, assets shall be distributed for one or more exempt purposes within the meaning of section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future Federal tax code, or shall be**

FILED
JAN 03 2017

Mark Hammond
SECRETARY OF STATE

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distributed to the Federal government, or to a state or local government, for a public purpose. Any such asset not so disposed of shall be disposed of by the Court of Common Pleas of the county in which the principal office of the corporation is then located, exclusively for such purposes or to such organization or organizations, as said court shall determine, which are organized and operated exclusively for such purposes.

[ ] If you choose to name a specific 501(c)(3) entity to which the assets should be distributed, please indicate the name of the selected entity

_____

OR

b. [ ] If the dissolved corporation is not described in Section 501(c)(3) of the Internal Code, upon dissolution of the corporation, the assets shall be distributed to one or more public benefit or religious corporations or to one or more entities described in (i) above.

[ ] If you choose to name a specific public benefit, religious corporation or 501(c)(3) entity to which the assets should be distributed, please indicate the name of the selected entity.

_____

7. If the corporation is a **mutual benefit corporation** complete either "a" or "b", whichever is applicable, to describe how the (remaining) assets of the corporation will be distributed upon dissolution of the corporation.

a. [ ] Upon dissolution of the mutual benefit corporation, the (remaining) assets shall be distributed to its members, or if it has no members, to those persons to whom the corporation holds itself out as benefiting or serving.

b. [ ] Upon dissolution of the mutual benefit corporation, the (remaining) assets, consistent with the law, shall be distributed to _____.

8. The optional provisions which the nonprofit corporation elects to include in the articles of incorporation are as follows (See 33-31-202(c) of the 1976 South Carolina Code of Laws, as amended, the applicable comments thereto, and the instructions to this form):

a. The purpose of the Corporation shall be to educate the public and advocate the humane treatment of livestock and animals that work in urban environments.

b. Notwithstanding any other provisions of these articles, the purposes for which the corporation is organized are exclusively charitable within the meaning of 501(c)(3) of the Internal Revenue Code of 1986 or the corresponding provision of any future United States Internal Revenue law

c. Notwithstanding any other provisions of these articles, this organization shall not carry on any activities not permitted to be carried on by an organization exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code of 1986 or the corresponding provision of any future United States Internal Revenue law.

d. Upon dissolution of the corporation, assets shall be distributed for one or more exempt purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986 or the corresponding provision of any future federal tax code, or shall be distributed to the federal government, or to a state or local government for a public purpose. Any such

Charleston Carriage Horse Advocates
Name of Corporation

assets not so disposed of shall be disposed of by the Court of Common Pleas of the county in which the principal office of the corporation is then located, exclusively for such purposes or to such organization or organizations, as said court shall determine, which are organized and operated for such purposes.

9. The name and address of each incorporator is as follows (only one is required, but you may have more than one).

Name	Address	Zip Code
Ellen A. Harley	23 Wentworth Street, Charleston, South Carolina	29401

10. Each original director of the nonprofit corporation must sign the articles but only if the directors are named in these articles:

Name (Only if named in articles)	Signature of director
	Ellen A. Harley

11. Each incorporator listed in #9 must sign the articles.

Signature of incorporator

Signature of Incorporator

Signature of incorporator

12 If the document is not to be effective upon filing by the Secretary of State, the delayed effective date/time is _____

FILING CHECKLIST

- Articles of Incorporation (in duplicate)
- $25.00 made payable to the South Carolina Secretary of State - Political Associations must submit a CL-1 form and an additional $25 fee
- Self-Addressed, Stamped Return Envelope
- Return all documents to: South Carolina Secretary of State's Office
  Attn. Corporate Filings
  1205 Pendleton Street, Suite 525
  Columbia, SC 29201

IRS FORM 1023

Part II - Organizational Structure

5. Bylaws

Attachments for Charleston Carriage Horse Advocates

EIN: 82-1071612

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CHARLESTON CARRIAGE HORSE ADVOCATES
SOUTH CAROLINA NONPROFIT CORPORATION
BYLAWS

ARTICLE I – NAME AND OFFICES

Section 1.1. Name of Corporation. The name of the Corporation shall be as specified in its Articles of Incorporation, to wit: Charleston Carriage Horse Advocates hereinafter referred to as the "Corporation").

Section 1.2. Address of Corporation. The Corporation shall maintain its Principal Office as required by the South Carolina Nonprofit Act of 1994, as amended (hereinafter the "Act"), in the City of Charleston, South Carolina, but may be moved to such other location as the Board of Directors (hereinafter the "Board") may from time to time designate. The Corporation may maintain such other offices both within and without the State of South Carolina as the Board of Directors may authorize.

Section 1.3. Corporate Seal. The seal of the corporation shall be of such design as shall be approved and adopted from time to time by the Board of Directors, and the seal or a facsimile thereof may be affixed by any person authorized by the Board of Directors or these Bylaws by impression, by printing, by rubber stamp, or otherwise. The foregoing notwithstanding, however, unless otherwise required by the laws of the State of South Carolina, the Board of Directors may opt not to utilize a corporate seal.

ARTICLE II – NATURE OF CORPORATION

Section 2.1. Non-Profit. The Corporation does not contemplate pecuniary gain or profit, incidental or otherwise.

Section 2.2. Purposes. The corporation has been organized for the purposes set forth in the Articles of Incorporation; to wit, in accordance with section 501(c)(3) of the Internal Revenue Code, as a public benefit corporation, specifically with the mission to educate the public and advocate the humane treatment of livestock and animals that work in urban environments, and to do all things necessary or convenient, and not inconsistent with the law, to further these goals. The purpose of the Corporation is exclusively charitable within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (hereinafter the "Code").

Section 2.3. Limitations and Restrictions.
Income and Distributions: No part of the assets, income, or net earnings of the Corporation shall be distributable to or shall inure to the benefit of Trustees, Directors, Officers, or any organizer or private individual, but reasonable expenses may be reimbursed and reasonable compensation may be paid for services rendered to enable the Corporation to provide the functions for which it has been organized.

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Dissolution: Pursuant to federal law, upon the dissolution of the Corporation, its assets may not inure to the benefit of any private person. Any assets attained through restricted agreements with a donor through awards, grants or gifts must be returned to the entity, if such entity is a legal non-profit entity. All other assets of the Corporation shall, after necessary expenses thereof, be distributed to another organization, with a similar purpose, exempt under IRS Section 501(c)(3), or corresponding provision of any subsequent Federal tax laws, or to the Federal government, or to a state or local government, for a public purpose. Any such asset not so disposed of shall be disposed of by the Court of Common Pleas of the county in which the principal office of the corporation is then located, exclusively for such purposes or to such organization or organizations, as said court shall determine, which are organized and operated exclusively for such purposes.

Scope of Activity: Notwithstanding any other provision herein, the Corporation shall not carry on any other activities not permitted to be carried on by (a) a corporation exempt from federal income tax under Section 501 (c)(3) of the Internal Revenue Code of 1986, as amended, or the corresponding provision of any future United States Internal Revenue Law, or (b) by an organization, contributions to which are deductible under section 170 (c)(2) of the Internal Revenue Code, or corresponding section of any future federal tax code.

Prohibited Transactions: No substantial part of the activities of the organization shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the organization shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office.

Section 2.4. Non-Discrimination. In administering its affairs, the Corporation shall not discriminate against any person on the basis of race, creed, color, religion, national origin, sex, marital status, sexual orientation, handicap status, or age.

ARTICLE III – MEMBERS

Section 3.1. No Members. The Corporation shall have no members. Any action which would otherwise, by law, require approval by a majority of all members or approval by the members shall require only approval of the Board of Directors. All rights which would otherwise, by law, vest in the members shall vest in the Board of Directors. Nothing in this Article III shall be construed to limit the Corporation's right to refer to persons associated with it as "members," even though such persons are not members. The Board of Directors may also, but without establishing memberships, create an advisory council or honorary board or such other auxiliary groups as it deems appropriate to advise and support the Corporation.

Section 3.2. Place and Time of Annual Meetings. The Board shall hold its annual meeting on the first Friday in the month of May, at such places within or without the

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State of South Carolina and at such times that shall be specified in the respective notices of such meetings or waivers thereof.

ARTICLE IV – BOARD OF DIRECTORS, CHARTER GOVERNING BOARD

Section 4.1. Initial Directors. The initial Board shall consist of five (5) persons appointed by the incorporator. The initial Board shall serve an initial term of either one or two years in order to stagger the terms of the individual directors for the purposes of maintaining continuity and experience. The initial directors shall be eligible for re-election to two-year terms thereafter, however, in all cases, directors shall serve until their successors shall have been elected and qualified, or until such director's earlier removal, resignation, death or incapacity.

Section 4.2. Qualification, Number, Election and Term. All directors shall be natural persons. The number of directors to serve on the Board may be amended by a duly adopted resolution of the Board, however, this number shall not be greater than a maximum of 9 directors nor less than the minimum number required by South Carolina law. All directors elected after the initial board shall serve two-year terms and shall be eligible for re-election to only one successive term by the Board; however, in all cases, current directors shall serve until their successors shall have been elected and qualified, or until such director's earlier removal, resignation, death or incapacity. When a seat becomes vacant on the Board, the current Board shall fill it by majority vote; however, a director shall abstain from voting upon his or her own nomination for re-election to the Board.

Section 4.3. Powers. The Board shall have ultimate authority over the conduct and management of the business and affairs of the Corporation.

Section 4.4. Meetings; Quorum; Notice; Waiver. Regular meetings of the Board shall be held at such places, within or without the State of South Carolina, and on such days and at such times as shall be fixed from time to time by the Board. Rules of procedure for the conduct of such meetings shall be adopted by resolution of the Board. Notice of such regular meetings need not be given. A majority of the Board shall constitute a quorum for the transaction of business, but a lesser number may adjourn to another day if a quorum is not present. The act of the majority of the directors present at a meeting at which a quorum is present shall be the act of the Board, unless the act of a greater number is required by the Articles of Incorporation or these Bylaws. Special meetings of the Board may be held at any time and place, within or without the State of South Carolina, upon the call of the Chairman of the Board, the President or Secretary of the Corporation by written notice delivered to each director not less than three (3) days before such meeting; provided, however, that any director may, at any time, in writing, waive notice of any meeting. Attendance of a director at any meeting shall constitute a waiver of notice of the meeting except where a director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. For purposes of this section, "delivery" of notice of a board of director's meeting may be

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accomplished either by hand-delivery, through the U.S. Postal Service, through a private parcel carrier service, or electronically by facsimile transmission. "Delivery" is completed upon receipt by the director through any of the aforementioned means **except** when delivery of notice is by U.S. Postal Service or private parcel carrier service, in which case, delivery shall be completed upon delivery of the notice to the director's last known home address.

Section 4.5. Meetings Requiring Special Notice. Meetings at which the following actions are to be considered shall require written notice delivered not less than ten (10) days prior to the Meeting: (i) removal of a director; (ii) a transaction involving a director with a conflict of interest; (iii) indemnification of officers, employees and agents; (iv) amendment of the Articles of Incorporation; (v) merger; (vi) sale of assets other than in the regular course of activities; and (vii) dissolution. Meetings at which amendments to these Bylaws are to be considered shall require written notice delivered not less than thirty (30) days prior to the Meeting as provided in Section 9.8, below

Section 4.6. Director meeting via telephone conference. Directors may appear at a meeting of the Board by means of telephone conference or similar communication system whereby all persons participating in the meeting can hear each other, and participation in a meeting in this manner shall constitute presence in person at the meeting. Furthermore, a director appearing at Board meeting via telephone conference shall also be allowed to vote by this medium. Furthermore, it is permissible for all directors to appear at a meeting of the Board via telephone conference or similar communication system.

Section 4.7. Action by Consent. Any action which is required to be or may be taken at a meeting of the Board may be taken without a meeting if consents in writing, setting forth the action so taken, are signed by all the directors. The written consent may be executed in several identical counterparts by the directors with the effect as if the directors had executed a single document. Unless otherwise permitted by the Act, such written consent must be signed by all directors and included in the minutes filed with the corporate records reflecting the action taken.

Section 4.8. Presumption of Assent. A director of the Corporation who is present at a meeting of the Board at which action on any corporate matter is taken shall be presumed to have assented to the action taken unless (i) such director objects at the beginning of the meeting, or promptly upon arrival, to holding the meeting or transacting business at the meeting, (ii) the director votes against the action and the vote is entered in the minutes of the meeting, (iii) the director's dissent or abstention for the action taken is entered in the minutes of the meeting, or (iv) the director delivers written notice of dissent or abstention to the presiding officer of the meeting before its adjournment or the Corporation immediately after the adjournment of the meeting. The right to dissent shall not apply to a director who voted in favor of such action.

Section 4.9. Resignation and Filling of Vacancies of Directors. Any director of the Corporation may resign at any time by giving written notice of such resignation to the Board, the Chairman of the Board, or the Corporation Any such resignation shall take

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effect at the time specified therein or, if no time be specified, upon receipt thereof by the Board or one of the above-named officers. Vacancies on the Board and newly created directorships resulting from any increase in the number of directors to constitute the Board may be filled by a duly approved resolution of a majority of the directors then in office. If the directors remaining in office constitute fewer than a quorum of the board, they may fill the vacancy by the affirmative vote of a majority of all the directors remaining in office. The death of any director shall be treated as a voluntary resignation by the Corporation.

Section 4.10. Compensation of Directors. Directors, as such, may receive such compensation and be reimbursed for expenses of attendance at any meeting of the Board as shall be determined by resolution of the Board of Directors. Nothing herein contained shall be construed to preclude any Director from serving the Corporation in any other capacity and receiving compensation therefor.

Section 4.11. Committees. The Board, by resolution adopted by a majority of the whole Board, may designate two or more directors to constitute a committee. Each such committee, to the extent provided in such resolution, shall have and may exercise the authority of the Board, as so delegated in the resolution, in the management of the Corporation; but the designation of such committee and the delegation thereto of authority shall not operate to relieve the Board, or any member thereof, of any responsibility imposed upon it or such member by law.

Section 4.12. Power and duties of the Board. The property and business of the Corporation shall be controlled and managed by the Board; however, the Board may delegate duties to the officers of the Corporation to the fullest extent allowed by law.

Section 4.13. Removal of directors. The Board may, by resolution adopted by the affirmative vote of 66% or more of the directors, remove a fellow Board member. Sixty-six percent of all directors, not 66% of those directors in attendance at the meeting, must vote in favor of removal for the resolution to pass.

ARTICLE V – OFFICERS

Section 5.1. Number of Officers. The officers of the Corporation shall be a President, a Vice President, a Secretary, and a Treasurer. The aforementioned officers must be members of the Board. The officers shall perform such duties as usually pertain to the offices which they hold or as may be assigned to them by the Board of Directors.

Section 5.2. Election of Officers. The President, Vice President, Secretary, and Treasurer of the Corporation shall be elected annually by the Board at the designated Annual Meeting. Officers shall be elected by a plurality of the votes cast by the Members of the Board and may succeed themselves. Each person elected as an officer shall continue in office until the next annual meeting after his/her election or until his/her successor shall have been duly elected and qualified, or until his/her earlier death or

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resignation, in accordance with the Bylaws. Vacancies of officers caused by death, resignation, or decrease in the number of officers may be filled by a majority vote of the Board at a special meeting called for that purpose or at any regular meeting.

Section 5.3. Additional Officers and Agents. The Board, at any meeting, may, by resolution, appoint such additional officers and such agents and determine their term of office and compensation, if any, as it may deem advisable. The Board may delegate to any officer or committee the power to appoint such subordinate officers, agents, or employees and to determine their terms of office and compensation, if any.

ARTICLE VI – COMMITTEES

Section 6.1. Ad Hoc Committees. The Board may from time to time, by resolution, constitute such committees of officers, employees, or non-members, with such functions, powers and duties as the Board deems necessary or appropriate. Unless the Board shall provide otherwise, each such committee shall enact rules and regulations for its governance.

ARTICLE VII – INDEMNIFICATION

Section 7.1. General. The Corporation shall indemnify each officer, Board member, employee and representative (hereinafter the "Indemnitee") from the expenses and risks as set forth in this Article if such Indemnitee has acted in good faith or in a manner which a reasonable person would believe to be in or not opposed to the best interests of the Corporation and, with respect to any criminal action proceeding, had no reason to believe his or her conduct was unlawful. A member shall not be considered to be acting in good faith if he/she has knowledge concerning the matter in question that would cause his/her reliance to be unwarranted. Absent breach of fiduciary duty, lack of good faith, or self-dealing actions taken as a member or any failure to take any action shall be presumed to be in the best interests of the Corporation.

Section 7.2. Expenses. Indemnitees shall be indemnified against all expenses (including attorney's fees), judgments, fines and amounts paid in settlement actually and reasonably incurred by the Indemnitee in connection with any threatened, pending or completed action, suit or proceeding whether civil, criminal, administrative or investigative (other than an action by or in the right of the Corporation) by reason of the fact that the Indemnitee is or was a representative, officer or director of the Corporation, or is or was serving at the request of the Corporation as a representative of another corporation, partnership, joint venture, trust or other enterprise.

ARTICLE VIII – LIMITATION OF PERSONAL LIABILITY

Section 8.1. Personal Liability. A member of the Board shall not be personally liable for monetary damages for any action taken or any failure to take any action, unless (a) such member has breached or failed to perform his/her duties as a member of the Board, including his/her duties as a member of any committee of the Board upon which he/she may serve, pursuant to the standard of care set forth in Section 8.2 of this Article, and (b) such breach or failure to perform constitutes self-dealing, willful misconduct, or recklessness.

Section 8.2. Standard of Care. Each member of the Board shall stand in a fiduciary relation to the Corporation and shall perform his/her duties as a member, including his or her duties as a member of any committee of the Board upon which he or she may serve, in good faith, including reasonable inquiry, skill and diligence, as a person of ordinary prudence would use under similar circumstances. In performing his or her duties, a member shall be entitled to rely in good faith on information, opinions, reports or statements, including financial statements and other financial data, if prepared or presented by those believed to be competent, capable, knowledgeable, or have such expertise on the subject matter.

A member shall not be considered to be acting in good faith if he/she has knowledge concerning the matter in question that would cause his/her reliance to be unwarranted. Absent breach of fiduciary duty or lack of good faith, actions taken as a member or any failure to take any action shall be presumed to be in the best interests of the Corporation.

ARTICLE IX – MISCELLANEOUS PROVISIONS

Section 9.1. Fiscal Year and Audit. Unless the Board shall select another date through a duly adopted resolution, the fiscal year of the corporation shall begin on the first day of January of each year and end on the 31st day of December.

Section 9.2. Execution of Contracts. The President has authority to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Corporation. The Board may also authorize any other officer, employee or agent, in the name of and on behalf of the Corporation, to enter into any contract or execute and deliver any instrument, and such authority may be general or confined to specific instances. Unless so authorized by these Bylaws or by the Board, no officer, employee, or agent shall have any power to bind the Corporation by any contract or engagement or to pledge its credit or to render it liable pecuniarily for any purpose or in any amount.

Section 9.3. Commercial Paper. All checks and other orders for the payment of money out of the funds of the Corporation, and all notes or evidences of indebtedness of the Corporation, shall be executed on behalf of the Corporation by such officer or officers or employee or employees, as the Board may, by resolution, from time to time determine

Section 9.4. Deposits. All funds of the Corporation not otherwise employed shall be deposited, from time to time, to the credit of the Corporation in such banks, trust companies, or other depositories as the Board may, from time to time, select or as may be selected by any officer or employee of the Corporation to whom such power may, from time to time, be delegated by the Board; and for the purpose of such deposit, any officer, or any employee to whom such power may be delegated by the Board, may endorse, assign and deliver checks, drafts, and other orders for the payment of money that are payable to the order of the Corporation.

Section 9.5. Notices. Except as may otherwise be required by law, any notice required to be given shall be in writing and signed by the Chairperson or the Secretary; and any notice so required shall be deemed to be sufficient if given by depositing the same in a post office box in a sealed postpaid wrapper, addressed to the person entitled thereto at his last postal address appearing on the records of the Corporation, and such notice shall be deemed to have been given on the day of such mailing. Any notices required to be given may be waived, by the person entitled thereto in writing (including telegraph, cable, radio or wireless), whether before or after the meeting or other matter in respect of which such notice is to be given, and in such event such notice need not be given to such person.

Section 9.6. Forms of Records. When consistent with good business practices, any records of the Corporation may be maintained in other than written form if such other form is capable of reasonable preservation and conversion into written form within a reasonable time.

Section 9.7. Corporate Records. The Corporation shall keep as permanent written records a copy of the minutes of all meetings of its members and Board, a record of all actions taken by the members or directors without a meeting, and a record of all actions taken by committees of the Board. The Corporation shall maintain appropriate accounting records. The Corporation or its agent shall maintain a record of the name and address, in alphabetical order, of each member. The Corporation shall keep a copy of the records at its Principal Office.

Section 9.8. Bylaw Amendments. These Bylaws may be altered, amended, or repealed and new Bylaws may be adopted by a majority vote of the Board at a regularly scheduled Board meeting, provided that notice of any proposed amendment or change is made available to Members of the Board at least thirty (30) days prior to the meeting at which they are voted upon. Only editorial changes to proposed amendments may be made at the meeting. The Board will review the Bylaws at least once every three years. Any amendments to the Bylaws that would result in the Corporation's loss of its ability to claim non-profit status under either the Internal Revenue Code or the South Carolina Non-profit Corporation Act, shall be null and void.

Section 9.9. Severability. If any provision of these Bylaws or the application thereof to any person or circumstances shall be held invalid or unenforceable to any extent by a court of competent jurisdiction, such provision shall be complied with or enforced to the

greatest extent permitted by law as determined by such court, and the remainder of these Bylaws and the application of such provision to other persons or circumstances shall not be affected thereby and shall continue to be complied with and enforced to the greatest extent permitted by law.

Section 9.10. Usage. In construing these Bylaws, feminine or neuter pronouns shall be substituted for masculine forms and vice versa, and plural terms shall be substituted for singular forms and vice versa, in any place in which the context so requires. The section and paragraph headings contained in these Bylaws are for reference purposes only and shall not affect in any way the meaning or interpretation of these Bylaws. Terms such as "hereof", "hereunder" "hereto", and words of similar import shall refer to these Bylaws in the entirety and all references to "Articles", "Paragraphs", "Sections", and similar cross references shall refer to specified portions of these Bylaws, unless the context clearly requires otherwise. Terms used herein which are not otherwise defined shall have their plain and ordinary meaning. All references to statutory provisions shall be deemed to include corresponding sections of succeeding law.

Section 9.11. Conflict Between Bylaws, Articles and South Carolina Law. The Articles of Incorporation of the Corporation and South Carolina law including, without limitation, the Act, together with the regulations, are incorporated herein by reference. Any conflict within the terms of these Bylaws, the Articles, and the Code should be resolved in the following order: (1) the Act, (2) the Articles, and (3) these Bylaws.

The foregoing are certified to be the true and complete Bylaws of the Corporation as adopted by the Incorporator effective as of March 24, 2017.

ATTEST:

Ellen A. Harley
Incorporator

CCW_Chas Carriage Horse Advocates_0046

Joseph Thompson, III

From: Ellen Harley <ellen.harley@gmail.com>
Sent: Tuesday, January 28, 2020 5:08 PM
To: Joseph Thompson, III; Jenkins Mann Esq.
Subject: Fwd: Disclaimer

Begin forwarded message:

From: Audrey Coates <audreymcoates@gmail.com>
Subject: Re: Disclaimer
Date: January 28, 2020 at 4:46:58 PM EST
To: Ellen Harley <ellen.harley@gmail.com>

Charleston Carriage Horse A

EIN# is [redacted]

PLEASE FEEL FREE TO CONTACT US

SOCIAL MEDIA: THE CHARLEST

THESE PAGES WERE CREATED TO PROD

CCW_Chas Carriage Horse Advocates_0068

Joseph Thompson, III

From: CCHA <ccha.join@gmail.com>
Sent: Monday, January 27, 2020 2:07 PM
To: Joseph Thompson, III
Subject: [Test] Peaceful Rally for the Horses - Please Join Us!



Peaceful Rally for the Horses

Please join us!



Saturday, October 5th at 11AM on the steps of the Customs House for a peaceful rally to give voice to Charleston animals that are forced to work on our streets. Bring your family, your dog and your friends! We are encouraging participants to wear a white shirt and if a woman, consider wearing a hoopskirt! After a short Rally we will walk peacefully around the Market, holding signs (we can supply or you can make your own!). Shoot us an email telling us you plan to attend at ccha.join@gmail.com

What is their position on the carriage issue?

Charleston will elect a Mayor and City Council in November. Please attend Mayoral and City Council candidate forums. Here are a couple of questions to ask the candidates to answer:

1) Charleston's carriage ordinance allows the heaviest passenger loads per horse of anywhere in the U.S. Seventeen passengers plus a wagon and harness. This adds up to approximately 2 1/2 tons per tour. Do you support changing the ordinance to limit the number of passengers to what is used in

other cities (4-6 passengers)?

2) Charleston's carriage ordinance allows carriage wagon operators to work animals at the most extreme temperatures in the U.S. 95 degrees that must be measured 4 times before animals are brought off the streets. If at any point the temperature dips even .01 then the readings begin all over again. According to NOAA, https://www.weather.gov/safety/heat-index
95 degrees in typical Charleston humidity is in the Danger zone.
Do you support lowering the temperature and removing the 4 readings, requiring one reading?

3) The thermometer for measuring temperature is located 4 stories in the air above a hotel. Weatherbug, the producer of the gauge, stated in a Tourism Commission meeting in 2017 that the gauge is not intended to measure where the horses and mules work on Charleston streets. Other cities, OSHA and the military use Wet Globe technology to get accurate readings at street level. Do you support using appropriate technology such as Wet Globe technology, to obtain accurate readings at street level, where the horses and mules work?

If you hear of a forum, please contact us so that we can share the information. (ccha.join@gmail.com)

Our Social Media Reach!

Our social media campaign has achieved a major feat: we have had over 1 Million users. People from Charleston, people from all over the U.S. and world are taking notice. They see for themselves the cruelty of forcing animals to pull the heaviest loads in the most extreme temperatures in the U.S.

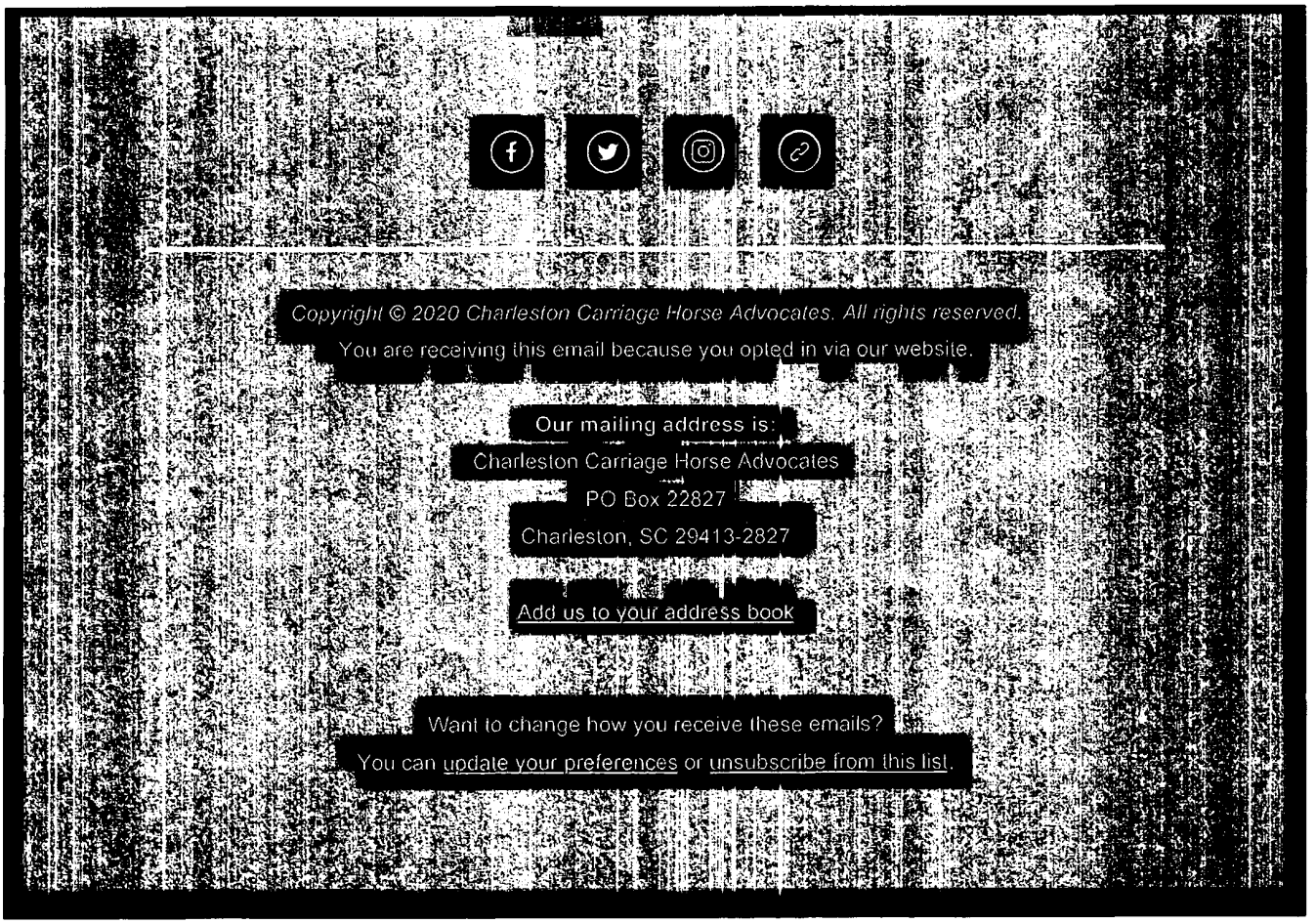
Letters to Elected Officials:

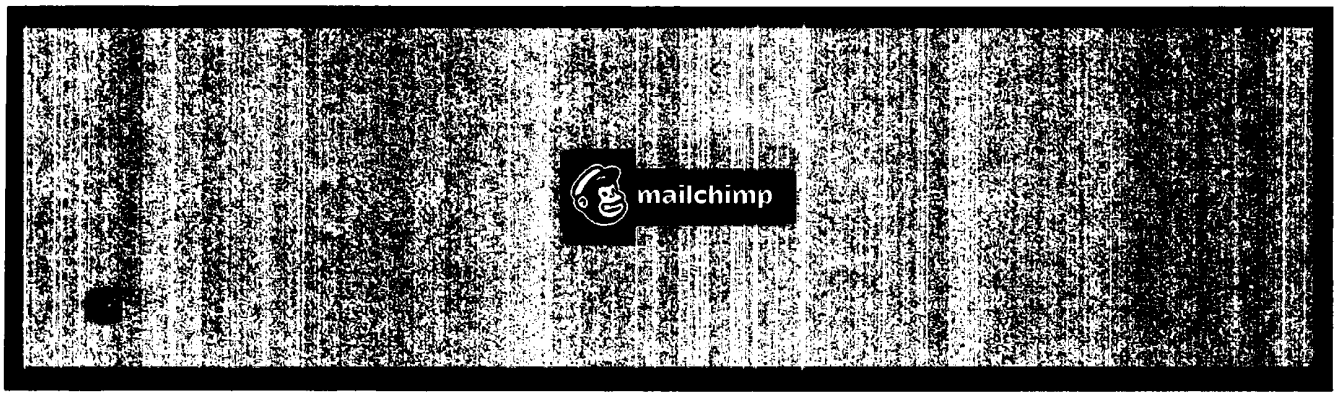
Thanks to your efforts, over 375 letters were sent in August to elected officials

in Charleston urging them to pass an ordinance that is humane and does not allow the for-profit Carriage Tour business to self-regulate.

A lot of you have asked how you can help. Our letter campaign is still active. You can send a letter to elected official. Click the button below to access the letter campaign:

TAKE ACTION




mailchimp

Joseph Thompson, III

From: CCHA <ccha.join@gmail.com>
Sent: Monday, January 27, 2020 2:02 PM
To: Joseph Thompson, III
Subject: [Test] ATTENTION SUPPORTERS: Livability, Incidents, and Mayoral Race

CHARLESTON
CARRIAGE
HORSE
ADVOCATES

Many Charlestonians have reached the tipping point of safety and over-tourism.



Residents are bombarded with construction noise and dodging lost tourist drivers and pedestrian visitors. Commuters wait in untenable congestion behind carriage tour wagons. The number of tours and the neighborhoods impacted by constant carriage wagon tours has increased.

Carriage wagon animals are crammed into small stalls and forced to endure deafening construction noise (horses, like people, need REM sleep that they can only get when they feel safe and have lots of room to lie flat).

Over 55 carriage-related incidents have occurred since 2016, many with bodily injury involved.

Media Attention:

It appears that the Post & Courier and the local tv stations have lost interest in covering carriage wagon incidents.

If you see a carriage-related incident, PLEASE Video/Photograph the incident and send it immediately to us. ccha.join@gmail.com

Recent Accident not reported by the media:

Here is an eye-witness account to a heartbreaking incident on Tuesday (Old South Carriage Company):

"Last night we were on a walking ghost tour and near 150 Meeting St, there was a horse pulling a carriage who got spooked. We think his diaper bag was full and was rubbing his leg. He started to back up and his back legs collapsed. The carriage tipped and the passengers all jumped off. The person handling the horse seemed unsure of what to do. The horse's name is Prince. People from the carriage company came and calmed down the horse and walked it back to the stable. It was very heartbreaking. I was crying and my husband was stopping traffic. Please have this investigated. This needs to stop".

Mayoral Race

Vote November 5

A Mayoral and City Council election looms on November 5th.

The Mayoral candidates have thus far refused to broach this issue probably because of the gauzy image that the City relies upon for more tourist dollars.

Since 2016, there have been over 55 carriage related incidents on Charleston streets. Hopefully, City elected officials will hear the voices of residents and they will decide that killing the "Golden Goose" by continuing to vote in favor of tourism over the residential quality of life will not win elections nor awards from Conde Nast @cntraveler.

PLEASE consider writing the three major Mayoral candidates asking their position on the carriage issue. Does the candidate support enhanced safety measures and traffic relief such as limiting or eliminating tours during rush hours, child restraints on wagons, safety checks on harnesses, mandatory drug testing of wagon drivers, licensing of drivers, as well as humane treatment such as lowering the temperature, bringing the temperature gauge to street level, doing away with FOUR readings before animals are allowed to stop and significantly reducing the number of passengers per carriage tour load?

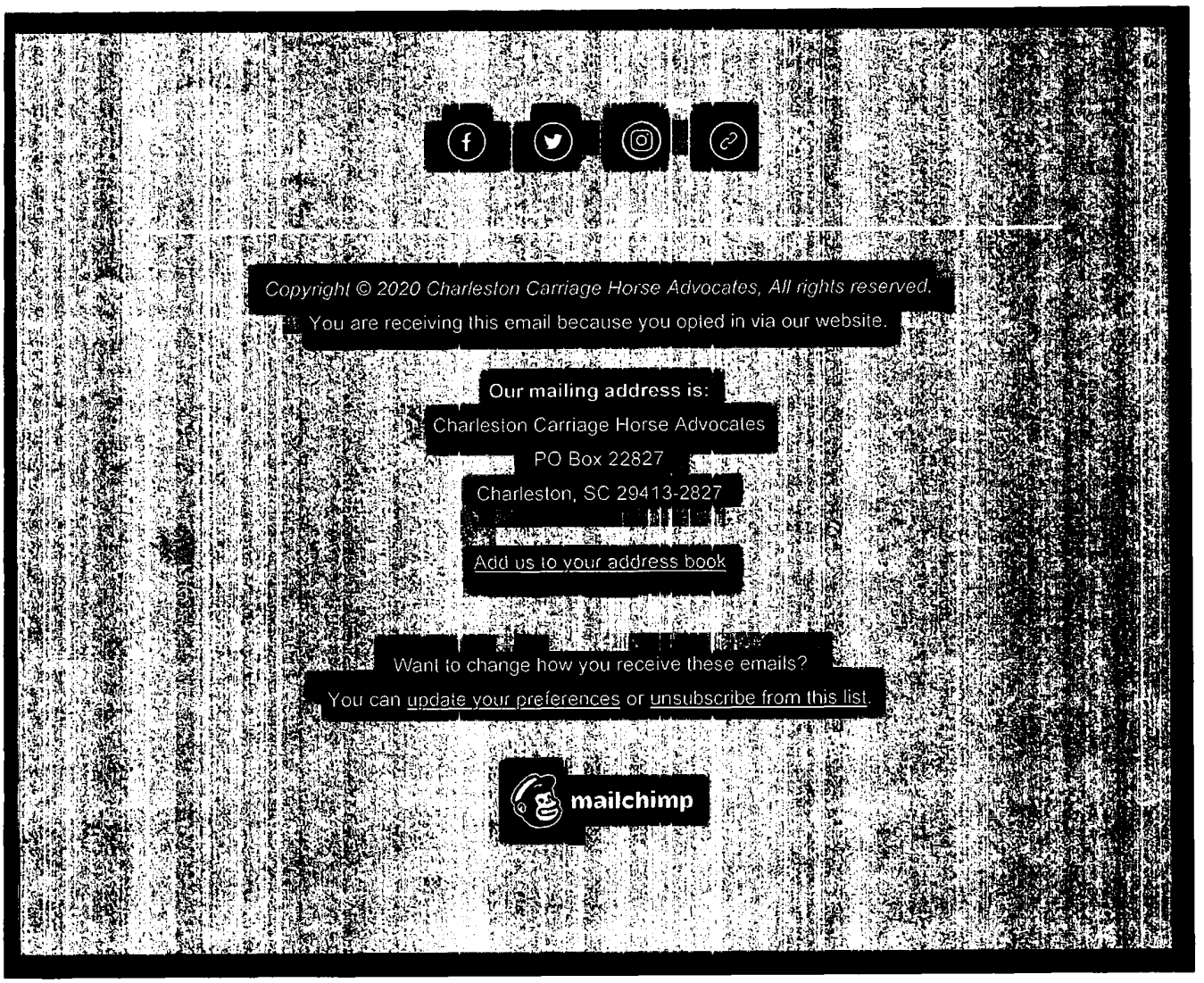
@JohnTecklenburg

@MikeSeekings

@GaryWhite4Mayor

Feel the need to donate to the cause? Click the button below to help be a voice for the voiceless!




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You are receiving this email because you opted in via our website.
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Charleston, SC 29413-2827
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mailchimp

Joseph Thompson, III

From: CCHA <ccha.join@gmail.com>
Sent: Monday, January 27, 2020 1:54 PM
To: Joseph Thompson, III
Subject: [Test] Supporters: Just $5. It's up to you.

CHARLESTON
CARRIAGE
HORSE
ADVOCATES

Just $5. It's up to you.



Just $5.

That's what it will take for voiceless horses and mules to speak their truth to tourists and locals this holiday season!

Let's get their message out.

Forced to pull the heaviest passenger load in the Nation.

Forced to work in the most extreme temperature in the Nation.

And that's only the beginning...

PLEASE! Donate now!

Donate Now

Joseph Thompson, III

From: CCHA <ccha.join@gmail.com>
Sent: Monday, January 27, 2020 2:08 PM
To: Joseph Thompson, III
Subject: [Test] ATTENTION: A Letter to Our Supporters

View this email in your browser

CHARLESTON CARRIAGE HORSE ADVOCATES

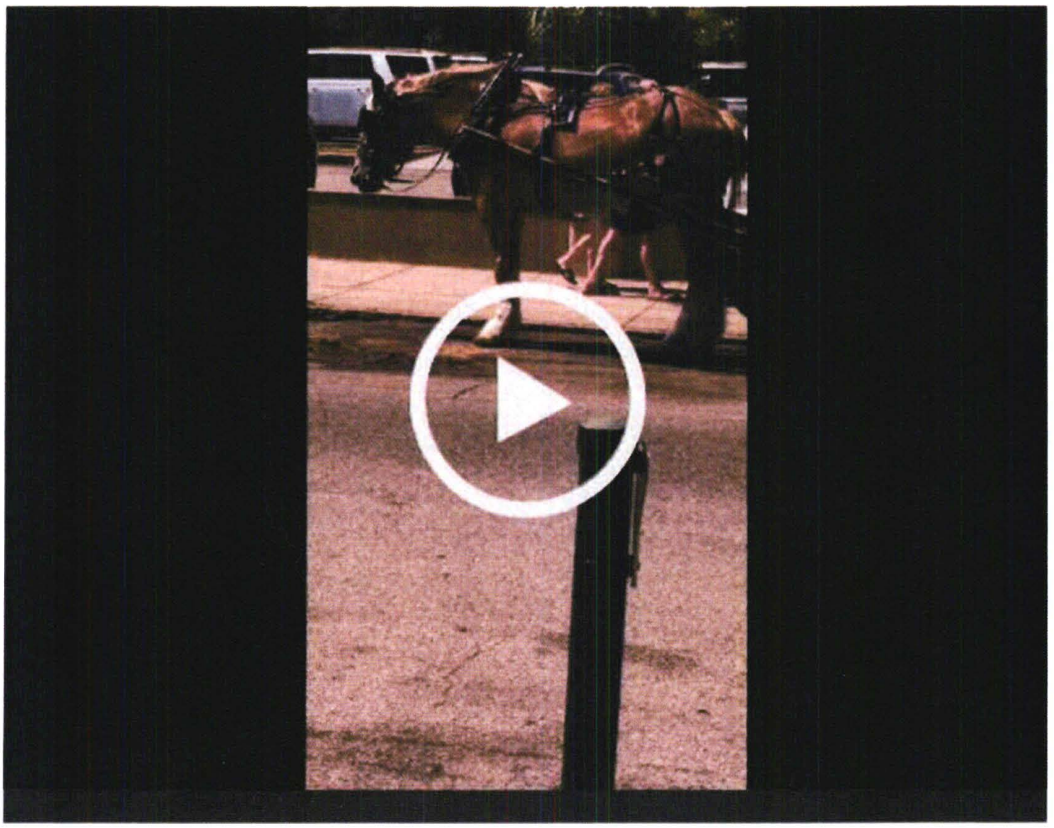
ATTENTION Tourists: Dangerous Weather Events…and carriage wagons continue to roll….

Dangerous flooding events are becoming common in Charleston this summer. Wagonloads of 17 passengers pulled by one horse are often caught in these floodwaters. Far from the Industry's PR statements, the for-profit Wagon business continues tours even in torrential downfalls. The City of Charleston proposed regulations that would allow the City to halt tours in cases of extreme and dangerous weather. After pressure from the carriage industry, the proposed regulation to pull carriages from the streets during hazardous weather conditions was DEFERRED by the Tourism Commission. Let's be honest. It's all about profit for the industry...Not passenger safety and humane treatment of the horses and mules.

See a carriage operating in the pouring rain or scorching heat?
Take a photo or video and send it our way!

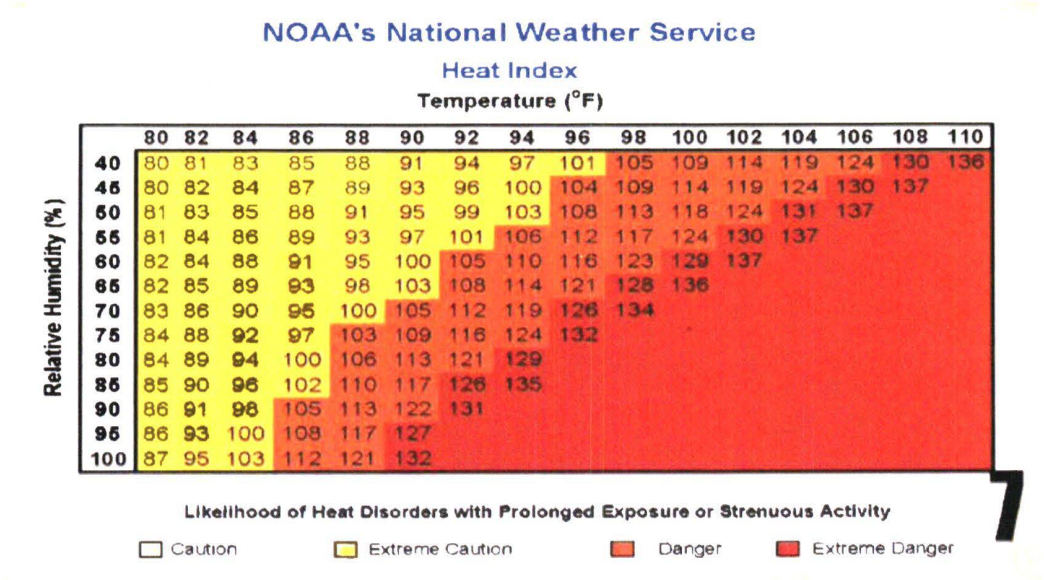
Extreme Heat:

Check out the video below.



Even with the harshest, most extreme heat requirements in the U.S. (95 degrees taken FOUR times before animals are pulled AND the thermometer is located 4 stories in the air!) carriage loads were pulled 6 times in a month. You can monitor the city's official thermometer at weather.weatherbug.com/weather-forecast/now/charleston-sc- 29407?station=3:CHRDT. If you see horses operating at temperatures above 95°, contact city officials at (843) 709-1985 and email Charleston Animal Society

at: Cruelty@CharlestonAnimalSociety.org. Post your concerns on your Facebook page and on ours!



Social Media:

Charleston Carriage Horse Advocates is soaring on social media! In the month of May, alone, we had over 500,000 social media users and 143,000 comments and shares! If you have not joined us already, please do! ccha_join Please re-post our posts on your Facebook page. Tweet us. Tell your pals. Call the mayor and City Council members.

"If you don't have a message, attack the messenger".

The lawsuit brought by a Carriage Operator against Charleston Animal Society and Charleston Carriage Horse Advocates continues. The Industry is determined to silence any criticism of their cruel practices. They intimidate local businesses with threats of bad reviews on Trip Advisor and Yelp. They intimidate local preservation groups on social media. They intimidate citizens with harassment. We are fighting back for these voiceless animals and the

citizens of Charleston.

Are you willing to stand with the horses and mules that work the searing streets of Charleston? Are you willing to stand up to the Wagon Industry in Charleston?

Here's what you can do:

Donate

It's easy. Click the button above and donate. Donate on our Facebook page. Please. Help these voiceless animals. We are paying lawyers to defend our First Amendment rights. We have a billboard costing $5,000 per month on I-26. We buy banners and bumper stickers. We can't do this alone!

The horses and mules thank you. You are lending them your voice.

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Want to change how you receive these emails?
You can update your preferences or unsubscribe from this list.

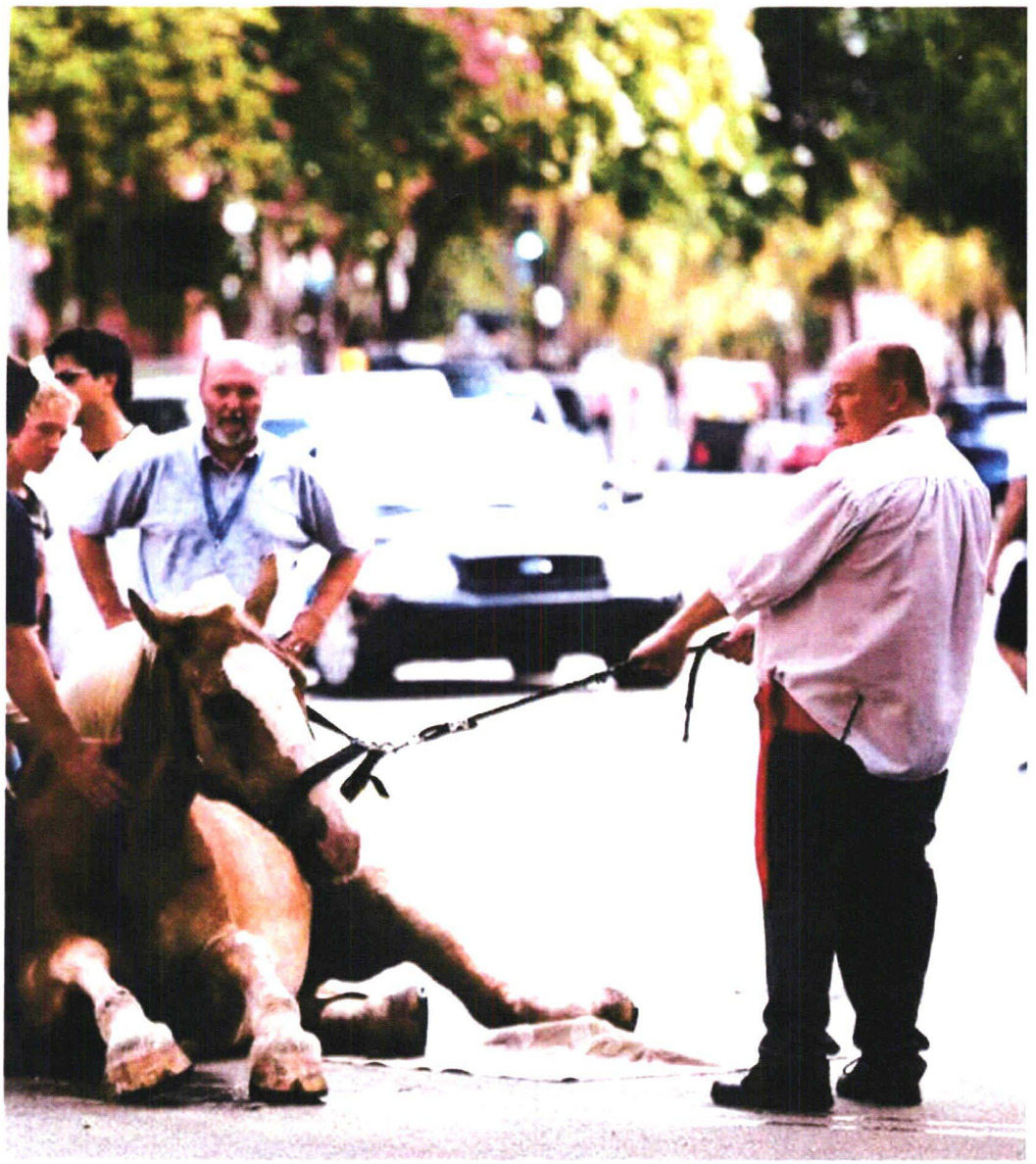
mailchimp

Joseph Thompson, III

From: CCHA <ccha.join@gmail.com>
Sent: Monday, January 27, 2020 1:55 PM
To: Joseph Thompson, III
Subject: [Test] ATTENTION SUPPORTERS: Giving Tuesday!

CHARLESTON
CARRIAGE
HORSE
ADVOCATES

Giving Tuesday!



This is a hard message to write.....

The holidays are underway. Visitors are flocking into Charleston. Our billboard on I26 has been successful in drawing attention to the plight of carriage animals and to the possible dangers to passengers who ride the wagons. But we don't have the money to put up a billboard this season....unless you help us.

We can't help these animals during the holiday season UNLESS YOU DONATE NOW. This is our FINAL CHANCE.

Billboards cost money.

DON'T MISS THIS CHANCE TO GIVE VOICE TO THE CARRIAGE ANIMALS that will lug tourists through our City.

If we can raise the money for the billboard, thousands of visitors will see it and will think before they ride on those wagons!

We need $5,000. This is our LAST CHANCE. We are short of that goal. So we need you to rush whatever you can to help these animals at this crucial time of year.

Thank you!

Donate Here



Charleston, SC 29413-2827

Add us to your address book

Want to change how you receive these emails?
You can update your preferences or unsubscribe from this list.



Joseph Thompson, III

From: CCHA <ccha.join@gmail.com>
Sent: Monday, January 27, 2020 2:03 PM
To: Joseph Thompson, III
Subject: [Test] Peaceful Rally For The Horses

CHARLESTON
CARRIAGE
HORSE
ADVOCATES

Peaceful Rally For The Horses

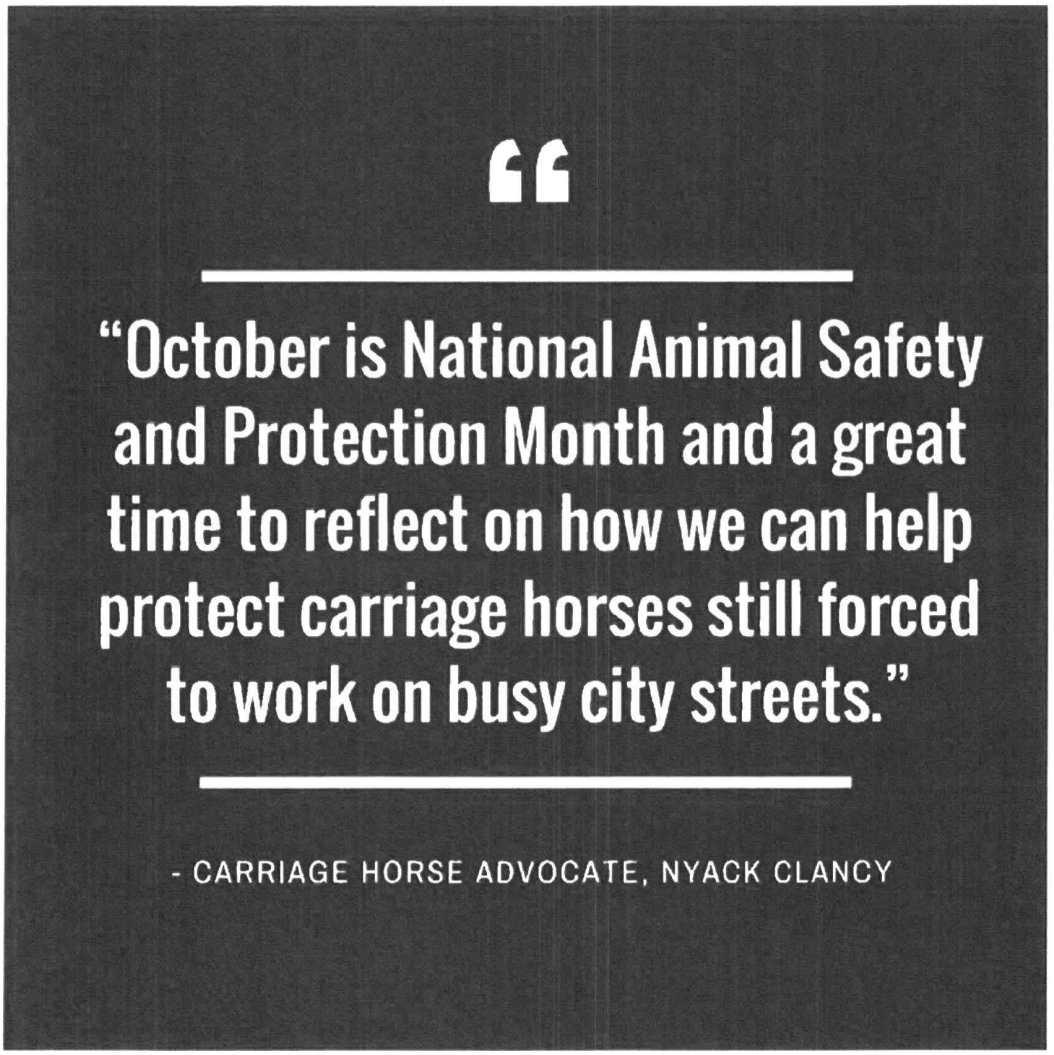


Please join us on Saturday, October 5 at 11 AM at the US Customs House on E. Bay Street for a peaceful Rally for the Horses.

- Charleston's carriage ordinance allows the heaviest passenger loads per horse of anywhere in the U.S. Seventeen passengers plus a wagon and harness. This adds up to approximately 2 1/2 tons per tour.
- Charleston's carriage ordinance allows carriage wagon operators to work animals at the most extreme temperatures in the U.S. 95 degrees that must be measured 4 times atop a hotel, before animals are brought off the streets. If at any point the temperature dips even .01 then the readings begin all over again. According to

NOAA, https://www.weather.gov/safety/heat-index 95 degrees in typical Charleston humidity is in the Danger zone

Shoot us an email if you are able to attend to give voice to the animals who work the streets of Charleston. ccha.join@gmail.com Bring your family, dog, friends! We are asking folks to wear a white shirt and if you are female, consider donning a hoopskirt (#ItsNotFashionable; #ItsNotCharming)



Joseph Thompson, III

From: CCHA <ccha.join@gmail.com>
Sent: Monday, January 27, 2020 1:52 PM
To: Joseph Thompson, III
Subject: [Test] Our New Year's Resolution: Give Voice To Carriage Animals...

CHARLESTON CARRIAGE HORSE ADVOCATES



Our New Year's Resolution: ***Give Voice to Carriage Animals. Protect Citizens and passengers from carriage wagon tragedy.***

2020 began with heavy holiday tourist congestion in Charleston, snarling traffic and construction noise. On December 27th a carriage wagon loaded with tourists careened through the Market. Parents and Grandparents with baby strollers were attempting to flee the area as people were screaming, horns were honking, alerting pedestrians and automobiles to clear the way. One frightened horse climbed onto two different cars. Fortunately, the animals were stopped and no one was seriously hurt. A tragedy was avoided…this time.

The carriage operator cynically told the Post & Courier, "The horses, Rockstar and Midnight, "took an unsupervised stroll down one block of Market Street."

Is that a responsible way to react to what could have been a horrific tragedy? Does that say something about how the Industry views its role in public safety?

Since 2016, there have been 80 carriage-related incidents. Just a few days ago, a horse was spooked when confronted by a cement truck. Below is an eyewitness account and photo.

Overflowing carriage wagons in Charleston are far too common. Not only is this not safe for passengers, but it is also inhumane treatment for the horses and mules pulling (on average) 2 ½ TONS per hour, 8 hours a day.

Carriage rides in Charleston are nothing more than an Amusement Park ride. There are few safety regulations governing carriage wagon rides. You might assume that the City of Charleston and Operators would put in place

requirements for child safety while onboard, such as child restraints, safety railings, and brakes on wagons, but they don't.

Are we ready to say "Enough"? Join Charleston Carriage Horse Advocates! Be a voice for the voiceless and the innocent children who ride these Amusement Park rides.
Call Mayor Tecklenburg. Call/write City Council members. https://www.charleston-sc.gov/ Tell them you want safety for passengers and pedestrians and humane treatment for carriage animals NOW.

If you see a carriage wagon incident or a sick animal on City streets, please take a photo or a video and send it to us with your description.
ccha.join@gmail.com

AND.....PLEASE HELP US KEEP UP OUR ADVOCACY!

PLEASE DONATE TODAY. It's easy...just click the button below. We can't do this alone. We need your help today. Thanks!

Donate

From an eyewitness account to an incident on Friday afternoon around 4pm in the South Battery area by White Point Gardens:

"A horse carriage was scared by a cement truck and bolted into a car and tore off the bumper. The carriage was passing between the cement truck and car when it spooked."

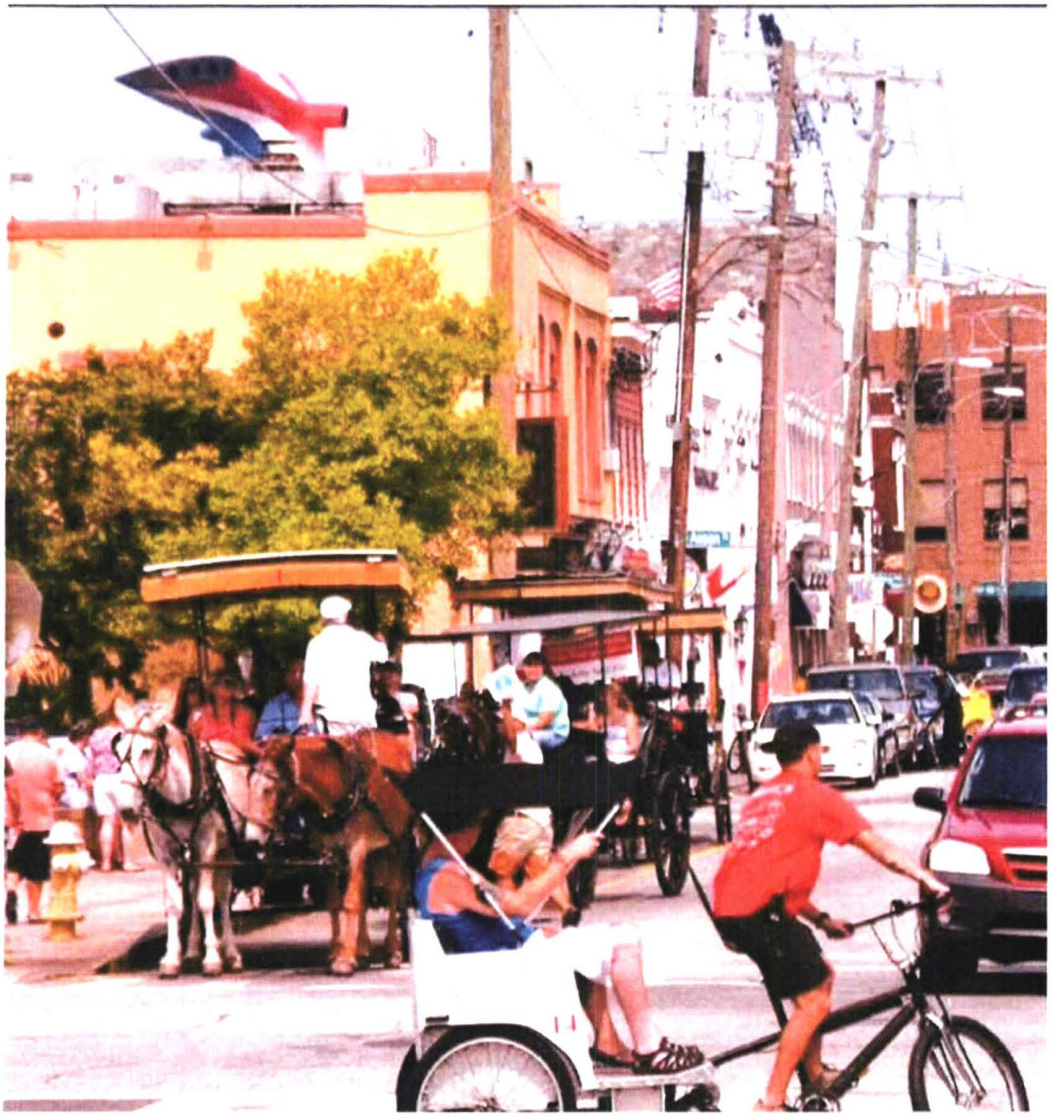
Note that the driver is turned around talking on his phone, hopefully contacting the police, but who knows? #JustSayNeigh #ItsNotCharming



Joseph Thompson, III

From: CCHA <ccha.join@gmail.com>
Sent: Monday, January 27, 2020 2:00 PM
To: Joseph Thompson, III
Subject: [Test] Take Action: Ask Mayoral Candidates Their Stance

Take Action: Ask Mayoral Candidates Their Stance



Hey, Mayoral Candidates!

On Tuesday, November 5, Charlestonians will choose a new Mayor. The Mayoral candidates have thus far refused to broach the carriage wagon issue probably because of the gauzy image that the City relies upon for more tourist dollars. The media is strangely silent in reporting carriage-related incidents.

The Mayoral candidates profess to be champions of Livability for Charleston citizens. Tecklenburg has been Mayor for four years. Mike Seekings and Gary White, candidates for Mayor, have been City Councilmen during those four years.

Mayoral candidates Gary White and Mike Seekings voted "yes" to the inhumane FOUR readings at 95 degrees before carriage animals are allowed off the searing asphalt (the most extreme temperature ordinance in the Nation). Mayor Tecklenburg has allowed his "Livability" department to test increasing and expanding the number and area of tours, shift the ordinance's passenger load weighing requirement that appears to favor the Industry and to author the most extreme temperature allowance in the Nation.

Candidate Mike Seekings is using the carriage industry public relations person, Tyler Jones, as a campaign consultant. Hmmmmm... wonder if that has bearing on Seekings position? A conflicted campaign?

Livability for Residents? Safety for pedestrians and passengers?

Let's look at the facts:

- Residents and commuters wait in untenable congestion behind carriage tour wagons.
- The number of tours and the neighborhoods impacted by constant carriage wagon tours has increased.
- Over 55 carriage-related incidents have occurred since 2016, many with bodily injury involved.
- In the past couple of years, two small children have been injured, a 5 year old kicked by a mule in an operator's barn, resulting in a concussion and a young child fell out of a carriage wagon during a tour.

- Carriage wagon animals are crammed into small stalls and forced to endure deafening construction noise ((horses, like people, need REM sleep that they can only get when they feel safe and have lots of room to lie flat. Lack of REM sleep can have a negative effect on an equine's behavior).

Humane Treatment of the Carriage Animals?

The Facts:

- Heaviest passenger load in the Nation (17 adult passengers per tour)
- Most extreme temperatures in the U.S. (95 degrees measured 4 times atop a hotel before animals are allowed off the streets).
- Carriage Operators are mostly self-regulated with only sporadic oversight by the City.

This is our opportunity to ask the Mayoral candidates their position on these critical issues. It's easy! Just click this link!

Take Action

Want to help us give voice to these animals? We're a non-profit! Please DONATE through the button below

Donate

Joseph Thompson, III

From: CCHA <ccha.join@gmail.com>
Sent: Monday, January 27, 2020 2:07 PM
To: Joseph Thompson, III
Subject: [Test] TAKE ACTION: Contact City Council Directly

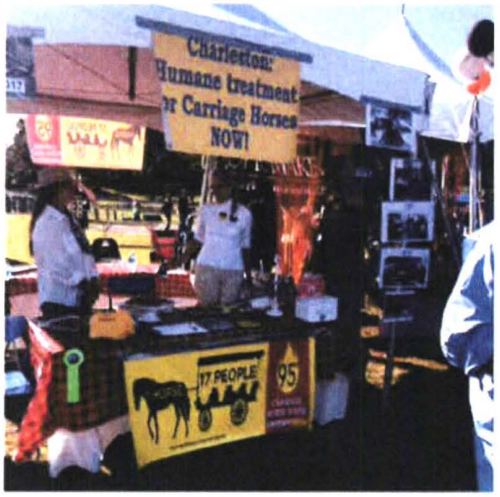
CHARLESTON CARRIAGE HORSE ADVOCATES

TAKE ACTION



It's August and the heat in Charleston is not slowing down. Neither is the fight for the humane treatment of the Charleston Carriage Horses. You can help these voiceless animals NOW! Please contact City Council members DIRECTLY. Click the button below to TAKE ACTION!

Take Action



Are you willing to stand with the horses and mules that work the searing streets of Charleston? Are you willing to stand up to the Wagon Industry in Charleston?

Here's what you can do:

Donate

It's easy. Click the button above and donate. Donate on our Facebook page. Please. Help these voiceless animals. We are paying lawyers to defend our First Amendment rights. We have a billboard costing $5,000 per month on I-26. We buy banners and bumper stickers. We can't do this alone!

The horses and mules thank you. You are lending them your voice.

Joseph Thompson, III

From: CCHA <ccha.join@gmail.com>
Sent: Monday, January 27, 2020 2:00 PM
To: Joseph Thompson, III
Subject: [Test] ATTENTION ADVOCATES: New City Council Members and Upcoming Events

CHARLESTON CARRIAGE HORSE ADVOCATES

New City Council Members + Upcoming Events

Newly elected City Council members

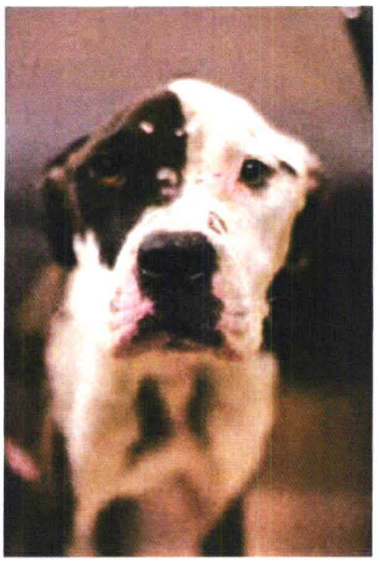
Charleston has newly elected City Council members! Several pro-carriage industry incumbents lost. We are very hopeful that these folks will heed the message clearly sent by the electorate that enough is enough and work with Charleston Carriage Horse Advocates to create a humane working and living environment for carriage animals in Charleston! There is a run-off for one city council seat and the Mayor's office. The vote will take place on November 19. Please VOTE!

PS: Mayoral Candidate Mike Seekings is using Tyler Jones as his political

consultant. Jones is the paid PR consultant and spokesperson for the carriage industry.

We need your help to get the word out about the plight of carriage animals in Charleston THIS SATURDAY!

WE WALK FOR PUPS LIKE KING:



Charleston Carriage Horse Advocates is a proud sponsor of Paws in the Park benefiting Charleston Animal Society. This family friendly 5K run and walk will be held rain or shine Saturday, November 16th, starting at 9:00 am. The event is a great way to be fit, have fun and support a worthy cause.

We will have a booth to help get the word out about inhumane treatment of carriage animals in Charleston. Can you please give us one hour of your time between 11AM and 2PM? The location is beautiful and the participants are fun

to engage with. Lots of people, lots of pups!

Let us know.



The carriage animals continuously need your support. Every penny counts!

Want to make a difference? Click below to donate today!

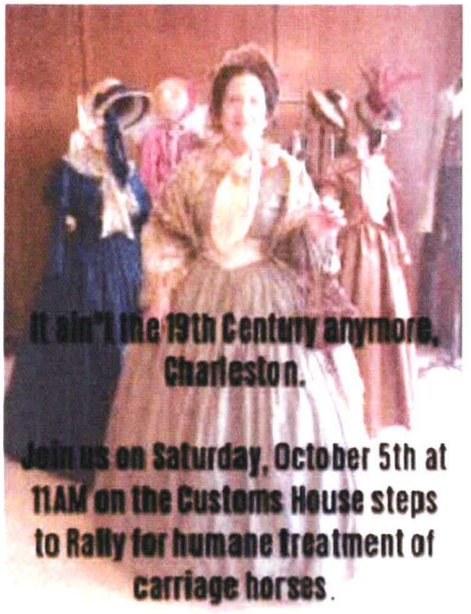
Donate

Joseph Thompson, III

From: CCHA <ccha.join@gmail.com>
Sent: Monday, January 27, 2020 2:02 PM
To: Joseph Thompson, III
Subject: [Test] "I Gave It My All" - CCHA Rally

CHARLESTON CARRIAGE HORSE ADVOCATES

Please Join Us For A Peaceful Rally



Peaceful Rally for the Horses

Please join us on Saturday, October 5 at 11AM at the US Customs House on E. Bay Street for a peaceful Rally for the Horses.

- Charleston's carriage ordinance allows the heaviest passenger loads per horse of anywhere in the U.S. Seventeen passengers plus a wagon and harness. This adds up to approximately 2 1/2 tons per tour.
- Charleston's carriage ordinance allows carriage wagon operators to work animals at the most extreme temperatures in the U.S. 95 degrees that must be measured 4 times atop a hotel, before animals are brought off the streets. If at any point the temperature dips even .01 then the readings begin all over again. According to NOAA, https://www.weather.gov/safety/heat-index 95 degrees in typical Charleston humidity is in the Danger zone.

Shoot us an email if you are able to attend to give voice to the animals who work the streets of Charleston. ccha.join@gmail.com Bring your family, dog,

friends! We are asking folks to wear a white shirt and if you are female, consider donning a hoopskirt (#ItsNotFashionable; #ItsNotCharming)

"I Gave It My All"
Zoe Snyder

The sun rises up over the harbor,
The shavings glistening in my stall.
I'm ready to start my day,
And give my owner my all.
A quick bucket of oats and a brush of my hair,
It's gonna be hot today,
Does anyone care?
I'm hooked to the wagon and the tourists are in line,
After my first one hour tour, I'm feelin' fine.
It's starting to get muggy, I'm building up a sweat,
But I gotta go get another load-
So another load I get.
I'm just really tired, I wanna go home.
Why won't these people just leave me alone?
My heart is now racing, It's getting hard to see,
But the tour guide keeps pushing and demanding more from me.
My knees start to buckle and I fall to the street,
I have to stop, I can't take this heat.
I know my heart's beating, beating too fast,
I can already tell that I'm not gonna last.
I gave it my all, I gave it my best.
Now they just push me to the side,
Like all the rest.
Why didn't they care, why didn't they care for me?
All they wanted was more passengers to collect their fare.
Just like a soldier who dies in a war,
They've used all I had, and now I'm no more.

Joseph Thompson, III

From: CCHA <ccha.join@gmail.com>
Sent: Monday, January 27, 2020 2:08 PM
To: Joseph Thompson, III
Subject: [Test] ATTENTION: A Letter to Our Supporters

View this email in your browser

CHARLESTON CARRIAGE HORSE ADVOCATES

ATTENTION Tourists: It's time to put the hoopskirt back in the closet! "Carriage" rides in Charleston are not Charming. They are cruel.

For the past 4 days the temperature in Charleston has pushed 100 degrees. Charleston Carriage Horse Advocates has been overwhelmed with people deeply concerned about the welfare of the carriage animals forced to pull 2 ½ TONS on steamy asphalt hour after hour. In fact, after posting the photo below of the horse pulling a full load of 17 passengers on Saturday with a swollen leg, CCHA had over 397,900 viewers and over 143,000 comments and shares.



Horses are panting, struggling for breath in the oppressive heat. These animals desperately need your help, now. And you can help!

By City ordinance, the thermometer is installed 4 stories in the air, above a hotel where cool breezes blow. Not where the animals work, on steamy asphalt. We have pleaded with the City to move it to where the horses work and they refuse. The City monitors the temperature. A couple of years ago, the temperature that horses were pulled was lowered from 98 to 95 degrees. The caveat: there have to be FOUR readings before the horses are pulled. That means that even if the temperature drops .01 percent during those 4 readings, the readings begin all over again.

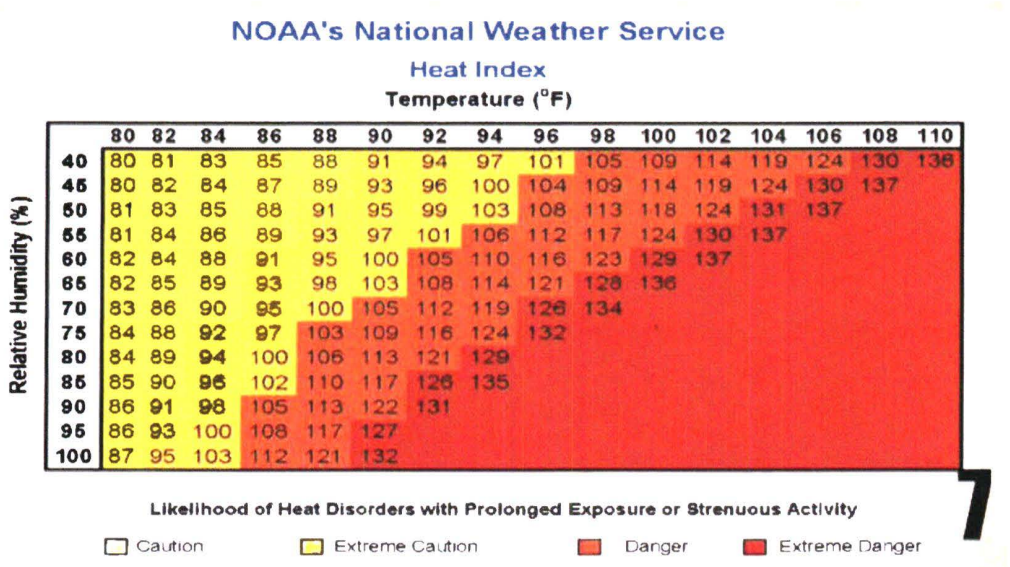
Cruel and Inhumane? We believe so. But the City does the monitoring and the City council makes the rules.
We need you to contact the City Council members and the Mayor and complain loudly (https://www.charleston-sc.gov/index.aspx?NID=180) or 843-577-6970

What to say?

- Lower the temperature. (See NOAA Chart below)
- Bring the temperature gauge down to street level. Only one reading before horses are pulled. (No other City has four readings before horses are pulled).
- Use Wet Globe thermometer technology for readings at street level (https://en.wikipedia.org/wiki/Wet-bulb_globe_temperature)
- No tours between noon and 3PM in the summer months, like other cities have instituted.

Tourism has a Hotline for complaints. CALL IT. Complain. 843-709-1985.

Let us know you made a call for the horses.



One other thing; a carriage operator is suing us, attempting to shut down our free speech. They don't like us taking photos and videos of their horses and mules in distress. They don't like us telling you the truth about the Industry. Their personal insults on social media are ugly and relentless.

Please consider a Donation to CCHA to help us expose the underbelly of this tourist attraction. We are a non-profit and your donation is tax-deductible.

Please visit www.charlestoncarriagehorseadvocates.com to donate. THANK YOU for standing up for these voiceless creatures.

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mailchimp

Joseph Thompson, III

From: CCHA Team <ccha.join@gmail.com>
Sent: Monday, January 27, 2020 2:06 PM
To: Joseph Thompson, III
Subject: [Test] ATTENTION: How You Can Respond To City Council Members

Attention Advocates:



Thank you for taking part in our email campaign!

In response to our Letters to Charleston City Council members and the Mayor, the City's Livability Department Head sent an email to City elected officials "clarifying" the City's position on the Carriage Animal issue.

Unfortunately, the City"s response to Council members left out critical details, appearing to gloss over the real issues. Below is a correction to the Facts. We have documented facts that we have laid forth. Please read and consider sending a copy of the below to City Council members and the Mayor, so that they will have the advantage of knowing the truth.

Send Response



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You are receiving this email because you opted in via our website.

Our mailing address is:

Charleston Carriage Horse Advocates

PO Box 22827

Charleston, SC 29413-2827

Add us to your address book

Want to change how you receive these emails?

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Joseph Thompson, III

From: CCHA <ccha.join@gmail.com>
Sent: Monday, January 27, 2020 2:07 PM
To: Joseph Thompson, III
Subject: [Test] ATTENTION: A Letter to Our Supporters

View this email in your browser

CHARLESTON CARRIAGE HORSE ADVOCATES

To Our Supporters:

We are knocking it out of the park!

Social Media:

In June we reached 205,491 social media users. In July we reached 474,587 users! This is over a 50% increase from the previous month.

So why the increase in exposure? Our advocates are clearly concerned about the horses' health and safety in the Charleston heat.

Not only did we see a huge increase in reach, but in post engagement as well. We had 96,000+ users liking, commenting, and sharing on Facebook in July alone. This. is. Huge.

Take Action:

Charleston Carriage Horse Advocates launched a "Take Action" initiative that allows our supporters to send a letter to every City Council member and the Mayor on the need to change the temperature regulations. In the past couple of

weeks, the temperatures in Charleston have soared, forcing the Industry to pull their animals (though not before FOUR readings read on a thermometer FOUR stories in the air!).

Concerned residents of Charleston as well as out of towners have sent letters…in fact, over 300 letters have been sent! (Thank you to those of you who have sent in letters)

We are dismayed that only two City Council members, Carol Jackson, and Mike Seekings have acknowledged and answered the letter.

We need more letters sent so that elected officials see that we cannot be ignored. Please help by clicking on the button below and giving voice to these animals.

Take Action

Peaceful Rally and Walk in Market Area Scheduled

We will hold a peaceful rally and walk to draw attention to the plight of the carriage animals. ***The rally and walk will be held in the Market area on Saturday, October 5th.*** We hope you will be able to join us! We will send out more information closer to the date.

Lawsuit and Industry Shenanigans

The Charleston Carriage Industry is feeling the pressure. They have set up a Change.Org petition that asks City Council to shut down our non-profit Charleston Carriage Horse Advocates. A carriage industry operator is suing us to try to muzzle us.

His lawsuit wants to stop our advocacy on behalf of the working animals, prevent us from educating consumers about the dangers of carriage tours, and stop us from urging elected officials to impose meaningful regulation on the

industry. The lawsuit is just another attempt by economic interests to preserve the status quo regardless of the costs to animal welfare and public safety.

But just as importantly, the issues at stake in this lawsuit go far beyond the controversy over the Charleston horse-drawn carriage industry. The lawsuit is a threat to every person who believes in the First Amendment and the rights of every citizen to speak out about issues that affect their community, regardless of political viewpoint.

The Industry sympathizers fill social media with vicious untruths about CCHA and Charleston Animal Society. We fight back but ***we need your support to continue***. We have large legal bills (from the lawsuit) and we need to keep pushing for reform. Our social media is working. We need to keep it up. Our billboards are making tourists aware of the inhumane treatment of these animals.

Please consider a donation. It is tax-deductible to the fullest extent provided by law. You can donate by clicking the button below. Any amount is appreciated.

Thank you!

Donate

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Want to change how you receive these emails?
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Joseph Thompson, III

From: CCHA <ccha.join@gmail.com>
Sent: Monday, January 27, 2020 2:02 PM
To: Joseph Thompson, III
Subject: [Test] TAKE ACTION: Harassment and Spam from the Industry

CHARLESTON CARRIAGE HORSE ADVOCATES

TAKE ACTION!

The Industry attacks again...

First, we would like to say a huge THANK YOU to all of you who attended the peaceful rally and walk over the weekend. The carriage animals appreciate your support and need your voices!

We had a successful turn-out and the industry is infuriated. So infuriated that they have photoshopped images of rally attendees and posted them publically to Facebook. We are asking you to please report their page (Charleston Carriage Industry Supporters) as spam. We also encourage you to report the image as harassment to prevent it from being maliciously spread across the internet. Thank you!

Charleston Carriage Industry Supporters
2 hrs

Lol. 😂😂😂😂 These girls only dressed up in half the costume. They forgot to put their dresses on and are walking around in their petticoats.



10 2 Comments

In the Matter of:

CHARLESTON CARRIAGE WORKS, LLC.

vs.

CHARLESTON ANIMAL SOCIETY, ET AL

Justin Miller DVM

February 11, 2020

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IN THE COURT OF COMMON PLEAS
FOR THE STATE OF SOUTH CAROLINA
CHARLESTON COUNTY
DEPOSITION OF JUSTIN MILLER, DVM

CHARLESTON CARRIAGE WORKS, LLC,

Plaintiff,

vs. CASE NO. 2018-CP-10-04083

CHARLESTON ANIMAL SOCIETY;
ELLEN HARLEY and CHARLESTON
CARRIAGE HORSE ADVOCATES,

Defendants.

DEPONENT: JUSTIN MILLER, DVM
DATE: February 11, 2020
TIME: 10:10 A.M.
LOCATION: HALL, BOOTH, SMITH, P.C.
111 West Coleman Boulevard
Suite 301
Mount Pleasant, South Carolina

REPORTED BY: TRISHA RARICK

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A P P E A R A N C E S

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ELLEN HARLEY (BY TELEPHONE)
SHAWN BLANK (BY TELEPHONE)

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JUSTIN MILLER, DVM,
having been first duly sworn, was examined and testified as follows:

EXAMINATION

BY MR. THOMPSON:

Q Would you state your full name, please?

A Justin Barry Miller.

Q Dr. Miller, my name, again, is Trey Thompson. I represent Ellen Harley and the Charleston Carriage Works Advocates in a lawsuit brought by Charleston Carriage Works, and I'm here today to take your deposition. Have you ever been through this process before?

A I have.

Q How many times?

A Probably three or four times.

Q And what have those been -- what have those depositions involved, or what kind of cases were involved?

A Generally -- well, they've all been related to horses, and I have been called in as a veterinary expert.

Q Okay.

A Or a witness.

Q We'll go through that in more detail in

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just a minute. So you know what's going to happen today, I'm just going to ask you questions. You give me answers to the best of your ability.

A Yes.

Q If at any time you don't understand something I have asked you, just please let me know that, and I'll be happy to try to clarify, rephrase, whatever it is so that you understand my question. Fair?

A Yes.

Q Very good. Did you bring anything with you today for the deposition?

A I have not.

Q Okay. What did you do, if anything, to prepare for your deposition today?

A Well, very little. I'm familiar with -- certainly with the horses downtown with -- I do work for two of the carriage companies, and I have been present at two of the City Council meetings. And so I'm familiar with the horses, with their care, with the regulations downtown, with the concerns that people have with those horses and their care. I have met with several of the people from the Charleston Animal Society and discussed that.

Q Well, Dr. Miller, I'm actually -- and

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we'll talk to you about what you know about the case. I'm really more concerned about what you did, if anything, to prepare for this deposition today. Like, in the last week or since you got the deposition notice, I looked at this or I talked to these people. That sort of thing.

A No. I haven't.

Q Okay. Did you happen to review any of Charleston Carriage Works' horse records?

A No.

Q Did you have any conversation with Mr. Broderick about the deposition? Mr. Christoff, I should say.

A We've talked about it informally.

Q Okay. Have you talked with him since you received the deposition notice or since you knew that you were going to be deposed in this case?

A Yes. We had -- we actually had an appointment yesterday to look at three horses that are new to the area.

Q Okay. What did you-all speak about with regard to this case and/or your deposition today?

A Nothing.

Q It was just purely a business meeting?

A Yes.

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Q About the three new horses?

A Yes, sir.

Q Have you ever spoken with Mr. Christoff's attorney, Tommy Goldstein, concerning this case?

A I have.

Q How many times?

A Once.

Q And when was that approximately?

A It was probably a month ago, I think.

Q In January?

A Was it January? December.

Q You can't get any help. This is not a phone a friend or anything.

A Yeah. It's been in the past couple of months. We met for lunch one day.

Q Has it been in 2020, or was it back in 2019?

A Well, if it was December, it would have been 2019.

Q Okay. And you met Mr. Goldstein for lunch?

A Yes.

Q And what was discussed at that time?

A We talked about the process.

Q What process?

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A The deposition process.

Q And describe for me what he told you about the deposition.

A Well, he wanted me to be prepared for what would happen. I -- having gone through the process before, I was aware of what to expect.

Q What did he tell you to be expecting?

A Essentially, that you would ask me questions. You want to know what I know, and so that you can be prepared for what I may say, should it go to court.

Q All right. Did he discuss with you anything about what Tara Byrd-Little's testimony was?

A We did talk a little bit about that. I don't remember exactly what came of that. She used to work with me and for me for a short period of time, and I know that she was the first veterinarian on site when -- after the Big John incident. And so I -- that's her involvement.

Q Right. I'm asking you about when you met with Mr. Goldstein, whether he told you anything about Dr. Byrd-Little and her deposition testimony.

A I don't recall any details about it.

Q Okay. Do you know that she's been deposed

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in this case?
A I do.
Q All right. How did you know that?
A I knew that -- well, I think Mr. Goldstein told me that that happened.
Q Okay.
A I knew that you were looking for her, and I understand she wasn't easy to find.
Q And what did he describe to you, if anything, about her deposition and her testimony?
A That she was brief.
Q And what about the substance of her testimony?
A I don't know anything of the substance of her testimony or the specific questions that she was asked or her specific answers.
Q All right. So but you knew prior to today that Dr. Byrd-Little was deposed?
A I did.
Q And did you ever review a copy of her transcript?
A I haven't seen it.
Q Okay. Have you requested it?
A I have not.
Q Do you have any knowledge or information

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about what Dr. Byrd-Little testified to in this case?
A I do not.
Q All right. Dr. Miller, you have been identified, at least recently, as an expert witness in this case. That was in a formal discovery response I got at the first of this month. Do you know or have an understanding about what your involvement is in this case as an expert witness?
A I do.
Q And what is that?
A To provide information pertaining to the medical welfare of the horses that are downtown and their care and their work environment, working conditions from a medical standpoint.
Q Have you been retained to provide any additional opinion testimony other than what you just described?
A No.
Q Okay. How about with regard to the Big John incident? Are you expected or do you anticipate providing any opinion testimony as to what happened to Big John?
A I would expect that.
Q Okay. Well, that's not exactly the --

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fall into the first category that we just described. So what is it that you expect with regard to the Big John incident that you're going to offer an opinion about?
A Well, I think the word that's been used a lot to describe that incident is that he collapsed, and the implication is that there was some sort of -- well, certainly, that the implication is that he was worked to exhaustion. I think that's the common narrative that I hear, and collapse is a word that's used that's not a medical diagnosis. It's a symptom at best but would require some explanation as to why that happened.
Q Okay. And we'll get into that. I'm really, again, focusing on the -- sort of a broad ranging what the opinions that you may be offered or be offering in this case. And one is with regard to the welfare of the horses downtown and the working environment and condition in which they work, correct?
A Yes.
Q And I assume, specifically, with regard to Mr. Christoff's horses and how they're taken care of. Is that yes?
A Yes.

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Q Okay. You have to give answers verbally, right?
A Okay.
Q If you nod, we don't know what the answer is. We don't have a video camera here today.
A Okay.
Q So we need to make sure that you give answers verbally, and if I ask you yes or no, I'm not getting on you, right? I just need to make sure that --
A Sure.
Q -- we get the answer down.
A You can ask me anything you like. We don't have to limit it to his horses or --
Q Okay. And then -- well, I mean, again, we're here about a case that Mr. Christoff has brought, and so we really want to talk about his horses.
A Okay.
Q Right?
A Sure.
Q And the question with regard to any impact of any of this on his horses and situation. In addition to that, we're talking about the Big John incident, and you're really talking about collapse.

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Is there -- are there any other opinions that you anticipate or expect to provide in this case that you can think of?

A Well, if we're limiting it to Big John, then we're limited to Big John.

Q I'm not limiting it to anything. I'm here to ask you questions. You have been --

A Sure.

Q And I prefaced my comments with you have been retained, and you have been identified as an expert witness for Mr. Christoff in this case.

A Yes.

Q You understand that, right?

A Sure.

Q And so my goal and my role today is to find out what you're going to testify about, right? You understand that?

A Well, I'm -- sure. But I'm not going to speak freely. I assume I'm going to be answering questions.

Q And I'm asking you those questions, and I can ask you what your opinions are going to be. That's not a broad question. That's a very specific question about what your opinions are going to be. I'm not asking you about opinions about the weather

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and about whether there should be four lanes on the Ashley River Bridge or whatever. I'm asking you opinions about this case.

A Okay.

Q Okay? That's not a broad-ranging question. It's very specific. So I've asked you the question about the opinions that you expect to provide in this case, and you've indicated at least one with regard to the welfare of the horses --

A Sounds broad.

Q -- at Charleston Carriage Works, right?

A Yes.

Q And then, another with regard to the Big John incident and the word collapse, correct?

A Yes.

Q All right. What other opinions do you anticipate or expect to provide in this case? Do you know of any?

A Do I know of any of my opinions?

Q Yeah. That you're going to offer in this case. It's very specific.

A Well, okay. Well, I'm going to answer your questions to the best of my ability.

Q Okay. Have I missed any opinions that you expect to offer at this point?

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A I guess we'll find out.

Q This is not a game, Dr. Miller. Okay?

A I'm not trying to be --

Q Let's be clear about that.

A -- evasive. I just want to be sure -- I'm not sure exactly what you're looking for.

Q This is not television movies where we're going to have some mystery surprise opinion at trial. This is my opportunity to ask you questions about what your opinions are, and so I expect that you're going to provide those to me today. Is that fair?

A Yes.

Q Very good. All right. Let's take a step back. I want to talk to you about your education and training. Take me from college through the extent of your educational training.

A Well, I completed my doctorate in veterinary medicine at University of Prince Edward Island. Graduated in 2002. Did an internship in Ocala, Florida, at Peterson & Smith Equine Hospital. That was a one-year internship in equine and ambulatory medicine and surgery.

After that, I went back to the University of Prince Edward Island. I worked as a

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staffed veterinarian at the Atlantic Veterinarian College, where I worked primarily with standardbred racehorses and other performance and pleasure horses.

Did some teaching there, fourth-year students on clinical rotation. Was there for a year and a half. Went back to Peterson & Smith in Ocala. Worked there for about a year as an associate veterinarian before coming to South Carolina, where I joined Mark Shambley as an associate veterinarian.

After two years, I believe, I was made partner, and I have been there since. I bought that practice in 2017. Shambley Veterinarian Clinic is now Charleston -- or Shambley Equine Clinic, rather, is now Charleston Equine Clinic. And I'm the owner/operator, chief of staff there. I have three other associates working with me now.

Q Do you have any board certifications?

A I do not.

Q Is there such a thing?

A Yes. There is.

Q And who provides board certifications?

A So after an internship, you have the option of doing a residency, which is typically done at a teaching hospital or teaching institution.

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Generally, it's two years long after the completion of that, and that would be specializing in some portion of equine medicine or surgery or imaging. You would write a board-certifying exam, in which case, after you complete that, you would be board certified by whatever organized -- or whatever organization governs that discipline.

Q Just a higher level of training and education?

A It is, yeah. It's about two years of more focused training in some -- some subset or subgroup of disciplines.

Q And Charleston Equine Clinic is organized how? Is it a corporation? An LLC? What?

A It's a corporation.

Q S corp?

A S corp.

Q Are you the sole shareholder?

A My wife is 51 percent shareholder.

Q Does she work in the business at all?

A She -- informally. She's a small animal veterinarian. She works at a separate practice.

Q What's your wife's name?

A Karen Miller.

Q Where do you live?

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A Summerville.

Q How long have you lived up there?

A Twelve years.

Q How long have you known Mr. Christoff?

A Since I have been in South Carolina.

Q Since when?

A 2006.

Q And when you first met Mr. Christoff, what was -- where was he working, and what was his role?

A He was working at Classic Carriage Works. He was the manager there.

Q Was he in any way responsible for your retainer as the vet?

A No.

Q Who brought you on for Classic Carriage Works?

A The company that I worked for was their established veterinarian at that time.

Q Shambley already had a relationship?

A He did.

Q And you then joined Shambley, correct?

A Yes.

Q And then, when did you start working with Mr. Christoff when he started his company?

A Well, as soon as he purchased it. It

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was -- I think it was Old Town Carriage Company at that time when he bought it and changed the name to Charleston Carriage Works.

Q To your knowledge, has Shambley and/or your Charleston Equine Clinic been the only equine vets for Charleston Carriage Works?

A Yes.

Q When he started Charleston Carriage Works, were you with Shambley then, or had you started your own place?

A I was with Shambley then.

Q The incident involving Big John happened in April of 2017. You indicated that you purchased Shambley's practice in 2017. Was it before or after the Big John incident?

A That I purchased the practice?

Q Uh-huh.

A Can you repeat the question?

Q Yeah. I was just trying to get a timeline set up because the Big John incident was in April of 2017. You indicated that you purchased Shambley's practice in 2017. I'm trying to figure out whether you purchased before --

A Right. So I bought the practice before the incident, yes.

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Q Okay.

A January 31st was the closing date.

Q And when you purchased the practice, did you assume control of all of the Shambley records?

A Yes.

Q In other words, continued whatever records he already had established and maintained -- you continued to maintain those?

A That's correct.

Q Are you a member of any professional organizations?

A I am.

Q And what are those?

A The American Veterinary Medical Association. That's the AVMA. The AAEP. That's the American Association of Equine Practitioners, and ISELP is the International Society for Equine Locomotor Pathology.

Q How long have you been a member of those organizations?

A The first two, the AVMA and the AAEP, I have been a member of since before graduating vet school. So probably -- the AVMA possibly since 1998. The AAEP probably not long after that. The ISELP probably since 2005, I think.

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Q Do you have to do anything special to become a member of those organizations?
A Pay them.
Q How about with regard to any ongoing education? Do you have any requirements for your licensure?
A Yes. We need to have 30 hours of continuing education every two years for State -- for the State licensing board.
Q Have you ever published?
A I have.
Q I'm sorry?
A Yes.
Q And what have you published?
A Some research articles from when I was a student. I was a lab assistant. We published, I believe, three different articles on neonatology and passive transfer. Nothing since.
Q Have you spoken at any of the continuing education events?
A No.
Q You mentioned earlier that you have provided testimony in other cases involving equines; is that right?
A Yes.

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Q And how many of those approximately?
A There were -- where I actually testified on the stand?
Q No, sir. Just --
A Or just the deposition process?
Q Yes, sir.
A There were two that I can recall.
Q And what was the first?
A The first was a case where there was a missed diagnosis on a mare that was -- she had a placentitis. She was in full, pregnant, and she ended up losing that -- losing that pregnancy.
Q And were you part of the treating vet group, or were you called in as an expert?
A We treated the mare after the -- after things went bad and kind of did the cleanup. So we did a cesarean section on the mare. The foal was dead. We saved her. Of course, the foal couldn't have been saved. The owner of that horse sued the other practice that misdiagnosed.
Q And you offered testimony for the owner?
A Yes.
Q Against the first practice?
A It -- yes. It started in magistrate court in Beaufort, and then was supposed to go to civil court and was settled out of court after the deposition.
Q And what was the -- what was the general basis of your testimony? What opinion did you offer in that case?
A That there was a misdiagnosis. That the placentitis was diagnosed incorrectly as an impaction. A GI impaction, and the mare was not treated quickly enough.
Q Okay. And did you give a deposition in that case?
A I did.
Q Did you give any trial testimony?
A No.
Q All right. What was the second one that you can recall?
A The second one, there was a -- it was a purchase of -- a purchase where the person who bought the horse was unhappy about the condition of the horse that she had bought. She said that the horse was lame and wanted her money returned to her.
Q And what was -- what kind of opinion did you offer in that case?
A In that case, I was there to confirm that at the point of sale, that the horse was not lame. That it was sound.
Q Were you involved in any way with regard to the seller prior to that sale? In other words, were you the horse's vet?
A Yes.
Q Okay. In other words, you weren't brought in as a special expert? You were part of the -- I guess the horse's background?
A Sure, yes.
Q And then, in that case, you also offered testimony about your knowledge of the horse and its condition prior to sale?
A That's right.
Q Did you give a deposition in that case?
A I don't believe there was a deposition in that case.
Q Did you offer testimony at trial?
A I did.
Q Where was that trial?
A That trial was in Saint George.
Q And do you have any recollection of -- well, first, were you qualified as an expert in court?
A Was I presented as an expert as a --
Q Yes.

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A I don't believe so.
Q In other words --
A I think I was more of a witness involved in the overall transaction.
Q Right. In other words, there's a fact witness, right. In that situation, you may have been offering testimony about your knowledge of the horse?
A Sure.
Q Correct?
A Yes.
Q Did you offer any opinions in that case, to your recollection?
A Yes.
Q Okay. In order to offer an opinion, you would have had to been qualified as an expert. Do you recall the court -- the judge qualifying you as an expert?
A Yes.
Q And do you recall what the qualification was? In other words what you --
A As an equine veterinarian.
Q Just a general equine vet?
A Right.
Q Have you been involved in any other claims

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or cases where you've offered an opinion?
A Yes. There was another case where it was a neglect case.
Q And what was your role in that case?
A I offered expert opinion.
Q For who?
A As well as, I guess, what you would call a fact witness. In that instance, I was -- I was the veterinarian for a person in Saint George who had taken a horse in for training, and the horse was malnourished and sickly. And she wanted to maintain possession of that horse. Not give it back to the owner that had been responsible for getting it into that condition. So it was -- in that instance, she was the defendant, but it was a custody battle.
Q And who were you retained by?
A The defendant.
Q Who was the owner of the horse?
A No. The trainer.
Q Okay.
A Who wanted to maintain possession of it.
Q And wanted to take possession away from the owner?
A Yes.
Q Because the trainer believed that the

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horse was neglected?
A Right.
Q Did you offer testimony in trial?
A I did. Yes.
Q Were you qualified as a general equine vet in that case as well?
A Yes.
Q Any other cases, claims where you have been retained or offered any kind of opinion evidence or testimony?
A No.
Q Do you have a retainer agreement or an engagement agreement with Mr. Goldstein or Mr. Christoff for providing testimony in this case?
A No.
Q Are you charging them for your time?
A I have not in the past.
Q Why not?
A It just isn't something that I have done. I don't think I've ever charged a client for testifying on their behalf.
Q And fair to say you have a relationship with Mr. Christoff, a business relationship, correct?
A Yes.

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Q Ongoing?
A Yes.
Q Given that you're going to be an expert in this case, what have you reviewed specifically with regard to this case in order to be able to provide testimonies?
A At one point, I reviewed the record, the medical record by Dr. Nicky (phonetic).
Q Who is Dr. Nicky?
A Little -- Dr. Little Byrd. Byrd-Little. I'm not sure what she goes by now. She was Dr. Byrd when she started with us. Now, she's Dr. Little.
Q She wasn't even sure. She said I could call her whatever.
A Right. Most people called her Dr. Nicky.
Q Okay. What else have you review -- and when you say the medical record, is that with regard to Big John specifically or --
A Yes. Big John specifically.
Q -- Charleston Carriage Works' horses generally?
A Big John specifically.
Q Okay. What else have you reviewed?
A I'm not even really sure what the -- how broad this case is going to be. You know, I have

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spoken in front of the City Council on two different occasions on -- and I have met with the CEO of the Charleston Animal Society and their attorney and their public relations director. And so, you know, I can speak to all of that or specifically Big John. Is this just about Big John?

Q You're the expert in the case, and so, usually, we expect the expert to know what he's going to testify about. And so what else have you reviewed with regard to this case specifically?

A I haven't reviewed any other documents.

Q Okay. Have you reviewed any videos?

A Yes.

Q What videos have you reviewed?

A I have seen the one Big John video from -- I think it was released probably shortly after this happened on Facebook. That's the only video I have seen.

Q Did the video that you reviewed have -- I hate to say subtitles, but did it have words in it? Printed words. Not people talking but --

A I think it did. I would have to review it again.

Q Well, where did you review it?

A On Facebook.

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Q And did you just pull it up on your own or --

A I did.

Q -- did somebody pull it up and show it to you?

A I reviewed it on my own.

Q Do you recall how --

A I used to be more active on Facebook than I am now.

Q Do you recall how it was that you searched for it to find it?

A I think it was -- it was shared, and so it would have been somebody who was a friend of mine that put it up, and I looked at it.

Q Do you know how many times you reviewed it?

A Twice, I think.

Q When was the last time you think you reviewed it?

A It's been a couple of years or more.

Q When was the first time you reviewed it?

A Shortly after it was released. I think it's been released several times since. I actually had a lady call me one morning from Louisiana, and she didn't know who I was. She just knew I was a

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veterinarian in the area and wanted to know about the case. She was somebody who had seen the video and was concerned about it. So it's been -- I know it's been rereleased.

Q You didn't bring Big John's chart with you, did you?

A No.

MR. THOMPSON: I'm going to take a quick break. I need to make some copies.

(There was a pause in the proceeding.)

BY MR. THOMPSON:

Q All right. Dr. Miller, when was the last time you saw Big John?

A I would have seen him the last time he was vaccinated in the fall, I think.

Q Of 2019?

A Yes.

Q Where was he physically located?

A He was on Johns Island.

Q And how was Big John doing at the time?

A He was doing fine.

Q Do you know when the last time Big John worked?

A Big John -- my understanding is he never

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went back to work after that incident downtown.

Q Okay. Do you know why?

A Because of the negative publicity surrounding that incident.

Q And how do you know that?

A Mr. Christoff told me.

Q Okay. He pulled Mr. Big John because --

A Because he didn't want the problems surrounding that, the concerns to be a problem for them downtown. It wasn't based on a medical reason. It was a political or business decision.

Q Last time you saw Big John, would he be capable of working?

A Yes.

Q Working pulling horses -- I mean, pulling carriages?

A Yes. I see him approximately every six months.

Q How old is Big John?

A I don't know.

Q Is there a work life expectancy of some general knowledge with regard to draft horses?

A Generally, it depends on their physical condition. The limited factor with draft horses is usually arthritis. They're more prone to arthritic

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changes in their front end because of their sheer mass.

Q So that being said, is there some general understanding in your line of work about draft horses and how long they can work or to what age they can work?

A I don't believe that there is a guideline for horses downtown as to how -- as to what age they need to retire. I know there are some that are into their teens and early 20s. I would think it would depend on their ability to do their job.

Q Okay. Is there any kind of -- in your experience, in your education, is there any sort of guidelines about draft horses and the ages that they work?

A They're really in their prime in their teens.

Q Okay. And then --

A We consider in general 18 and up to be geriatric, and that's -- that has to do with the change in their overall metabolism. So it could be difficult for an older horse to keep -- keep up muscle mass to keep their weight up. Horses develop osteoarthritis, which is -- has to do with wear and tear. They have changes in their joints that can

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make it uncomfortable.

Q Is there a method for identifying osteoarthritis in an older horse?

A There would be two methods. One is -- one would be kind of a clinical appearance as far as their ability to move, to ambulate without discomfort. So you're looking for full flexion and extension of the limbs without limp or shortening or stiffening, shortening of stride or stiffness. The other way would be to take a radiograph or what people commonly call an X-ray to actually look at the joints. See if there are changes there.

Q And I get that part. I'm used to the humans being able to identify arthritis from an X-ray, but with regard to looking at a horse -- for example, a human, you may look at the knee, and there's no apparent --

A You can occasionally see if there's bony change. You can see that that knee looks bigger.

Q Okay.

A You can see if they're carrying fluid. You can see if there's a hardness there, which would be new bone or new calcification. You can see if they limp, especially when they turn. Make a tight turn and lean in on that side. They'll have to have

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a head bob. Some horses develop that at an early age. Some never do. It just -- it really is very much based on the individual and the type of horse and the type of work that they're doing.

Q How do you decide or when do you decide to pull a draft horse from work?

A Generally, I don't make that decision.

Q As an equine vet, what would be your recommendation with regard to pulling a draft horse?

A In general. So it would -- either due to sickness or injury or chronic lameness. Chronic pain.

Q What kind of sickness would you recommend removing a draft horse from work?

A The most common things that we see would be colic, which is just a general term for abdominal pain, but it's something that can happen very common in horses. Most common type of colic would be a constipation or impaction-type colic. That would be one reason. If they go off their feet, that's kind of an early symptom. Certainly, if they're overtly painful, that would be a more obvious symptom.

Another reason would be fever, which more often than not is due to a viral infection. Sometimes there are other symptoms that go with

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fever. Sometimes there are not. Draft horses will often get fever as a symptom of cellulitis, which is a bacterial infection. That would be another reason.

Cold, upper respiratory tract infection. Snotty nose, cough, labored breathing. Chronic lameness.

Q What qualifies for chronic lameness?

A It's -- it would be something that is either not going to resolve. Chronic just means it's been going on for some period of time. So common problems would be problems with the feet. They can get abscesses in the foot. Generally, those will run their course in about a week or so. They could have a sole bruise, which may take a little longer if a shoe is -- if they lose a shoe. Sometimes in the process of that, they'll damage the foot. That could lay them up for a period of time.

Arthritis would be the best example of a chronic lameness that's not going to go away but may have periods of acute flare-ups.

Q Okay. So in the absence of a sickness or injury, chronic lameness, the draft horse can work till it dies?

A Theoretically.

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Q I mean, I guess that's what I'm trying to figure out. I would think there would be a point where even if the horse is in what appears to be in reasonably good shape, is an age that it's not a good idea to continue to use that horse?
A I think that --
Q Does that exist? I don't know.
A It -- generally, there's something -- horses don't die of old age. Neither do people. So, generally, there's something that catches up with them, and generally, it's arthritis. They get to the point where they can't keep muscle mass on. That's an age-related change having to do with a change in their metabolism.
Those horses don't work hard enough to develop good musculature to begin with, and it gets to the point where it becomes more of a perception issue, I think, than an actual ability to do the job. If you see a horse that is bony in appearance, showing hip bones, that's a concern for people. And I get it, but in a lot of cases, in older horses, it's hard to keep muscle on that horse.
Q What is the life expectancy of a draft horse like Big John?

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A Generally, it would be somewhere in the 27 to 30 range.
(Defendants' Deposition Exhibit No. 1 was marked for identification.)
BY MR. THOMPSON:
Q All right. Dr. Miller, I've handed you what I've marked as Exhibit 1 to your deposition, and on the front is an e-mail from Charleston Equine Clinic and a person named Jill Brogan. Who is she?
A She's our receptionist.
Q On February 7, 2020, she sent an e-mail and included with the e-mail the records that I have handed you today. In the cover letter, Jill Brogan indicates that what I've handed you, what she has produced to us, is all of the records we have for Big John owned by Charleston Carriage Works. I want you to review what I've handed you, and I want you to confirm what I -- what your receptionist has represented in her e-mail.
A And your question to me is are these the records? Are they complete?
Q Yeah. I mean, I don't know what you have and what you don't have, right?
A Yeah.
Q So we sent a subpoena to your practice.

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A Right.
Q And then, we received the e-mail, which I've handed you --
A Yes.
Q -- and the records, and your receptionist, Jill Brogan, has represented that these are all of the records we have for Big John, owned by Charleston Carriage Works.
A Sure.
Q And what I'm asking you is to confirm that that is correct?
A Well, I'm not aware of anything that would be missing. It looks like it's correct to me.
Q Okay. Fantastic. Nothing jumps off the page at least, right?
A No.
Q Okay.
A He was least seen in October for a Coggins test, which is a routine annual test that we do.
Q All right. So we'll go through these. If you'll turn to the first page after the e-mail, Dr. Miller. There we go. All right. So the first record after the e-mail appears to be a April 19, 2017, record from Charleston Equine Clinic. Appears to be completed by Dr. Byrd; is that correct?

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A Yes.
Q Did you make any input or provide any of the wording of the report?
A Not at all.
Q Okay. Did you create any kind of similar report regarding the Big John incident on April 19, 2017?
A No. I did not see him.
Q I'm sorry?
A I did not -- I didn't see him. She's the one who saw him after he fell.
Q Okay. The next one, three -- five pages appear to be manual billing records; is that right?
A Vaccinations and Coggins testing, yes.
Q Well, what are those pages and -- what were the pages in Shambley Equine Clinic -- what were they used for? These pages?
A These are not only for billing purposes, but they are the medical record.
Q Okay. Very few of them have anything written other than the identification of the procedure or whatever the visit was and then the charge.
A That's correct.
Q Okay.

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A Because he was taken out of work, he would not have had a service ability exam done like the others did at that time. There were really no notes to make. These are vaccines until we get back to this one on August 2014, when he probably had a breathing problem.

Q I think we'll go through that. I just want to make sure I knew what these records are. All right. And then, following those records is what is labeled Charleston Equine Clinic patient chart. Do you see that?

A I do, yes.

Q All right. And it appears that the most recent entry is on the first page, correct?

A That's correct.

Q And then, the most remote entry is on what appears to be Page 4; is that correct?

A Yes.

Q All right. Well, we'll start there then. Okay? The Charleston Equine Clinic record includes what appears to be coding for the individual that may have performed the service; is that right?

A That's correct.

Q Where it says by and there's a number?

A Right.

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Q What is your number?

A 14.

Q Okay. Do you know what Dr. Byrd's number was?

A I believe she was 15.

Q Okay.

A I can confirm that if I find the right entry. Yes. 15.

Q Do you know who number 19 was?

A Dr. 19, I believe, was Courtney Culbertson.

Q Courtney who?

A Culbertson, C-u-l-b-e-r-t-s-o-n.

Q What's she? An associate?

A She was.

Q Is she still with you?

A She is not.

Q The first entry appears to be October 31, 2013; is that correct?

A Yes.

Q And then, according to this record, if you were Number 14, the first time you would have had a chance to encounter Big John was June 19, 2014; is that correct?

A Yes.

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Q And it looks like for an annual exam?

A Yes.

Q August 11, 2014, you also encountered Big John?

A Yes.

Q And what was the purpose of that visit?

A He was having some labored breathing.

Q What does that mean?

A Based on the notes, there were two issues. There was what used to be called COPD, chronic obstructive pulmonary disease. That terminology is no longer in use. It's usually more commonly called now inflammatory airway disease. There are other names for it, but it's generally a reaction to something that he's breathed in that's caused inflammation in his upper airway that causes asthma-type symptoms.

Q Okay.

A Constriction of his airway and mucus production.

Q What was the second aspect of that visit?

A He had stopped sweating.

Q How do you even know? I mean, is it the horse is a sweater and then stops sweating?

A Yes. So August, you can imagine it would

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be very humid, and we expect to see a little bit of sweat in certain areas, between the legs, under the mane. When those horses are dry, then you know that they're not able to regulate their temperature adequately.

Q I suppose that's not a good thing in Charleston temperatures?

A No. It isn't, and that can be a -- that could be a one-time event. We see it commonly in horses that move from the north to come down here. They're not used to the environment. They're not used to the humidity, and they become overwhelmed. So usually, what you see is they sweat profusely, and then, they just stop. And it takes a while to start that sweating process again. It's not just a matter of rehydrating and replacing electrolytes. It often takes a few days. Sometimes a week or two.

Q Do you have any knowledge or recollection as to whether Big John was working in August of 2014?

A He -- I believe at that time, he was still on the farm, but I don't know that for certain. It doesn't state that here. If he had been working, he wouldn't have been working after this. That would be a reason to pull him out of the -- of work and,

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generally, with something like that, we would send them back to the farm until they recovered.

Q How long would you expect a recovery from something like that?

A It could be up to two weeks, but, generally, a week.

Q And what kind of treatment can you tell from your entries there were provided to either or both the conditions that you evaluated him for?

A So he was dispensed a product called One AC, which one of the few commercially-available products that helps stimulate sweating. Breathe Ease is a drug called clenbuterol. People take albuterol. Horses, we use clenbuterol. That's a bronchodilator. It helps open up the airway, which would help him breathe with less effort. It -- because it's a stimulant, it can also help with sweating.

The other drugs that he was given were steroids. So just like people take fluticasone, we use dexamethasone, and these are three different formulations of dexamethasone. A fast acting, a moderate acting and a long acting. That one drug Dex 21 is no longer available.

Q All right. Looks like October 21, 2014,

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you encountered Big John again?

A Yes.

Q And that was for his annual?

A You're looking at October 12th?

Q October 21, 2014.

A Sorry. Yes. Annual vaccines and Coggins testing.

Q Okay. Which is roughly a year after his first visit of October 31, 2013, correct?

A Right.

Q Now, what was going on on April 21, 2015?

A He was in Charleston in work.

Q I'm sorry?

A He was Charleston and working.

Q April 21, 2015, there is a --

A April 21, 2015. He was vaccinated in Charleston.

Q Are these -- they appear to duplicate the vaccinations from October 21, 2014, or am I reading that wrong?

A Some of these vaccines are done every six months, and some are done on an annual basis. So the EWE is Eastern and Western Equine Encephalitis. That's two different things. Flu is equine influenza. Rhino is rhinopneumonitis, which is the

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equine herpes virus, 1 and 4, and Tetanus. Those things are done every six months, as is the last thing, the WNV is West Nile Virus. The rabies vaccine is done on an annual basis and so is the strangles that you see. That's a Streptococcus. It's a strep bacteria.

So we follow the recommendations of the AAEP. They recommend vaccinating for these things twice a year. That's why you see it October and again in April, those items.

Q And judging from the record that you have in front of you, when it says farm call, Charleston, that is the stable downtown; is that correct?

A That's right.

Q Because there's also farm call Johns Island.

A That's correct.

Q Which I assume is the farm.

A Where they go to rest, that's right.

Q Okay. Do you know what the rotation is for the Charleston Carriage Works' horses?

A I believe they do six months -- or six weeks, rather. Six weeks on. Six weeks off.

Q Six weeks downtown?

A Yes.

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Q And then, six weeks on the farm?

A Right.

Q So six weeks downtown, they literally are downtown the entire six weeks?

A That's correct.

Q And they are housed in stables downtown?

A Yes.

Q And then, when they're six weeks in the farm on Johns Island, they're out on the pasture. Can --

A They're outside.

Q -- freely run around.

A They have their shoes removed, and they -- that's their break.

Q I'm sorry?

A They have their shoes removed and they're turned to pasture.

Q Okay. In July 9, 2015, that was the annual downtown; is that correct?

A What year?

Q July 9, 2015. I'm just working my way up --

A Sure.

Q -- the list.

A Yes. That was strangles annual.

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Q Okay.
A That's the -- it's an intranasal vaccine.
Q And then, the November 15, that was the regular visit, correct?
A Yes.
Q April 16, regular visit?
A Yes.
Q October 11, 2016, regular visit?
A Yes.
Q April 6, 2017, regular visit?
A Yes.
Q April 19, 2017, that was the incident downtown, correct?
A Yes.
Q And that was Dr. Byrd-Little's involvement, correct?
A Correct.
Q Judging from this record that I have and you have in front of you, the next time you saw or encountered Big John after the incident was October 19, 2017?
A Yes.
Q And what was going on on October 19, 2017?
A That is a -- that was a Coggins test that was done.

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Q On October 19, 2017?
A Yes.
Q Why does it say -- or what is Antech?
A Antech is the name of the lab that runs the test. It's a lab in Georgia that we send the blood to. So that --
Q Is there any reason why it's not indicated a Coggins test like all of the others?
A Why it's coded differently? It was entered incorrectly, but the Antech requisition where you see ABI has to do with the type of test that was done. It's ABID. That's a Coggins test.
Q Okay. Going back, again, from April 19, 2017, until you saw the horse October 19, 2017, in approximately six months. It appears that all of the visits or encounters that your practice had with Big John occurred with Dr. Little; is that right?
A Yes.
Q Okay. Do you have any independent recollection or knowledge of encountering Big John in those six months?
A I do not, not specifically.
Q Okay. Is it your understanding and knowledge that Big John, after the incident in April of 2017, did not return to work downtown?

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A Yes. That was my understanding.
Q And your belief that he did not return to downtown because the owner decided to remove him from the lineup, so to speak?
A Yes.
Q Voluntarily; is that correct?
A Yes.
Q Had nothing to do with the health of the horse?
A Right.
Q On June 14, 2017, there's an entry appears to be right hind lameness.
A Yes.
Q Do you have any knowledge or information about that?
A No.
Q At least according to the note, it says right hind lameness almost resolved with 2-G Bute for four days; is that correct?
A Yes.
Q Does that mean that he had been taking that medicine for four days prior to the entry of that note?
A That's what it would mean to me.
Q Is the medication Bute -- is that

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something that an owner would have on hand?
A It is.
Q Is that something that maybe there was a telephone call, and there was a recommendation to start it, or is that something an owner could do on their own?
A Well, it could be either way. Generally, there's a phone call. It just depends on the individual. It's an anti-inflammatory. It's like taking an antibiotic.
Q Well, I guess, how would an owner know to administer an anti-inflammatory to a horse?
A Yeah. They're generally following veterinarian instruction.
Q Okay. More than likely, there was a phone call?
A More than likely.
Q More than likely, a phone call describing the condition of the horse?
A Yes.
Q More than likely --
A And how to treat it.
Q -- a recommendation to begin that treatment?
A Most of the skin infections that we see

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are a condition commonly known as rain rot, common that type of year. It's a bacteria that's environmental but becomes a problem in high humidity.

Q Okay. And well, I mean, it's a skin infection. Does that mean the horse can't walk?

A No. It doesn't, unless it affects the lower limbs, which it can. So if you look at the next entry, it says suspect cellulitis. That would mean that the skin infection is in the lower limbs generally speaking.

Q Okay.

A Usually high limbs.

Q And that would prevent a draft horse from working?

A Draft horses usually develop a fever with cellulitis. Light horses often do not.

Q Okay. And, again, would that be something that would impair the horse's ability to work?

A It would impair his comfort.

Q Would you recommend, as an equine vet, that a horse with that condition be working in downtown Charleston?

A I recommend that a horse with cellulitis be exercised but not with a temperature of 102. Not

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when they're uncomfortable.

Q Question is would you recommend that they stop work?

A Yes. If the horse is uncomfortable and the temperature is high.

Q Okay. There's an entry August 13, 2017, and this is referencing the light -- I mean, the left front knee.

A Yes.

Q Is that correct?

A Yes.

Q What was happening with Big John's left front knee in August of 2017?

A Cellulitis.

Q Okay. Was that similar to what he experienced in his right hind leg in two months prior?

A It's a bacteria infection, and it can skip legs. One of the problems that we deal with horses is they have poor circulation in their lower limbs. And so that's why these things are particularly problematic. They generally involve the limbs. So even though it starts right hind, it can move to left hind, left front. It could be all four.

Q And at least in August 2017, Big John was

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experiencing a fever?

A Yes.

Q Given the condition of Big John as described in the note from August 13, 2017, would it be your recommendation that he work or not work?

A It would be my recommendation that he not work but be exercised.

Q Do you know --

A Exercise involving walking.

Q I'm sorry?

A Exercise involving walking. That's what I mean by exercise.

Q Okay. In the note from August 13, 2017, there was an entry. It says, spoke with Broderick. Big John was left front lame yesterday evening. Thought it was from abscess earlier in the week. What is an abscess?

A Generally, an abscess is something they get in the feet. A subsolar abscess would be the full term, but it's a bacterial infection that festers into an abscess, and it has to break out either out of the bottom of the foot, out of the sole or at the top of the hairline. It can't break through the wall of the hooves. It has to affix to the root of least resistance.

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Q You have known Mr. Christoff for a long time now, correct?

A Yes.

Q And do you understand him to have knowledge to be able to identify an abscess?

A Yes.

Q And to be able to communicate that information to the vet?

A Yes.

Q In other words, where this office note says that Broderick was describing abscess from earlier in the week, that would be something -- information or knowledge you would expect Mr. Christoff to have?

A It would be -- yeah. That would be his -- you know, to the best of his knowledge and his opinion based on what he's seeing. That -- absolutely.

Q Okay.

A Generally, when we suspect an abscess, it's because there is an acute onset, and it's a significant lameness.

Q And an office note or a treatment note on August 14, 2017, it indicates that Big John's temperature appears to have reduced. Going from 102

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to 100.
A Yes.
Q And there was a little decrease in knee swelling?
A Uh-huh.
Q Do you see that?
A I do.
Q The entry appears to be -- it says text in the client communication. That's information that Dr. Byrd-Little, whatever, would have received from Mr. Christoff?
A She would have been texting him.
Q Okay. And so Mr. Christoff would be the one describing the knee swelling?
A Yes.
Q And describing the temperature, correct?
A Yes.
Q And this wasn't Dr. Byrd-Little having an actual visit with the horse at that time, was it?
A That's correct.
Q August 16, 2017, this kind of continues, I guess. What was going on? It says left front swollen carpus. What does that mean?
A That's the knee. That's the proper terminology for what we call the knee. That's the

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same thing.
Q Okay. So that's -- Dr. Byrd is now at the farm?
A Right.
Q And reporting what she was seeing with regard to Big John's left front, correct?
A Yes.
Q There was at least some consideration for an X-ray at that time, although Dr. Little suggested she didn't expect or suspect that; is that right?
A She discussed it.
Q Okay. And the consideration for an X-ray at that time, why would that be a consideration? What would you be interested in trying to find out?
A Because of the ongoing swelling, I would assume. That it hadn't resolved quickly.
Q What would X-rays show?
A It would show you if there was any bone involvement. In other words, is it more -- is the diagnosis correct? Is it limited to what we think it is, or is there something else that we're missing. That's what she would be looking for.
Q Okay. October 12, 2017, looks like now the right front. What was going on at that time?
A So thrush is an infection in the foot.

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Negative to hoof testers. Hoof testers are a -- it's a large tool that we use, essentially, just to squeeze or pinch the foot to look for sensitivity. So negative means that there wasn't any sensitivity as far as she could tell with the hoof testers.
Possible abscess. Sometimes you can feel an abscess -- or pick up an abscess with the hoof testers. Sometimes you cannot. It just depends on how deep it is.
Q Was this something different than the earlier lower limb issues?
A Yes.
Q Involving the third limb?
A Yes.
Q And after that presentation and/or diagnosis, it was reported that Big John was going to be retired; is that correct?
A Yes.
Q To your knowledge, has Big John worked since October of 2017?
A No.
Q From the patient chart, are you able to determine Big John's age?
A There's a Coggins in the back. I believe he was born in '95. Yes.

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Q Looks like June 28, 1995; is that correct?
A That's correct.
Q With the Coggins test, are photos taken of the horse?
A They are.
Q And that's a yearly deal?
A Generally speaking, with these digital Coggins, I think if you look, you'll see that it's the same picture year after year. So we often only take the pictures once unless there's a significant change.
Q Well, that was going to be my question because they all look the same.
A Yeah. They are, and that's typical. So the purpose of the -- if you had a copy of an old style Coggins test, it would be a physical -- it would be a drawing that the veterinarian did on-site. Not as accurate as a -- these can actually be printed in color, but the purpose of the picture is for identification of the horse to prove that that is the horse that this blood came from. That's the whole point is to -- this test is a test for equine infectious anemia, and it's part of -- it's part of an eradication program to try to eradicate this disease. So it has to be done by an accredited

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veterinarian and has to be processed at a federally accredited lab.

And so identification of the horse attached to the blood, proper handling and everything is very important, but the pictures only need to be taken once.

Q Okay. There's no requirement for an updated photo over time?

A There is not, no.

Q And there's no purpose of the photo, in other words, to identify the condition of the horse over the course of time?

A No. No. They're not -- they're kind of like DMV pictures. They're not always the most flattering.

MR. THOMPSON: All right. I want to take a quick break.

(There was a pause in the proceedings.)

BY MR. THOMPSON:

Q Dr. Miller, I, obviously, want to talk to you about the opinions' side of your testimony in this case. I want to first focus -- because we spent our time with Big John on the Big John incident. Did you do any investigation of the Big

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John incident at all?

A No.

Q Conduct any kind of forensic investigation or analysis of what happened?

A No.

Q Did you interview any of the individuals that were either there where the horse went down or --

A I spoke to my associate, and I spoke to Broderick.

Q Okay. How about the driver?

A No.

Q Any stable hands?

A No.

Q Anybody?

A No.

Q Okay. The extent of your knowledge or understanding of what happened that day would be from either Dr. Byrd-Little or the video perhaps?

A Yes.

Q Is that the extent of your understanding or knowledge direct of what happened that day?

A Yes.

Q Okay. Everything else would be -- for example, if you talked to Mr. Christoff, it was

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information he received from somebody else, correct?

A That's correct.

Q Okay. You have not formed any investigation to determine or to be able to offer an opinion with regard to why or how Big John went down?

MR. GOLDSTEIN: Objection to the form of the question.

BY MR. THOMPSON:

Q Is that correct?

A Can you repeat the question?

Q Yeah. I mean, have you performed any investigation or any analysis to determine how or why Big John went down in April of 2017?

A No.

Q Would there be any way to determine that?

A There was a physical exam done after the fact. Oftentimes, those are somewhat unfruitful. It gives you an idea of the state of the horse at the time that it was examined. Not at the time that it went down.

Q Correct. Do you have any information or knowledge as to how the horse went down? In other words, front foot, left foot, right foot, rear, first? Anything?

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A Looked like it went down -- well, no, I don't.

Q The video that you may have seen, it starts with the horse on the ground, correct?

A Yes.

Q Is there any way for you to determine based on how the horse's position on the ground as to how the horse went down?

A No.

Q I have heard through the course of this case that somehow, horses may be trained that if they fall, that then they stay down. Is that a thing?

A It's a thing, sure. You can train a horse to do that. I think, also, it depends on the individual horse. Some horses are quite happy to stay down. Others not so much.

Q Okay.

A You know, other horses will panic. Horses can be very dangerous at times when they feel confined or out of control.

Q How is a horse trained to stay down after falling?

A Well, I'm not a horse trainer.

Q Okay.

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A But I know you can do it. I know I have seen people -- I have seen trainers have horses lay down for a variety of reasons, for practical reasons so you can get on or load them or for entertainment reasons, but you can certainly do it.
Q Do you know or have you any information as to whether Big John had been trained in such a manner?
A I'm not aware of the training that went into Big John before he went to work.
Q Okay. And you don't provide that kind of training, do you?
A No.
Q There are people in the world that do provide that kind of training?
A Yes.
Q At the beginning of this deposition, you talked about the word collapse and it having some interest or concern in this case. What is your interest or concern of that word in this case?
A From the concerns that I have seen and heard that the implication is that the horse was worked to the point of exhaustion. There are several concerns that people have with horses working downtown having talked to Kurt Taylor, who

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was with the Charleston Animal Society, he was concerned about the three different stressors. One is -- one being heat and humidity, the other is load and the third is congestion or traffic.
And the problem with the word collapse is that it's not -- it doesn't really tell you what happened. Doesn't tell you why the horse went down. It implies that there was a system failure, and for some reason, the horse lost complete control of its body. Either -- generally, we would consider either there was a heart event or nervous system. Like a -- in common terms, heart attack, stroke. We use the term syncope, which means fainting. That would be another cardiovascular event that cause a collapse.
Q Well, I guess, what I'm trying to figure out is on the one hand, you say collapse doesn't tell what happened. In other words, it's just kind of a vague general word?
A Uh-huh.
Q Correct?
A Yes.
Q And then, on the other hand, you suggest that somehow this vague, general term then has an implication of a simple -- system failure?

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A I think that's the problem. I think it's a term that's used because it's -- it is an inflammatory word, especially when the narrative is that the horses are worked beyond what is reasonable, in conditions that are not reasonable.
Q All right. Have you seen or heard that term collapse be used outside of the Big John incident?
A There was a horse named -- I think her name was -- I think -- I think there was a horse named Blondie that went down with -- what's the name of that company? Old South, and I'm not sure if that terminology was used in conjunction with that incident or not. Primarily, it's been used, in my experience, with this incident with Big John.
Q Okay. And my question is whether you have heard it or seen it used in context of any other incident involving a horse downtown other than the Big John incident.
A Not that I'm -- not that I can recall.
Q Okay. Does the word collapse have any meaning in equine veterinarian terms?
A It's not a term that we would commonly use.
Q Do you know if it has ever been defined or

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tried to be defined in equine veterinary circles?
A It's -- it is used from time to time with respect to other conditions. There's a -- something that dogs can get called tracheal collapse. It's not that the term itself is not used. I know it's been used -- I believe there was a study that referred to horses collapsing. Generally, when you do a study, though, you need to define what you mean by that.
Q Have you reviewed any research or any published studies about the term collapse in the equine vet realm?
A I have seen an abstract.
Q And where did that come from?
A Online.
Q And who published it?
A I don't recall the author's name.
Q What about the publication?
A I don't recall.
Q Is there a publication Equine Health?
A That's not one that I would commonly -- I'm not familiar with that publication. It's not a major one.
Q How about the Journal of Veterinarian Internal Medicine?

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A Yes.
Q Have you ever seen an article or any published -- any publication in that journal about the term collapse?
A No.
Q Or the definition of the term collapse?
A No.
Q Do you or would you provide a definition of the term collapse?
A Collapse?
Q Is that something that you use?
A The term collapse?
Q Yes.
A General, it would mean that the horse hit the ground.
Q Okay. And for example, if the horse trips and falls, that's collapse, correct?
A I would not call that a collapse.
Q Well, you just described the definition of the horse hits the ground.
A I know, but if the horse --
Q Except for tripping and falling?
A If the horse trips and falls, I would call that a trip and fall. I mean, I think that you use the information that you had. If you had more

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information, you use that. I don't think you ever revert back to a term that's less descriptive. If it was syncope, I would call it syncope. If it was a stroke, I would call it a stroke. I would never use the -- the least descriptive term that I have at my disposal.
Q In the Equine Health magazine article that I was referencing, I'm just going to show you the title. Have you ever seen Diagnosing the Cause of Equine Collapse?
A This paper, no.
Q Okay. Down at the bottom is a diagram. Do you see that?
A I do.
Q Do you know what those are called? What kind of diagrams those are? They have a term. It escapes me, but what -- do you know what those are called?
A I think it's called -- it's something like -- there's something -- it's a tree --
Q Yes. Some kind of tree, right?
A Right.
Q So at the top of the tree, these authors have the term collapse, correct?
A Yes.

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Q Do you mind if I -- can I come look over your shoulder?
A Sure.
Q Thanks.
MR. GOLDSTEIN: How about make a copy so we can all look at it.
BY MR. THOMPSON:
Q Here it is. Okay. And underneath the term collapse, there's syncope and non-syncope, correct?
A That's correct.
Q And then syncope is loss of consciousness?
A Yes.
Q Typically?
A Typically. It's generally a cardiovascular event.
Q But syncope, that's what that means, though, right?
A Right.
Q Loss of consciousness or blacking out. Some -- something like that?
A Right.
Q Right?
A It's -- that's what -- that would be a better definition of collapse. Syncope.

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Q Okay. Well, these authors, at least, have collapse as -- the top of the tree, if you will, and then, it's broken down into the syncope, which is fainting or blacking out. Some kind of loss of consciousness, correct?
A Sure.
Q And those events could be cardiac or neurally mediated, correct?
A Yes.
Q Do you agree with that?
A Yes.
Q Okay. And then, underneath those, for example, cardiac. Could be arrhythmia, structural disease, correct?
A Correct.
Q Does that make sense to you?
A It does.
Q And then, under syncope, the neurally mediated, it could have the common faint, correct?
A Yes.
Q The situational question mark tacking up, correct? Does that make sense?
A Yeah. That's starting to get a little more fuzzy.
Q All right. Carotid sinus syncope, and

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what is dysautonomia?
A That's a problem with the neurological system. So, generally, these are either brain or heart are the two broad categories.
Q Okay. So for the fainting causes of collapse, you're generally talking about cardiovascular and/or neurologic?
A Right.
Q Correct?
A Right.
Q Okay. Then, these authors, again, on the other side of the tree, have non-syncope, which would be non-fainting or non loss of consciousness?
A Right.
Q Correct? Or perhaps not because underneath non-syncope is conconscious and unconscious, complete or partial. Do you see that?
A I do.
Q So how have I messed up my understanding of what syncope is?
A Well, I think that, certainly, syncope has to do with loss of mental ability, mentation. You can still have -- you can still be conscious and not be in control. I think that's the difference. So neurally mediated has to do with your nervous

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system, and you can either be conscious but not have control of your nervous system. Or you can be unconscious.
Q Okay. So, again, going back to this diagram, this tree, if you will. Under the non-syncope, you have conscious, and then, you have unconscious. Do you see that?
A I do.
Q And under the conscious, then there is the orthopedic fall/trip?
A Right.
Q You see that?
A I do.
Q So these authors have described a conscious trip and fall as a collapse.
A They have.
MR. GOLDSTEIN: Objection to the form of the question.
BY MR. THOMPSON:
Q Is that correct?
MR. GOLDSTEIN: Object to the form of the question.
BY MR. THOMPSON:
Q Is that correct? Is that what they've done here?

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A They've done that, yes.
Q Have I understood -- is that what that means?
A That's what they wrote.
Q Okay. Do you agree with that or not agree with that?
A I'm not comfortable with it, no.
Q Okay.
A I'm not even -- I'm not even comfortable with the title of this paper. Diagnosing the Cause of Equine Collapse. It's -- you know, there are multiple causes, obviously, that -- and it's the implication is that equine collapse is a diagnosis.
Q Okay. Are you familiar with any of the authors of this paper?
A No.
Q All right. Do you know anything about their background?
A I can see their background listed behind their names here.
Q Do you know if this article was peer reviewed?
A John Keen is a PhD. He's not a veterinarian. The -- well, he is. He's a member of the Royal College of Veterinarian Surgeons. He is a

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veterinarian. Would have graduated in England probably. He's a surgeon and a PhD.
Q Has he had more education and training than you?
A He has.
Q Okay. Any others that are involved in that article?
A Looks like it's just him.
Q Okay. Do you know anything about him? What his background, education or training is?
A Just what it says there.
Q Other than what his degrees are?
A No.
Q Have you read that article before?
A I haven't.
Q I'm sorry?
A I have not.
Q Okay. Have you -- or are you aware of any similar kind of articles or research?
A No.
MR. GOLDSTEIN: I want that marked and made part of the deposition.
MR. THOMPSON: Okay. During your examination, you may be able to do that.
MR. GOLDSTEIN: Okay. Well, don't take it

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away so that we can't have it. We need a copy.
MR. THOMPSON: Well, I will get you a clean one. You're not going to have my yellow --
MR. GOLDSTEIN: That's fine. No problem with that.
MR. THOMPSON: Yeah.
BY MR. THOMPSON:
Q Again, this particular author described the term collapse, and this is quote, to mean partial or complete loss of posture that can occur either at rest and/or at exercise.
Is that a good definition of collapse or not a good definition of collapse?
A Well, I don't think it's a good definition of collapse, but a partial loss of posture is not even a complete loss of posture.
Q Okay. Do you know what he means by partial loss of posture, or what would you believe that to mean?
A Sounds like an almost collapse.
Q I'm sorry?
A Almost collapsing is what -- the way that I would read that.
Q Like maybe going down on the knees or

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something like that?
A Possibly, sure.
Q So does the term collapse have any technical meaning for you as an equine vet?
A No. I think you can say it's more practical than technical.
Q What do you mean more practical than technical? What do you mean by that?
A It's a -- by saying that it's not technical, I mean that it doesn't give you a medical description of what happened. When I say it's practical, I mean that you can say that the horse went down for some reason.
Q But it is a practical way of saying that a horse went down; is that right?
A Sure. It's a description.
Q Okay.
A And it could even be a symptom.
Q Okay. The other information, or at least when we started this, you indicated you might provide opinion testimony regarding the welfare of Mr. Christoff's -- yeah. That's right -- horses, the working environment condition, that sort of thing. It sounds like a fairly broad topic area. Do you agree?

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A I agree.
Q Right. Generally speaking, I suspect your opinion is that Mr. Christoff treats his horses well?
A Exceptionally, I believe.
Q Okay. Haven't had any problems or any concerns about them not being well taken care of?
A No.
Q And you have been the equine vet for Mr. Christoff's practice ever since he started?
A Yes.
Q Okay. All right. With regard to the working environment, what kind of opinions are you expected to or would hold with regard to the working environment of Mr. Christoff's horses?
A The working environment takes into account several things. Certainly, cleanliness, ventilation, safety, proper nutrition, proper care, knowledgeable staff, following regulations of the City, but also going above and beyond. Not just doing the minimum required. I know that he has an excellent farrier. He uses the same farrier that I use. Dentistry. Veterinarian care. Everything is done as it should be.
Q Okay.

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A His equipment is probably maintained better than anybody else I can imagine.
Q I don't want you to imagine. I mean, do you ever inspect or check out the equipment that the horses are pulling the carriages?
A I don't normally do that. That's not part of my job, but he has shown me the work that he's done with the carriages, with the wheels, for example, because he's proud of it because it's over and above what's required. Making them stronger, more durable, lighter.
Q What is required with regard to the construction of the carriage for Charleston?
A I don't know. I'm not familiar with those requirements.
Q You said it's over and above. So I assume that you know what the requirements are?
A No. I do not. I know that -- I know that he puts more thought and effort into it than other people do.
Q I guess, that's what I'm trying to figure out. You said it's over and above. And so I'm trying to figure out what it is that's over and above. What are the requirements? Do you know?
A I don't know the specific requirements,

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no.
Q Do you know any of the requirements?
A No. Not specifically.
Q I'm not asking specifically. Do you know any requirements the City of Charleston poses upon the construction of the carriages?
A No.
Q Okay. Do you have any knowledge or information as to how much Mr. Christoff's carriages weigh?
A No.
Q Do you have any information or knowledge as to the capacity -- the carrying capacity of those carriages that Mr. Christoff uses?
A I don't know for certain. I believe they carry approximately 14 people.
Q Do you know?
A I do not know.
Q Do you know if Mr. Christoff's carriages are all the same size?
A They are not.
Q Do you know if they all have the same capacity?
A They do not.
Q You at least know that, right?

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A Yes.
Q Do you know when any of the carriages were constructed?
A No.
Q Do you know anything about who constructed the carriages?
A No.
Q Are you aware or familiar with any inspection process that the City imposes with regard to the carriages?
A The carriages themselves, no.
Q And does that mean you don't know, or you know that there is no inspection of the carriages?
A I do not know if there is an inspection of carriages.
Q Are you familiar with the City's regulations with regard to temperature and the horses that work on the street?
A Yes.
Q And what is your understanding of that regulation?
A There are -- I believe, now, the cutoff is 95 degrees.
Q Fahrenheit?
A Yes. Fahrenheit. And there has to be, I

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think, three readings consecutive at that temperature before they pull them off the streets.
Q Three readings in how much time?
A I think the -- 15 minutes apart possibly.
Q And in other words, you would have --
A It may be four readings. I'm not sure if it's three or four.
Q Do you know, as we sit here, what the regulation is?
A Not enough to swear to it, no.
Q Okay. Were you involved in any manner in the formulation of that regulation?
A I was not.
Q Did you provide any input one way or the other?
A No.
Q Did you argue for or against that regulation?
A No.
Q Did you appear in front of City Council and offer any information for City Council's benefit with regard to the implication or acceptance of that regulation?
A No.
Q Would you have any information, knowledge

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or background to be able to provide input with regard to a regulation like that?
A Just as a general practitioner.
Q Okay. In other words, why you say 95 degrees is a cutoff.
A Why would I say it should be the cutoff?
Q Yeah. I think you said you have some background experience. So why would you say that that's a cutoff?
A I think that you have to take into consideration the humidity as well as the temperature and then the ability of the horse to regulate their temperature in that condition. I know that the University of Minnesota, I believe it was, did a paper where they established heat index of 180, where it would be, potentially, 90 degrees and 90 percent humidity, for example, would get you to the 180 heat index. So you could do it that way, or it would be some combination of temperature and humidity. I think that would be more accurate.
Q Okay.
A It really has to do with the horse's ability to maintain normal temperature in that environment. So they have to have the ability to sweat.

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Q Are you familiar with any studies that have been done as to what that temperature or heat index is?
A Well, that would be one example.
Q The Minnesota paper?
A Yes.
Q And what, to your recollection, did the Minnesota paper authors conclude?
A I believe that it was 180.
Q Heat index?
A Heat index.
Q And in coming up with that number, it would just simply be --
A Very simple. Temperature plus humidity.
Q Okay. So just a temperature in Fahrenheit reading and then whatever the humidity reading was, you add those two together?
A Right.
Q And then, did the folks, the authors of the Minnesota paper, then conclude that if it was in excess of 180, that that would be harmful to the horses?
A That you should be concerned.
Q And why would you be concerned? Is it because a horse can't regulate temperature above

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that situation?
A Then, you started -- you start to get into the zone where some individuals will not be able to tolerate those conditions.
Q Okay.
A And I think that's the importance of taking individual temperatures as opposed to -- you know, I'm not saying that we shouldn't have an overarching regulation, but, certainly, taking temperatures of individuals gives you a better idea of how each individual is coping in that environment.
Q But it's for objectivity's sake, right? For transparency sake, isn't it better to have a regulation that everybody can observe?
A Yes.
Q In other words, while the operator may take an individual temperature, that's not published or posted anywhere, is it?
A It isn't.
Q I'm sorry?
A It's recorded for review by City officials, but it's not posted publically.
Q Right. Have you ever provided any input or presentation or information to the City of

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Charleston with regard to any regulations for the carriage horse industry?
A No.
Q You mentioned that you had been to City Council twice; is that right?
A Yes.
Q And what were the purposes of your presenting or being at City Council meetings on those two occasions?
A To provide opinion on the care and conditions for the horses.
Q Is that just the -- just the overall, the horses being well taken care of kind of concept?
A Yes. Also, with the second time that I spoke to them, there was more discussion about the study that the Charleston Animal Society wanted to conduct.
Q What was the study that the Charleston Animal Society wanted to conduct?
A They wanted to conduct a study on the three stressors that I had mentioned earlier on heat and humidity, traffic and congestion and load.
Q And what was your position with regard to the Charleston Animal Society's interest in that -- conducting that study?

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A After I had spoke to City Council the first time, it was on James Island, Dan Crossey (phonetic) came after me afterwards and said that he had liked what I said and wanted to know if I would meet with them, with the -- with Joelle Moore (phonetic) and Kurt Taylor and Dan Crossey, and I agreed to. And I met with them at the Charleston Animal Society, and they talked to me about the study that they wanted to conduct. And they wanted to know if I would be interested in acting as a mediator between the two parties, and I agreed that I would.
Q When you say -- I'm sorry. I don't mean to interrupt, but when you say mediator between the two parties, what parties are we talking about?
A So between the carriage operators and the Charleston Animal Society.
Q Just as an industry?
A Right. There was already at that point a lot of mistrust and animosity, and they were hoping that I would be able to help them get this study done. So in order for them to do the study, they would have to have the cooperation of the carriage operators because they wanted to use the carriage horses that are already in work already in place in

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Charleston. So I agreed that I would. I asked for three things from them, which they agreed to.

Q I'm sorry. I don't mean to interrupt again. Who did you ask three things from?

A Joelle Moore, Kurt Taylor, Dan Crossey.

Q The Charleston Animal Society?

A The Charleston Animal Society.

Q What three things did you ask from them?

A I asked if they would meet with me and go downtown and inspect the barns. Meet the operators. Meet the staff. Look at the horses. Look at the horses in work. Watch the current regulations being implemented, and they agreed to that. I asked that there would be a ceasefire in terms of no more negative publications, billboards, articles in the newspaper. They agreed to that. And I agreed that they would stop using inflammatory language like inhumane treatment of horses. Collapse, in my opinion, would be another example, although that wasn't an issue at the time, or we didn't bring it up. And they agreed to that.

Although, Joelle Moore said that that was how he was able to get people to listen. That's how he was able to get the City to listen. By using that type of language. But they agreed to those

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things, and I was hopeful, and they were hopeful that we would be able to meet and possibly do something.

They talked about wanting to establish a standard that could be used nationwide, and that they wanted to have some sort of a stamp of approval that they could put on this carriage industry and possibly other carriage industries would want to adopt the regulations, the information that would come out of this study so that the horses could be -- could -- so that the carriage companies could get their stamp of approval, essentially. That it would elevate the standard is what they -- the way that they were talking.

I went on vacation. While I was away, there was several incidents downtown with activists yelling at operators. Shouting at tourists. Somebody laid down in front of a carriage. Somebody cut a carriage off with their car. By the time I got back, everybody was -- the deal was off, essentially. It went nowhere.

So the second time that I spoke to City Council was after that. And at that point in time, essentially, the line had been drawn in the sand. Everybody was firmly entrenched once -- and

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it's not that I'm against studies. I think it would have been great. I was hopeful that we could have done it.

I actually said to Kurt that I think you actually have more than one study here. I think it's -- instead of looking at all of these stressors at once, I think it would be more advantageous to look at them one at a time. Any time that you study something, you want to study it kind of in a vacuum. You want to control all other variables and look at one particular -- one particular variable a time.

And but, anyway, it fell apart. So the -- at the second meeting, he gave a presentation, essentially, the same presentation that he had given me in the private meeting.

Q And who is he? I'm sorry.

A Kurt Taylor.

Q Okay.

A For the study. Wanting, essentially, the City to force the carriage companies to participate in the study. And I was opposed to it, of course. At that point, I couldn't imagine carriage owners, horse owners being forced to allow somebody who is clearly against their industry coming in and catheterizing their horses. I said that was an

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invasive thing to do, and, certainly, there was no trust left at that point.

And at one point, one of the -- they discussed possibly doing a subcommittee of people with individuals from both sides that would start to develop some sort of a group that would possibly have -- they wanted to -- they wanted to put a group together that would kind of do what the Charleston Animal Society hoped that I could have done, but it fell apart. So it's gone nowhere.

Q All right. So just so that I'm clear, are you generally for or against the concept of a study of the working conditions of horses in Charleston?

A I have no problem with a study that's independent. I have a problem with them doing a study.

Q The Charleston Animal Society?

A Right.

Q Okay.

A Or any of their affiliates.

Q I understand. Any party involved in it?

A Right.

Q But you would be in favor of an independent third-party uninterested uninvolved scientific study of the working conditions of the

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horses in Charleston. Is that fair?
A I am not against scientific research at all. The problem in this situation is that they have the answer that they want and the conclusion, in other words, and they want to develop a study to prove that.
Q What is the answer that they want?
A That the current conditions are inhumane.
Q Even under the current regulations?
A Even under the current regulations.
Q Okay. Well, who has determined whether the current regulations provide a humane environment for the horses?
A Well, that's the point. I think when Kurt Taylor stood up, he said that there is -- currently is no scientific paper to prove what is currently humane, what conditions are currently humane, what is acceptable in the scientific community. And so one of the council members said, so you mean to tell me that there is nothing current that dictates what constitutes humane operating conditions? And he said, yes, that's right. And then so the council member said, well, how can you say that the conditions are inhumane then? Like, what are you basing that on? There's no standard.

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Q So it's all opinion then?
A A lot of it is opinion. A lot of it is perception. A lot of the current regulations are put in place to appease people that are fundamentally against this industry. Since I have been here in South Carolina, which is probably 14 years -- I have an associate that's been here, I think, 17 years -- neither one of us, and I have talked to the veterinarians at Edisto Equine Clinic. I'm not aware of any veterinarian in this area that's ever treated a horse downtown for heat stress.
Now, fevers, we get, but fever doesn't indicate that that's necessarily hyperthermia or heat stress. Most of the time, it indicates there is an infection process going on, whether it be viral or bacteria. But it's not fair to say that because a horse is injured or sick, that that horse is not being well taken care of. It would be like sitting outside of a pediatrician's office and arresting every parent that came out of there.
Q Does a horse suffering from heat stress have to be addressed by the vet?
A Yeah. I think that does require

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veterinarian care.
Q So what is the sign or symptoms of heat stress that would require a vet involvement?
A Well, certainly, temperature is one. An elevated temperature so we can develop our --
Q What's an elevated temperature?
A It really should be -- under normal circumstances, if the horse is not working, it would be under 102. It can be up to 103, you know, in work. Sometimes slightly higher. But when it gets up to around 104, that's cause for concern. Same thing with heart rate. We can use heart rate to determine the stress of a horse, and then more importantly than what is the heart rate, how quickly does it come back to the resting heart rate. So resting heart rate would be probably in the 40s. Can be even lower.
Q Right. Well, your earlier testimony was that you weren't aware of any other equine vets actually treating a horse for heat stress, and, I guess, the question sort of begs -- next question is I'm an operator and I see a horse has an elevated temp. I just put the horse in shade, you know, provide fluids --
A So temperature is one.

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Q I mean, but --
A Mentation is another.
Q -- you follow what I'm saying? It doesn't involve getting an equine vet. It's just simply treating a condition that a horse is experiencing at that time?
A Initially.
Q Okay.
A Does the horse recover is the question.
Q All right. When was the last time that you were in front of City Council approximately?
A Well, it's probably been at least a year. I don't have that date.
Q It's just two times?
A Twice.
Q And did you come because you were interested, or did the industry -- one or more operators ask you to come?
A I became -- I went because I was interested.
Q Okay.
A But I asked about -- I mean, I asked about the meeting, and -- and they said that it would be helpful if I went. So I agreed to go.
Q So there was some communication with one

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or more members of the industry prior to your appearance?
A Yes.
Q And you were encouraged to attend on their behalf?
A Yes. And I, in turn, encouraged other people to go. Horse people. Horse owners.
Q Other equine vets or just horse owners?
A Horse owners.
Q Have you had any communication one way or the other with Ms. Ellen Harley?
A Not directly.
Q All right. Well, what would be indirect communications with her?
A I was at one point a member of Charleston Carriage Horse Advocates' Facebook group.
Q Okay. And then, what happened?
A I was blocked.
Q Okay. How long were you a member?
A It was probably a short time. Two or three months. I don't really know.
Q Did you post?
A I did.
Q What comments did you post?
A There was a post that somebody put up that

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was simply a picture of their odometer at zero with a carriage horse going in front with the statement that -- something to the effect that it was a nuisance downtown blocking traffic. Slowing everything down. And I made the comment that I routinely stop for other cars and pedestrians. It's kind of nice sometimes to watch -- stop and watch a horse walk by, and I was blocked.
Q That was the only comment you made?
A There may have been another, but that's the one that I remember. That's the one that did me in.
Q Have you attempted to access any of the other social media --
A No.
Q -- of the Carriage Horse Advocates?
A No.
Q Have you had any other -- well, I mean, have you ever talked with Ms. Ellen Harley by phone --
A Tho.
Q -- e-mails, direct communications?
A No. I have seen her at Town Council meetings.
Q All right.

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A I think the first time that I saw her was at the meeting on James Island, and I think that that was probably shortly after the Big John incident when she was talking about the number of views that they had. And I think she had a petition as well.
MR. THOMPSON: All right. I'm going to take a quick break.
(Off-the-record discussion.)
BY MR. THOMPSON:
Q Okay. Dr. Miller, I just want to finish up with a couple of things, and then, I think we'll be done or close to it, hopefully. You testified earlier you weren't involved in any fashion in the formulation of the regulations that currently control the carriage horse industry in Charleston, correct?
A Correct.
Q Do you have any basis, knowledge, experience or otherwise to offer any testimony with regard to whether the regulations are correct or not or are appropriate or not?
A Any opinion as an expert?
Q Yeah.
A Just as a general equine practitioner.

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Q Okay. I'm talking about science. Is there any science that you would bring to the table to say that either the Charleston regulations are oppressive or overly restrictive, or are they, you know, not restrictive enough? Do you have any basis in your background, education, experience, training to offer any opinion with regard to those regulations?
A I can tell you that the regulations are adequate based on the result that I see on my end.
Q Okay. Which is simply the condition of the horses that you see --
A Right.
Q -- when you go see them for their six months and annuals?
A Correct. We're not seeing problems as a result of the lack of regulation.
Q Okay. But fair to say, though, you're not involved in the day-to-day operation of the carriage horse industry, correct?
A Correct.
Q I mean, you're brought in when --
A There's a problem.
Q -- something needs to be looked at, right?
A That's right.

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Q Or the regular semi-annual or annual visits, correct?
A Correct.
Q All right. But, again, I want to make sure that I'm clear with regard to your involvement in this case. You don't have any background, experience, training, education or otherwise to say that the regulations should be changed, for example? You said they're adequate?
A Right.
Q Should they be changed in any fashion?
A I'm not alleging that.
Q Okay. And the basis for you saying that the current regulations are adequate is just simply anecdotally from your observation of the horses when you have the opportunity to see them?
A Correct.
Q It's not based on any actual knowledge or experience with the day-to-day operation of the carriage horses, correct?
A Sure. I deal with the medical aspect, the health and welfare.
Q Okay. Have you ever or do you have any knowledge, information about what a draft horse can pull?

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A Yes.
Q And what is your knowledge, information, understanding about what a draft horse can pull?
A Depending on the -- it varies with breed. Generally, a draft horse can pull 10 to 15 times their body weight but for short distance. What they can pull longer distances for a longer period of time would be probably in the ballpark of twice their body weight.
Q And you look like you work out. Have you worked out?
A I used to.
Q Okay. And I used to as well. I don't anymore, and so you'd have -- what you normally work out with, your usual reps, and then, you would have a max rep, right?
A That's right.
Q And so --
A So that's what we're talking about?
Q Right. So your max rep would be 10 to 15 times body weight. Something very short?
A That's right. Like, in competition, you might do something like that just to see what you can do.
Q But for your average everyday work for the

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draft horse, you would expect two times the body weight?
A I think that would be reasonable.
Q Okay. Is that based on something, any information, evidence, science? Where does that information come from?
A It's -- well, it -- where did I get that information?
Q Yes, sir.
A From unscientific sources.
Q Okay. Is there any science behind it?
A Unpopular knowledge. Not that I'm aware of.
Q Okay.
A I think it -- it -- generally, you learn by trial and error, I would say.
Q Well, and I understand that, and I just didn't know if somebody had trialed and errored that in some kind of formal setting.
A It's possible. I haven't researched it.
MR. THOMPSON: And you won't find either of those two words when you are doing that transcript. Trialed and errored I don't think will show up on your spell check, but I used them that way intentionally.

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BY MR. THOMPSON:
Q Are you aware of any science, any studies with regard to horses and traffic, congestion, things like that working in those environments?
A Not that I'm aware of. The studies that I'm aware of have tested as just -- and this is basic -- essentially, cortisol levels. It's a stress hormone, and you can use that hormone to measure the amount of stress that a horse is in at any given time. It fluctuates greatly, and it's not -- doesn't indicate as to what the stress is. If there is one stress, two stresses, three stresses. Generally speaking, if a horse is under stress, it's because of a combination of things.
Q How do you measure the cortisol or how do you test that?
A Blood. Blood test.
Q Is that something you can do -- you take the blood and test it right there, or is it something you have to send off for a lab?
A It has to be sent off. So what you could do is test their blood, take samples at various points in the day first thing in the morning, after the first tour, after the second tour, in the middle of a tour. I mean, that was one thing that they had

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discussed with this study proposal is putting in indwelling catheter so you're not having to do repeated needle sticks and periodically drawing blood for testing.

Q Okay. To measure the cortisol?

A To measure the cortisol level.

Q Okay.

A There's an internist from U.C. Davis that did a study on carriage horses in New York City, and they found that his conclusion was that horses at work in the city were under less stress than horses at rest on the farm. And the conclusion was that when they're going through their daily routine at work, that they're comfortable with that routine. When they're loose in a herd, they're fighting over resources, fighting at each other, kicking at each other, swatting at flies, whatever it is that that lack of routine and possibly excessive energy leads to increased cortisol levels.

Q Okay. But any similar testing, that has not been conducted, to your knowledge, of the Charleston carriage horses, correct?

A No. There's been no testing of the Charleston carriage horses.

Q Well, Doctor, I think those are all the

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questions I have for you at this point in time. Shawn, if you've got anything you want me to follow up with, how about shoot me an e-mail or text. I'm going to let Beth take over some of the questioning at this point.

MR. BLANK: Sounds good. Thank you.

EXAMINATION

BY MS. PALMER:

Q Dr. Miller, I'm Beth Palmer. I represent Charleston Animal Society, and I'm going to be jumping around a bit because I don't want to cover stuff that he's already covered. I tried to knock out the questions that have already been answered. Have you talked with anyone about this lawsuit specifically?

A I have talked to Broderick.

Q What were the -- is the substance of those conversations?

A Just what the suit is and what the purpose of it is.

Q What has he told you?

A That the premise of the suit is that he's being harassed, and it's affecting his personal life and affecting his business.

Q Did he say who he was being harassed by?

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A Specifically?

Q Yes, sir.

A Charleston Animal Society, Carriage Horse Advocates and their adherence and followers.

Q Did he give you any specific example of someone related or affiliated with Charleston Animal Society harassing him or his company?

A The -- well, aside from the individuals directly involved with the Charleston Animal Society, I think the real problem there is that they're putting out this information making false claims that the horses are being worked in pain, malnourished, worked through exertion, and then there are calls to action like somebody needs to do something, and then, they leave it at that.

And then, you have people downtown, activists, that do something. And the Charleston Animal Society can then say, well, they're not our people, but there have been at least -- at least one case I'm aware of where one of these people that supposedly is not their people. There's photographs of her at a -- volunteering at an event.

So it's -- and it's not just people locally. I think he's told me that he's getting e-mails from people all over the country threatening

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the horses. Threatening him. Threatening his family.

Q Would you agree that what is and is not humane treatment of an animal is often largely a matter of opinion?

MR. GOLDSTEIN: Object to the form of the question.

A I think that it's -- it is -- there's definitely some opinion as to what is -- what constitutes -- I don't know. Humane and inhumane, those are two polar opposites. I think what's adequate I think is where we get kind of fuzzy.

BY MS. PALMER:

Q Okay. Certainly, there are things that people do to animals that we can all agree are absolutely inhumane?

A Absolutely.

Q And you agree that vegans probably think that raising animals for food is inhumane?

A Right.

Q People that eat meat probably don't think that, correct?

A Right.

Q So when it comes to these carriage horses downtown, would you agree with me that some people

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can genuinely think that -- have the opinion that the industry or the way that it's operated is inhumane?

MR. GOLDSTEIN: Object to the form of the question.

MR. THOMPSON: You can answer.

A There are people who fundamentally believe that a horse carrying a rider pulling a carriage is abuse. Exploitation, inhumane.

BY MS. PALMER:

Q You were speaking earlier about meeting with individuals from the animal society agreeing to help them work with the industry --

A Right.

Q -- to get this study done, and you testified that one of your -- your requests was that they stop using, your words, inflammatory language.

A Right.

Q And I think that you testified that Mr. Elmore said that using words like inhumane was how they were able to get the City to listen; is that correct?

A Yes.

Q Do you believe -- do you have any reason to doubt that Mr. Elmore truly believes that the

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working conditions are inhumane?

MR. GOLDSTEIN: Object to the form of the question.

A According to him, their goal was not to ban carriage horses in Charleston, although I have heard that remark made from people associated with him. What he -- his personal stance, I'm not sure, except that he is the face of that industry, and that industry is opposed to the carriage horse industry.

BY MS. PALMER:

Q I ask that because the accusation has been made that the Animal Society's stance is disingenuous, and the stance is being used solely to raise money. And that's why I asked do you have any personal knowledge as to what Mr. Elmore or any other individual at Animal Society's genuine belief is?

A There has to be a majority of people in the Charleston Animal Society that have a problem with this industry. They have a board. They have an executive. And it's their position that things currently -- the way the things are currently being done are inhumane. So which side of the table he sits on, I don't know, but he's the chief executive

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officer.

Q Would you agree that someone could be concerned about the welfare of the Charleston carriage horses without being a radical animal rights activist?

A Yes.

Q Going back to your meeting with the Animal Society people. You testified that -- it sounds like you-all kind of came to an agreement of -- to go forward, and that when you went on vacation, there were several incidents, activists and that the deal was off. Can you tell me did you decide that the deal was off when you heard about these incidents with certain activists?

A No. I was concerned about it, and I asked certain individuals how they felt at that point in time. And that was the overall consensus is that they didn't want to -- they didn't want to have anything to do with me.

Q What individuals?

A Broderick was probably the one I speak to the most. The other one would be Benjamin Doyle with Palmetto Carriage Company. I know him from having worked with him at Seabrook Equestrian Center. He was somewhat of a manager out there that

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I do their work. So I knew him from that facility.

Q Do you think Benjamin Doyle takes it too far sometimes?

MR. GOLDSTEIN: Objection to the form of the question.

A He's very outspoken. That actually came up in my meeting with Joelle Moore and Kurt Taylor. They told me something that he had posted. I hadn't heard it, but I said, yeah. That's probably not a good thing to say.

BY MS. PALMER:

Q You were testifying about your second appearance at City Council.

A Uh-huh.

Q And you were asked why did you go. Were you asked to go or did you go on your own accord, and you said that you went because you were interested, I believe, and that they said it would be helpful if you went. Who was they said that it would be helpful if you went?

A Well, I talked to several people, and most of them are my clients. Broderick could be one. I also do work for Classic Carriage Works. That was Tim -- I can't think of his name -- last name now. Tim and Jessica were managing it at that point. I

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have had several discussions with them. Ben and Tommy Doyle, I've talked to them. It was after the first meeting that I really became more involved, more aware of what was happening.

Q We know you work with Charleston Carriage Works. Do you have any other clients in the carriage industry, Charleston carriage industry?

A Classic Carriage, I do. I have done some work for Palmetto but not a lot.

Q What percentage of your clients' revenue comes from the carriage industry clients?

A It's very small. I think in total there's probably -- it would certainly be fewer than 30 animals.

Q Is your practice confined to horses?

A Yes.

Q Or equines?

A Yes. The bulk of my clients are performance horses, hunters, jumpers, Presage horses are the -- by far and away the biggest group. Western, pleasure. They're all racers. Carriage horses constitute a very small percentage.

Q Moving to the Big John incident. I believe you testified that you talked to Mr. Christoff about that incident?

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A Yes.

Q When did you talk to him about it?

A It was -- when it first happened, Dr. Little was the one who was available to go and see the horse and for continuity sake, she was the one that continued to see him. And so in the beginning, it was just her that I spoke with, and as simple as how are things going with that horse? She said he's doing well. Can't find anything wrong with him. He's fine. And so I left it at that.

As time went on and things became more volatile, I guess, or there was a some public outrage or concern -- at the very least, concern, then I reached out to Broderick and asked him about the horse. How was the horse doing and asked him what he thought happened.

Q What did he tell you?

A That it seemed as though the horse stumbled in the harness, that was tripped up by the harness and went down because of that. It was, essentially, tripped up in the equipment.

Q Have you been given any other information about that fall -- Big John's fall, other than what you've testified to about already today?

A I don't think there's anything else to report.

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Q Were you given any information about Big John's demeanor immediately preceding the fall?

A That he was bright -- we use the term B-A-R for bright, alert and responsible. It, essentially, means that he's aware of what's going on around him. He's alert and in good mentation. In other words, there was no evidence that he was in pain or not of sound mind.

Q That was after the fall, correct?

A After the fall, correct.

Q Were you given any information about his demeanor before the fall?

A Just that there was nothing unusual about him that day.

Q And where did you get that information?

A From Broderick.

Q Did Mr. Christoff represent that he was present that day downtown at the barn?

A I don't know that he was. I don't know the answer to that.

Q You've seen the video that led to this lawsuit, the Big John incident?

A Yes. I haven't seen it in a while, but I have seen it.

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Q After you watched it, were you led to the conclusion that Big John died?

A No. But I knew that he hadn't.

Q Sure. Do you agree that there is -- with horses working in an urban environment, that that poses a risk to them that they may spook, for example?

A That's possible.

Q Is it correct that when a horse spooks in an urban environment, that it can harm itself or be harmed?

A Yes. It can harm itself.

Q And that a horse -- a carriage getting spooked in an urban environment poses a risk, potentially, to the passengers in the carriage?

A There's a potential.

Q Have you had any other meetings from anyone from Animal Society other than what we've already talked about already?

A No.

Q What is your opinion of the Charleston Animal Society?

A As a consequence of all of this, they filed a complaint against my license. I was investigated by the state licensing board for

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issuing misleading information, and that complaint was dismissed. And there was a second complaint filed because I told people about the first complaint. So as a consequence, my opinion is not that good.

Q What was the outcome of the second complaint that --

A It was dismissed. It was dismissed.

Q Were you reprimanded at all?

A No.

Q Receive any type of disciplinary? Anything?

A No.

Q Okay. Do you have any criticisms of any aspect of the Charleston carriage industry?

A The biggest concern that I have, and this has nothing to do with this case. If I could change one thing, it would be to allow for the horses to be exercised when they're not working. The biggest problem that we have with horses downtown is that it's not that they're being overworked. It's that they're not working enough in some cases.

So after a storm, for example, when they're confined to their stalls, that's when we deal with the GI issues. I would like for them to

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be able to take the horses and walk them in a parking lot, around the block, whatever it would be. That, evidently, is -- would be a violation of City regulations.

Cellulitis is another case where exercise is helpful to help with circulation. So forcing them to be confined to a stall I think is probably -- probably, the intent is good. At least it's to assuage the public perception that them being out working is bad, but in some cases, it's -- would be better if they could get out and do a little more. They don't need to pull a carriage, but I would like it if they could get out more.

Q For a horse Big John's size, do you have any opinion as to what an appropriate stall size would be for him?

A He needs to be able to lay down, which you can do in a straight stall. Some of the barns downtown have straight stalls. In other words, their stalls where the horses are tied. The alternative is a box stall where they actually have the ability to walk around in the stall and lay down, get up and turn around. So for his size, minimum would be -- probably be 10 by 10 feet, but he just has to have enough room to turn and lay down

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and get up. And it doesn't have to be square shaped either. That's just kind of a guideline. I know for light horses, 8 by 8 is common.

Q I'm not going to ask you to give me the names since I don't want you to be afraid for that, but are there -- has there ever been an occasion where you have believed that a specific company has not treated its horses as it should?

A No. Not that I have been involved with. I was asked one time by the police to investigate a certain company where there had been a complaint alleged against that company, and we were not able to corroborate that. And honestly, I don't know what the outcome of that investigation was. They just wanted me to go down and be part of really the -- and really, to take some radiographs was the purpose.

Q The study that the Animal Society has proposed, do you agree that it would be pointless to do the study not using carriage horses that are actually used downtown? That had been acclimated to this climate and that work?

A That would be ideal. I think whenever you do a study, you want to minimize the variables involved. So if you take -- you know, if you do it

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in another climate, then you're not able to study the amount of stressors in this climate.

Q And the study, as it was described to you, what is your understanding of who or which entity was going to actually conduct it?

A It was going to be a group effort. I believe that Kurt Taylor had a veterinarian involved from the University of Tennessee I think was one. There were a couple. There were a couple of people that he had that had agreed that they would be interested in overseeing it. Any time you do a scientific study, in order for it to be taken seriously, you have to have a person of a certain qualification academically to be first author on the paper that gives it credibility.

Q Sure.

A They're not necessarily the ones doing the work, kind of the on-the-ground investigation, but they would oversee the implementation of the study model. Make sure that it's -- make sure the study is designed properly and that everything was done according to that design.

Q Was there any person that you believe that was going to be involved with conducting that study that you felt was biased or affiliated with the

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Animal Society?
A The two veterinarians involved, I don't have any reason to believe that they were biased.
MS. PALMER: I think that might be it for me.
EXAMINATION
BY MR. GOLDSTEIN:
Q I have got a few. I won't be long. Do you want to take a break, or you want to push on through?
A No. Let's push on.
Q Okay. Push on through. I'm not going to be that long. I want to ask you questions about the differential diagnosis tree that Mr. Thompson was showing you. I need to get a copy of that. I'd like to have the whole -- I'd like to have what he was showing you.
MR. THOMPSON: That's fine.
(Off-the-record discussion.)
BY MR. GOLDSTEIN:
Q While we're waiting on the copies, we'll come back to that. Maximize the use of our time. All the questions that you've answered here today, have they been given to a reasonable degree to veterinarian certainty?

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A Yes.
Q Okay. Now, during the break, you also --
A Are you asking about my answers or the questions?
Q Your answers. Your answers.
MR. THOMPSON: I will stipulate the questions weren't.
BY MR. GOLDSTEIN:
Q And you were telling us at the beginning of Mr. Thompson's questions that you have been qualified as an expert both -- in court.
A Yes.
Q Okay. And also, while we took a short break, you also recalled that there was another deposition that you recalled while we were taking a break?
A Right.
Q Okay. Well, in fairness to everybody, would you just give us a very brief summary of the deposition that you recalled after Mr. Thompson asked you those questions?
A That was -- can I say who was involved?
Q Sure.
A Okay. That was a case where a student alleged several charges against the coach of the equestrian team for the College of Charleston, and some of those charges pertained to neglect of the horses, the school horses that were kept on his property. And so they called me as a -- I was not his veterinarian, but they called me in to -- as an expert witness to kind of sift through some of the allegations and some of the evidence that they were given, which part of that was a big stack of photographs of several horses that had been injured at one point or another just as people do whenever there's a cut horse in the barn.
Everybody likes to come around and take a picture, and so there were some that were before and after shots, before and after the vet were there and that sort of thing. And they just wanted to know from me, you know, what does this mean to you? What are we looking at?
Q Okay. And was that a deposition or trial testimony or both?
A It was a deposition.
Q Okay. All right. Now, the records that you -- Mr. Thompson asked you questions that have been marked as Deposition Exhibit 1 --
A Yeah.
Q -- are those the records that a veterinarian typically relies upon in making a judgment about a health condition of a horse?
A Judging the health condition of a horse ideally would be done first hand.
Q Right. That's right. And in doing that, you go and you examine the horse?
A Right.
Q Okay. And do you also review medical records that you have on file to find past history and so forth?
A Yeah. So we're looking for trends.
Q Yeah. Okay. So you use both what you're able to see and review of previous medical examinations?
A Yes.
Q Okay. And is that the reason that you-all keep records is to have that?
A Yes.
Q Okay. Now, is there anything in your personal examination of the horse or in the medical records that leads you to a conclusion to a reasonable degree of medical certainty -- veterinarian medical certainty, that Big John collapsed on April 19, 2017?
MR. THOMPSON: Objection.

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A Big John went to the ground.
BY MR. GOLDSTEIN:
Q Okay. In your opinion, as a -- by the way, Mr. Thompson didn't ask you this, so maybe I -- the only reason I'm only asking you these questions is if this case came up for trial and you were in California, and they'd say, well, that's too bad, Goldstein. You have had him. You could have asked him. So that's the only reason for these questions.
A That's my goal at this point.
Q To be in California. Okay. These medical records that Mr. Thompson went over with you, they're maintained in the ordinary course of your practice, correct?
A Yes.
Q There's nothing that you created and stuck in there specifically purposes for this trial?
A No.
Q Okay. Now, based on your experience as an equestrian -- an equine veterinary surgeon, is it your experience that horses trip?
A They do.
Q Okay. If a horse trips and falls, would you describe that as a collapse?
A I would not.

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Q Why not?
A Because it's a trip.
Q Okay.
A Because we have some idea as to why the horse went down. The horse tripped so there was some -- something the horse caught its toe on and lost its balance.
Q Okay. Now, when horses are reshoed, get new shoes, is there an adjustment period for them when they have new shoes?
A Yes. We're changing the angles of the feet.
Q Okay. Can that make a horse more likely to trip? Having new shoes?
A It can.
Q Okay. Now, have you reviewed all of the medical evidence that's available based on Big John's trip and fall on April 19th?
MR. THOMPSON: Objection.
BY MR. GOLDSTEIN:
Q Have you reviewed all the medical records?
A Yeah. There's very little there as far as medical records pertaining to that.
Q Is there anything in there to suggest to you that Big John had an underlying medical

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condition that caused him to trip and fall on April 19th?
MR. THOMPSON: Objection.
A No.
BY MR. GOLDSTEIN:
Q Okay. If there were the kind of medical condition that would lead to a collapse, what kind of medical evidence would you expect to find?
MR. THOMPSON: Objection.
A Well, one of the things that we do with these serviceability exams is listen to the heart twice a year at a minimum. And as you will see from the decision tree, cardiovascular events are one of the things that -- cardiac, arrhythmias, murmurs, that's on there.
BY MR. GOLDSTEIN:
Q And was that on that tree that --
A Is it.
Q -- Mr. Thompson asked you about that we haven't gotten a copy of yet?
A Yes. You will see that.
Q Okay.
A So these horses are examined regularly, more regularly than a child would be, and we know if there are underlying heart problems that may

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predispose to making them what we refer in the industry as exercise intolerant. It just has to do with their ability to perform at a certain level.
Q Can a horse trip without an underlying medical cause such as the one you just described?
A Yes. They can trip just because they tripped.
Q Okay.
A Stepped wrong.
Q Have you reviewed --
A Uneven footing.
Q I'm sorry. I didn't mean to cut you off.
A No. No problem.
Q My ears are stopped up. So I did not hear too well. So did you finish your answer?
A I'm fine.
Q Okay. Have you reviewed Dr. Little's written examination of Big John on the day of the event?
A Yes.
Q Was there anything in there that leads you to conclude that he suffered from some sort of medical disability that caused the collapse?
A No.
Q Did she prescribe any medication?

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A **No.**
Q Did she direct Brody to keep him out of work?
A **No.**
Q Did she authorize him to return to work that same day?
A **It's not in the record.**
Q Okay.
A **I don't think it is. Fit to return to work immediately. No restrictions. You're correct.**
Q Okay. Now, if there had been a medical condition that caused the collapse, would you -- if you had been the responding veterinarian, would you release him to return to work immediately?
MR. THOMPSON: Objection.
A **Yes.**
BY MR. GOLDSTEIN:
Q Okay. Now, if you saw a human being fall down -- walking down the street and fall down, would you say that, oh, that person just collapsed?
MR. THOMPSON: Objection.
A **No.**
BY MR. GOLDSTEIN:
Q Okay. Is a horse pulling a carriage -- fully loaded carriage -- is a horse pulling a

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carriage the -- is a horse pulling a fully-loaded carriage animal abuse?
A **No.**
Q Is it inhumane?
A **No.**
Q Have you ever seen an animal inhumanely treated?
A **Yes.**
Q Okay. Do you know the difference between humane and inhumane treatment?
A **I think there's some subjectivity but, yes.**
Q Okay. If you saw Brody or anyone abusing a horse, what would you do?
A **What I -- what I would do is talk to him about it because I know that he's the kind of owner that wants to do the very best he can for his horses. It's in their best interest. Even if he hated horses, it's in his best interest to take care of these animals so that they can perform. You can't work a horse that's in heat exhaustion or under heat stress or lame. You can't continue to push them without something bad happening.**
Q Okay. If you wanted --
A **It's not something that you can do. You**

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can't get away with it.
Q If you wanted to know if a horse was overheated pulling a fully-loaded carriage, how would you go about determining that?
A **Taking a rectal temperature.**
Q Okay. And don't the carriage tours take rectal temperatures of horses following every tour?
A **Following every tour.**
Q Okay. Now, is the amount of -- Ms. Palmer asked you some questions about how much weight can a horse pull, and is the amount of force necessary to move a fully-loaded carriage -- is it proportional to the diameter of the wheel?
MR. THOMPSON: Objection.
BY MR. THOMPSON:
Q Let me go about it a different way. Have you ever ridden a 10-speed bicycle?
A **Yes.**
MR. THOMPSON: Objection.
BY MR. GOLDSTEIN:
Q Okay. Have you ever put the gears on the small sprocket versus a gear on the big sprocket?
A **Right.**
Q Did you notice any difference?
A **Sure.**

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Q Okay. Is the amount of force necessary to propel a bicycle forward dependent on the --
A **Diameter of the wheel, yes.**
MR. THOMPSON: Objection.
BY MR. GOLDSTEIN:
Q Okay. Is that true for the carriages?
MR. THOMPSON: Objection.
A **Yes.**
BY MR. GOLDSTEIN:
Q Okay. Are the laws of physics the same for carriages as bicycles?
A **They are.**
MR. THOMPSON: Objection.
BY MR. GOLDSTEIN:
Q Okay. Now, I think you answered this in response to Mr. Thompson. How often do you examine Brody's horses?
A **At least twice a year.**
Q Okay. I thought you said that. Okay. Have you ever detected a sign of abuse on any of Brody's horses?
A **No.**
Q Okay. If you did see you -- oh, you already answered this question. How many carriage horses would you estimate you have treated over the

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years? Just -- I know you don't know the number. Just a ballpark.
A Individuals?
Q Right.
A Fifty.
Q Okay. And how many have you treated for heat exhaustion?
A None.
Q How many have you treated for heat stress?
A None.
Q Do you know of any horses in Charleston that have been treated by you or anyone for heat exhaustion or heat stress?
A I'm not aware of any.
Q Okay. Are Brody's horse well cared for?
A They are.
Q Have you ever seen any of Brody's horses you'd consider to be cruelly treated?
A No.
Q How about inhumanely treated?
A No.
Q Would you say Brody shows a genuine affection for his horses?
A Yes.
Q How can you tell that?

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A When he walks out into the paddock, they walk up to him.
Q Okay.
A And I know the difference between horses that like their owners and horses that don't.
Q If an individual approached you and said he or she was concerned about a horse being overheated because he or she saw the horse panting, how would you respond to that?
A Horses don't pant.
Q Okay.
A They're not -- they're obligate nose breathers. They don't breathe out of their mouth, and that's not a way that they regulate their temperature.
Q Okay. And that's because their trachea and their esophagus are completely separate; is that right?
A Well, they -- and horses sweat, whereas dogs don't.
Q I got you. And you touched on this in response to a question from Ms. Palmer, but I want to follow up on it a little bit. You talked about the New York study, the cortisol levels of the horses.

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A Yes.
Q And you said based on that study, what they found was horses who were in a routine actually had lower cortisol levels than horses that were left -- and this may not be exact term, left to fend for themselves. Is that --
A Right.
Q -- fair summary?
A Sure.
Q Okay. So based on that, do you have an opinion with a reasonable degree of medical certainty -- veterinarian medical certainty that horses do like to work?
MR. THOMPSON: Objection.
A Many do.
BY MR. GOLDSTEIN:
Q Okay.
A I would say most.
Q And is it because of that routine that you previously answered in response to a question from Ms. Palmer?
MR. THOMPSON: Objection.
A It's routine. I think a lot of them also appreciate the interaction with people.

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BY MR. GOLDSTEIN:
Q Okay. Would you say Brody's horses are healthier than horses that are just in the wild?
MR. THOMPSON: Objection.
A Yes.
BY MR. GOLDSTEIN:
Q And why would you think that?
A They're being given ideal nutrition. It's a balanced ration that they're fed. Quality hay. They're vaccinated to prevent from diseases. They are dewormed to prevent parasites. They have regular dental care, which wild horses do not. They have regular foot care, which wild horses do not. They have all of the benefits of shelter from wind, rain, excessive conditions. Bedding to sleep on, soft ground. Their shoes have rubber pads, which push in their foot thaw. There are all kinds of measures that are taken to make their lives as comfortable and as ideal as they can be.
Q Now, you told us in response to a question from Ms. Palmer that you have had conversations with Joelle Moore and Kurt Taylor on behalf of the Charleston Animal Society.
A Yes.
Q And you have spoken to them -- I think in

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response to a question from her, you said you had spoken to them about carriage horses in particular.
A Exclusively.
Q And you said in response to a question from her that you urged the two of them to quit using inflammatory language; is that correct?
A Right.
Q Okay. And --
A At that time, we were hoping that everybody could come together and try to work towards something positive.
Q Okay. And at the time --
A And I felt that that was important for that conversation to begin.
Q Okay. And did they explain to you why they chose inflammatory language?
A Mr. Elmore did.
Q And what was his explanation that he provided to you?
A That that was how he was able to get people to listen.
Q Okay. Did he make any comment about fundraising in connection with that?
A No. At that point, it had to do with the City. I think he had just put a big article in the

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newspaper.
Q Okay. And was the article in the newspaper that the use of horses to pull fully-loaded carriages was inhumane and abuse?
A Yes. That's the accusation.
Q Okay. Now, Ms. Palmer asked you about the video, if you seen the video, and I think you said you'd seen the one that had the language added to it.
A I believe so. I haven't watched it in a long time. I'd have to review it.
Q Is it possible for a horse, if it's on the ground, to stand up if it remains tethered to its harnessing equipment?
A It depends on where those straps are.
Q Okay. Is the prudent way to get the straps and harness and then get the horse up?
A Yes.
Q On the video, is the horse able to regain his feet?
A Yes.
Q Okay. You told us in response to a question from Ms. Palmer about the University of Minnesota's study. Do you know how I could locate that study?

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A I might be able to find it for you.
Q Okay. Do you -- would you mind trying to do that?
A Yes.
Q You would not have an objection to that?
A No.
Q Okay. Now, in response to a question from Ms. Palmer, you said that the Charleston Animal Society had filed a complaint or complaints against your licensure.
A Yes.
Q Are you licensed by the State of South Carolina to practice veterinary surgery and veterinary care?
A Yes.
Q And specifically for equine?
A It's not specific.
Q Oh, it's not specific. You're just a doctor of veterinary medicine?
A Correct.
Q And that licensure would allow you to treat any animal?
A Any animal.
Q Okay. And when did they make that complaint against your licensure? Well, first of

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all, let me ask you is that licensure required for you to maintain your occupation --
A Yes.
Q -- to practice?
A Yes.
Q Okay. So do you consider a complaint against your license to be a serious matter?
A It is.
Q All right. And when did the Charleston Animal Society make that complaint?
A I believe it was 2017.
Q What was the nature of the complaint?
A Unprofessional and misleading statements.
Q And do you know what those statements were that they were alleging you had made misleading and inaccurate statements?
A It pertained to the carriage horses that I -- it went further than that. It had to do with the concern in the veterinary community that the Charleston Animal Society competes against local veterinarians and use donations and government contributions to operate their veterinary practice.
Q Now, the New York study about the horses being -- having lower cortisol level due to their routine and care. Do you happen to know how I can

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find a copy of that study?
A Which study?
Q The cortisol study of the stress on New York carriage horses.
A You'd have to do a search on a scientific paper search engine. Like, PubMed --
Q Okay.
A -- would be one.
Q You don't happen to have a copy of that?
A No.
Q Okay. Is abusing an animal a crime in South Carolina?
A It is.
Q Okay. Now, in response to a question from Ms. Palmer about whether or not a horse can get spooked and cause injury, you answered that that was possible?
A Sure.
Q Okay. Are you aware of anybody who's been killed or seriously injured by a horse being spooked?
A Well, I'm sure it happens.
Q Okay. Do you think that there are more accidents in Charleston from carriage horses or from automobiles?

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A Automobiles.
MR. GOLDSTEIN: Okay. Now, let's mark this article that Mr. Thompson was asking you about as Deposition Exhibit 2.
(Plaintiff's Deposition Exhibit No. 2 was marked for identification.)
BY MR. GOLDSTEIN:
Q Okay. When Mr. Thompson was asking you about this, he was asking you about the tree at the beginning.
A Uh-huh.
Q Is that correct?
A That's correct.
Q All right. And is this tree setting the perimeters of the study? In other words, is this a visual diagram of what the perimeters of the study are?
A This study?
Q Yes.
A I haven't read this study.
Q Okay.
A These are the causes of collapse. That's all this is. So I don't think it's -- no. It's not establishing the perimeters of the study.
Q Okay. Is there anything in the medical

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evidence to suggest that Big John collapsed from a cardiac arrhythmia or structural disease?
A No.
Q All right.
A There's no evidence of any of that.
Q All right. Well, then, you just cut out about 10 questions. Okay. So would this -- does this study shed any light onto the event involving Big John on April 19th, 2017?
A No.
MR. GOLDSTEIN: Okay.
RE-EXAMINATION
BY MR. THOMPSON:
Q Dr. Miller?
A Yes.
Q You were just asked questions about this --
A Yes.
Q -- decision tree in this article, and it has nothing to do with this case is what I think you just said; is that right?
A He asked if there's anything in the medical record that this -- that would prove any of this. That pertains to any of this.
Q Right. Because we went through this

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earlier, and then, this article, within the definition of collapse, that this author used --
A Right.
Q -- right there is trip and fall?
A Yes.
Q Right?
A Right.
Q And throughout the questioning that you just went through with Mr. Goldstein, what did he call Big John's incident? A trip and fall?
A A trip and fall.
Q Correct?
A Yes.
Q Is that within the author's definition of collapse?
A That's right there.
Q Okay. Very good. Now, with regard to the trip and fall, Mr. Goldstein likes to describe, I think, if I recall correctly on your direct, you don't know anything directly about what happened on April 19, 2017; is that correct?
A I did not witness the incident.
Q All right. And you did not investigate it?
A I did not.

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Q And you did not speak to the driver?
A No. I did not.
Q Or any stable hands?
A No.
Q Or the fire department?
A No.
Q Any anyone else that was on the scene of the incident?
A No.
Q Okay.
A Just the veterinarian who treated the horse afterwards.
Q Right. I understand. And she didn't even describe it as a trip and fall, did she?
A You would have to see the horse trip and fall, right?
Q Right. So she doesn't even know?
A No. She didn't see the horse trip.
Q Okay. Did she describe it as a trip and fall?
A No.
Q Okay. You were asked a question about whether you would describe somebody walking down the street falling to the ground and whether you describe it as collapse, and you said no, correct?

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A Yes.
Q If I described it, that person watching the same incident, and I said that person collapsed, would you say I was wrong?
A I don't know. What happened to her?
Q Well, I'm asking the question because you were very clear that if you saw somebody fall or walking down the street you wouldn't -- you personally wouldn't describe it as collapsed.
A Yeah. I wouldn't --
Q However, if I was watching the same incident, and I said it was a collapse, would you then say I was wrong?
MR. GOLDSTEIN: Object to the form of the question.
A I don't like that word.
BY MR. THOMPSON:
Q What word?
A Collapse.
Q Okay. And I'm asking you the question. I'm saying it's a collapse. Are you going to tell me I'm wrong?
A You might be.
Q Okay.
A You might be right.

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Q All right. But it may very well be my opinion, correct? It's what I observed?
A You may have observed that.
Q Okay. The New York study that you described and the Minnesota study that you described, Mr. Goldstein asked for your assistance in obtaining copies of those, correct?
A Yes.
Q All right. You wouldn't have any problem providing copies to me as well?
A No.
Q All right. Who are the other vets, the equine vets, that provide services to the carriage horse industry in Charleston?
A Chris Ernst. He's the owner of Edisto Equine Clinic. He has an associate. Her name is Katie Loewenstine. One of their long-time veterinarians is Sally Banner-Brown. She works with me now. She was the veterinary for Palmetto Carriage Company for a long time, and Sabrina Jacobs does the annual inspection.
Q Who is Sabrina Jacobs with?
A She's from Aiken. I forgot what the name of her practice is.
Q So you only have one competitor in the

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carriage horse industry in Charleston?
A Yes.
Q And that's Edisto Equine?
A Edisto Equine. There's only one other practice in the area, and I don't believe they do any other work downtown.
Q So how many of the carriage companies do you service?
A Two.
Q And how many do Edisto Equine Clinic service?
A Three. Performance Equine Vets is Sabrina Jacob's practice.
Q You were asked questions about whether a fully-loaded carriage -- a horse pulling it is abuse. If I recall correctly, you don't know how much the carriage themselves weigh, do you?
A No. I do not.
Q And do you know how much -- well, you also testified earlier that you don't know how many people can be on those carriages.
A No.
Q Okay. And so you don't know how much all of the combined weight is, do you?
A No.

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Q All right. And I'm going to bite on this one, and I know that you and Mr. Goldstein have talked. And so this whole thing about healthier horses in the stables than in the wild. So I'm going to bite. How do you know how healthy a horse in the wild is? You studied them?
A You know I haven't.
Q I don't know. You know, those are one of those loaded questions. You come in, and you talk about how heathy the horses are compared to the wild, and I'm like, well, I got to know. Have you studied horses in the wild?
A I would hope they're not as healthy, or I'm not doing much in the way of equine health care. I would be unnecessary.
Q You would agree that horses that are not in the wild are provided more advantages with regard to their maintenance and upkeep?
A Yes.
Q Because they have humans taking care of them in some fashion or another?
A Right.
Q But humans can also not take care of their horses, right?
A That's correct.

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Q You've seen that?
A I have seen it.
Q Right. So those horses are -- in captivity are not healthier than horses in the wild, correct?
A That's correct.
Q All right. So when you were talking about that, you were just talking about in general going back to your original opinion with regard to Mr. Christoff's horses. That he takes good care of them, and, in your opinion, they are likely healthier than horses in the wild?
A They are.
Q Okay. Despite the fact you haven't actually studied any horses in the wild?
A That's correct.
MR. THOMPSON: Okay. Thank you.
(Deposition was concluded at 1:40 p.m.)

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

I, Trisha G. Rarick, a Court Reporter and Notary Public of the State of South Carolina at Large, do hereby certify that the witness in the foregoing deposition was by me duly sworn to testify to the truth, the whole truth and nothing but the truth in the within-entitled cause; that said deposition was taken at the time and location therein stated; that the testimony of the witness and all objections made at the time of the examination were recorded stenographically by me and were thereafter transcribed by computer-aided transcription; that the foregoing is a full, complete and true record of the testimony of the witness and of all objections made at the time of the examination; and that the witness was given an opportunity to read and correct said deposition and to subscribe the same.

Should the signature of the witness not be affixed to the deposition, the witness shall not have availed himself of the opportunity to sign or the signature has been waived.

I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof.

Witness my hand, I have hereunto affixed my official seal on _____, 2020, at Charleston, Charleston County, South Carolina.

_____
Trisha G. Rarick
Court Reporter

My commission expires:
January 9, 2029

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STATE OF SOUTH CAROLINA	)	COURT OF COMMON PLEAS
	)	NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON	)	
	)	
Charleston Carriage Works, LLC	)	CASE NO. 2018-CP-10-04083
	)	
PLAINTIFF,	)	TRANSCRIPT OF RECORD
	)	
VS.	)	ORIGINAL
	)	
Charleston Animal Society, Charleston Carriage Horse Advocates, and Ellen Harley,	)	
	)	
DEFENDANTS.	)	

May 28, 2020

Charleston, South Carolina, via Zoom

B E F O R E:

The Honorable Bentley Price

A P P E A R A N C E S:

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I N D E X

HEARING -- 03

EXHIBITS - None Proffered

CERTIFICATION OF TRANSCRIPT -- 21

If you need an additional copy of this transcript or a sealed transcript or if opposing counsel requires a copy of the transcript, you should contact the court reporter.

Certification will satisfy Rule 80, Stenographic Report of Transcript as Evidence.

THE COURT: Good afternoon. If you will go ahead and announce your names for the court reporter and the parties in which you represent, and if you have a pending motion please indicate what the motion is. And we will be happy to get started. We will start with the plaintiff.

MR. GOLDSTEIN: Plaintiff, Tommy Goldstein for the plaintiff. The motion is a motion to compel, although I think it is resolved now.

MS. PALMER: Good morning -- or afternoon. This is Beth Palmer, and I represent the defendant Charleston Animal Society. And I do have a motion to compel the plaintiffs.

MS. GILL: This is Spencer Gill. I represent defendant Ellen Harley and Charleston Carriage Horse Advocates. And as of this morning I believe all of our motions with the plaintiffs have been resolved.

THE COURT: All right. Mr. Goldstein, are you positive that your motion to compel has been resolved or do you want to make sure before you say it is?

MR. GOLDSTEIN: Well, no, the motion with the defendant Charleston Carriage Horse Advocates and Ellen Harley we have moved that to a later date. So I think that is what Ms. Gill means when she says resolved. Because we are meeting -- we have set up a meeting June 1st to work it out. So -- so when ---

MS. GILL: That is correct.

THE COURT: When she said resolved she doesn't mean pulled off of the roster. It is just all the lawyers have agreed to convene on June 1st. We are going to try to sort it out without burdening the court.

THE COURT: All right. Well, what we will do to that one is we will just continue that one to June 2nd. We are setting up a roster for next week, and if y'all haven't been able to resolve it then you can just reach back out to my law clerk and we will set up another time on June 2nd to hear that motion to compel okay?

MR. GOLDSTEIN: The -- Judge, the motion is already set. It is already scheduled.

THE COURT: Okay.

MR. GOLDSTEIN: The clerk has already moved it.

THE COURT: All right. Easy enough. So that leaves ---

MS. PALMER: That is our motion to compel, Your Honor. And as to Mr. Goldstein's motion to compel, as it pertains to my client, the Animal Society, he is seeking the identity of our donors and some additional information. And I don't -- we are not going to work that one out. So if you want to be heard we can do that now.

MR. GOLDSTEIN: Okay, she is right there were two small issues that remain unresolved. And how do I do the screen share now? Where is that screen share? I can put them in front of you, Judge, so it is very clear what they are. But

I had a tutorial on this, but I have already forgotten how to do it. Oh, there it is. Okay.

(WHEREUPON, pause to display document)

MR. GOLDSTEIN: Judge, can you see that document?

THE COURT: No, sir.

MR. GOLDSTEIN: Oh, well, obviously I didn't learn how to do it then.

MS. PALMER: And, Tommy, if you would like to save this part of your motion to compel until the other part is heard, that's fine. I just wanted to be clear on the record that ours is not resolved.

(WHEREUPON, pause for Mr. Goldstein to display document)

MR. GOLDSTEIN: How about now, is it on the screen now?

THE COURT: Yes, sir.

MR. GOLDSTEIN: Okay. Excellent. Sorry, Judge. This is my maiden voyage. As to Number A -- Letter A, we have resolved that one. Letter B, we have resolved that one. C, I think Ms. Palmer sent me that; and I haven't had a chance to look at it yet, I think. But she can correct me if I'm wrong.

Joe Elmore's resume she says she sent me that. And I haven't had a chance to look at it; but she says she sent it to me, and I believe her.

Now E is still very much in dispute, Number E -- or Letter E, the Schedule B's. And the Letter F is very much in

dispute.

THE COURT: All right. Well, let's start with E. What are Schedule B's?

MR. GOLDSTEIN: Schedule B's are the contributors to the Charleston Animal Society. And the reason that we want these is because it is very important to us to find out who their contributors are.

Because Charleston Animal Society is a huge organization and currently has over $20 million in its various accounts, and it receives some large contributions from animal rights organization; and these animal rights organizations have taken a very hostile attitude toward the use of horses to pull carriages, and so we want to know who is contributing. And we have agreed to keep all of that information confidential.

But the source of their funding is very important to us, because the theory of our case is that Charleston Animal Society has nothing to do with horse welfare whatsoever but is simply using the horses as an excuse to do fundraising and has published misleading, incorrect, and defamatory images and statements about the horses in order to promote fundraising.

And so the Schedule B -- and by the way, interestingly, Judge, the Schedule B's until Joe Elmore took it over in 2012 the Schedule B's were always posted online. They were -- the

Charleston Animal Society up until the time Joe Elmore took over always published their Schedule B's.

But the short answer to your question, Judge, is the Schedule B's reveal who the donors are and -- there are only donors in excess of $5,000. The donors to Charleston Animal Society we think that is very important to the theory of our case.

Do you want us to just do it one by one, or do you want me to keep going?

THE COURT: One by one. So, Ms. Palmer, I will be happy to hear from you about the Schedule B's.

MS. PALMER: Thank you, Your Honor.

Yeah, in this case we have heard the narrative from the plaintiff multiple times that there are all these animal rights organizations and they are horrible and that, you know, the Animal Society has donors that are animal rights activists. But we have got the narrative and then we have got the actual lawsuit, and they are totally different things. The lawsuit is a defamation-based lawsuit. The other three causes of action are all based on the alleged defamation.

And the one singular publication that has -- that this case is centered around is a video that the Charleston Animal Society, a three-minute video that the Charleston Animal Society created based on eyewitness videos sent to them from

a horse, one of plaintiff's horses, that collapsed on the street out -- I'm pointing out here and you can't see where I am -- but out on Meeting Street in April of 2017.

And so the contention is that our use of the word collapse was defamatory. That has nothing to do with who Charleston Animal Society's donors are. There is no reason -- even if -- I don't know how Mr. Goldstein can say that these animal rights organizations give huge amounts to the Animal Society when he hasn't seen the Schedule B's. But even if that was the truth, even if every donor was an animal rights activist - which I don't know that there is one singular definition of what that is - but even if that were the case that doesn't prove or disprove any part of his case. It doesn't -- it doesn't go to defamation. It doesn't prove that the word collapse is false.

We believe that seeking these donors' identities is abuse of discovery. The IRS specifically excludes -- or allows nonprofits to keep the identity of their donors private. I have got that code section cited in our memo. And even South Carolina has recognized the importance of nonprofit corporations being allowed to keep their membership lists - which in the Charleston Animal Society's case would be its donors - private.

We actually tried to resolve this. I have tried several times. Months -- I don't -- probably six months, maybe

longer, or a year ago I offered to Mr. Goldstein come to my office, look at the Schedule B's as a sort of an in-camera sort of thing, you are not going to see -- you know, if there are any animal rights activists or -- on these things that jump out at you I will redact everything else and produce it just to get this resolved.

The response was, well, his client's owner, Mr. Cristoff, Mr. Cristoff would need to do it because he is the one that can identify who these people are.

All right. I still don't believe it is relevant, but I allow it to happen. Mr. Cristoff come. And what happens is he ends up -- I told him to mark next to the people or entities he believed to be animal rights activist. He ended up marking every single person or entity that donated I think it was 25,000 or more that he didn't know who they were. Commented, well, I don't know who this person is, they could be one.

So what is that going to lead to? What is the next step there, that he is going to go and investigate our donors, call them and ask them if they are an animal rights activists? And if they are what difference does it make. It doesn't prove any part of the plaintiff's case. And so that is our position. And that was the basis of our objection.

THE COURT: All right. Fair enough.

All right. What about Number F?

MR. GOLDSTEIN: Number F, the Charleston Animal Society is a strange creature; it is a charitable organization, but it is also sort of a quasi governmental entity. And it -- and I can pull it up on the screen and show it to you. It receives its -- a lot of its funding from the cities of North Charleston, Mount Pleasant, City of Charleston, and Charleston County. The bulk of its funding from the governments comes from Charleston County. And they entered in 2014 I think it is. I can pull it up on the screen and show it to you. And as a result of receiving taxpayer dollars to fund, they entered into a written agreement; and the written agreement requires them to keep certain records and provide them to Charleston County as a condition of funding.

And we have asked for those records because those records support our claim -- I mean I don't how to -- I don't know how to say this diplomatically, but Joe Elmore is nothing but a fraud. He is a -- he is a gigantically successful fundraiser. He has raised millions and millions of dollars. And I give him credit for that. When he started I think his salary was 70 or $90,000, and now it is up over 250. And that's all based on his fundraising.

But, you know, in her earlier comments Ms. Palmer was alluding to the fact that our case is purely a defamation case. I think that is an oversimplification.

Charleston Animal Society uses this alleged abuse of carriage horses to generate income. That is what they do. And the -- the use -- the publications of Charleston Animal Society painting my client as an animal abuser, I mean there are -- we could spend two days -- well, I mean a jury is going to have to spend a couple of days going through all of those documents. It's not just one video. It's an ongoing coordinated effort with Ellen Harley and the Charleston Carriage Horse Advocates to put the carriage companies out of business.

And one of them, my client, stood up to them. So we want to see what their records show. Because Joe Elmore he is all over the place on horse welfare. He -- sometimes he says they are all about horses, and I think these records will show that they have got nothing to do with horses.

Now Charleston does have a horse rescue organization called Learn, L-E-A-R-N, Learn. And that is where Charleston Animal Society sends their horses if they are referred to one. But these records would be no burden whatsoever to produce because they are required by their taxpayer funding agreement to maintain them. And we want to see them because we believe that these records will show that their level of fundraising is completely incommensurate with what their needs are and this is just purely a money thing. That is all it is. I don't know how to make it any plainer than that.

THE COURT: All righty. Ms. Palmer, yes, ma'am.

MS. PALMER: Thank you, Your Honor. I think Mr. Goldstein just made my argument for me, that this is about whether or not Animal Society's level of fundraising is commensurate with its needs. That is not what this lawsuit is about. That sounds more like a witch hunt.

Everyone on this call, meeting - I'm not sure what you call these - is obviously already aware that Mr. Goldstein does not like Mr. Elmore. But that is irrelevant.

His claims are defamation, civil conspiracy that we conspired to defame. There is a constitutional-based claim that we by defaming him -- or defaming the plaintiff we deprived him of his property. And then there is an intentional interference with contract claim. Which by deposition testimony no contract has been breached, nor even produced, actually.

What -- giving these records to the plaintiff -- I don't see any relevance to this lawsuit at all. What they do with their animals, how they process them or -- I just I don't see the connection at all.

THE COURT: All righty. So that is -- is that the only two that need to have me make a decision on as to Mr. Goldstein's motions to compel?

MR. GOLDSTEIN: I believe so. The letter "I", the emails transmitting the video, Charleston Animal Society and

all, Ms. Palmer said she had sent that to me today. She said she sent it to me back in February. And if she did, she did. I didn't see it, and I didn't get it. But she said she sent it to me today. And I haven't had chance to look at it -- or yesterday; I'm sorry.

But I mean she is certainly a reliable, ethical, honest lawyer. If she says she sent it to me then I am satisfied I have it.

THE COURT: All right. That seems fair enough. So that leaves Ms. Palmer's motion to compel, correct?

MR. GOLDSTEIN: Correct.

THE COURT: All right. Yes, ma'am, I will be happy to hear from you.

MS. PALMER: All right. Thank you, Your Honor. This -- as you just heard, this is a defamation lawsuit. We are a couple of months shy now of this lawsuit being pending for two years. And you just heard Mr. Goldstein say that there's tons of records showing defamation and that's going to take two days for a jury to go through them.

Well, we still don't really know what the defamation is. We know about the Big John video and the contention that using the word collapse was defamatory. And there were some other subtitles added by the Animal Society when they published it, you know, saying when is -- when -- when are we going to have our independent peer-review study.

I mean the whole thing with the Animal Society is pushing to have an independent, retrospective, peer-reviewed study of the carriage horses to determine whether or not the conditions they work in are humane. That is probably more than you needed to know but ....

In addition to this video, at the outset of this case the plaintiff also dumped about 2,000 or more files on a CD on us. And it consisted of everything from screenshots to -- it is mostly screenshots of social media and, you know, members of the public commenting and, you know, some -- it is just a lot.

And so in our discovery in our first interrogatories it is Number 6 - and that is attached as Exhibit A to our motion to compel - we asked that the plaintiff identify every allegedly false statement, how it was published or where it was published, who published it, why the plaintiff contends that the statement is false, and if they are contending that it was made with malice what evidence they have of that, and how each statement damaged the plaintiff. We are just asking for discovery on the very cause of action that is the basis of this complaint.

In response to that interrogatory rather than giving specific examples the plaintiff said for example and then went on to identify a bunch of the different files by the file number. But it doesn't include the information

requested in the interrogatory. And I don't need examples. I need all of them. I think we are entitled to them.

So in the meantime after our motion to compel had been filed the plaintiff produced another CD in July of 2019 in which they very much did try to separate the documents out by folders to correspond with our request - which is much appreciated; and on that CD there are two separate folders named: false statements by CAS, Charleston Animal Society. Together it is a total of 36 files.

After that we got -- the year after they were served we got written answers to our request for production. And in response to the request for production requesting copies of defamatory statements the plaintiffs -- or the defamatory statements are contained in the compact discs previously supplied to counsel under the index heading: false statements by CAS.

But there are a couple of problems here. First, those folders don't contain some of the previously identified publications; so that makes you wonder why the discrepancy. Maybe -- maybe the plaintiff decided to drop some of those and wasn't going to pursue them. And that is fine.

Trying to resolve this I emailed Mr. Goldstein yesterday and said, all right, if we can -- if you will go on record and say that these thirty-six files in those two folders are the basis of the defamation, that is all that you have in

your possession that supports your claim of defamation against the Animal Society, that would be great, that would resolve it, we don't have to go further.

And there was a refusal to do so and a statement that he lacks the computer expertise to address any technical failures that may have occurred in assembling the digital files.

I don't really know what that means. But here we are with inconsistent discovery responses as to the identification of the allegedly defamatory statements and then a refusal on the plaintiff's part to just be pinned down and say what it is. I mean two years in this lawsuit we need to know this. It might just be the Big John video; if so, great.

Now even if those files in -- the 36 files that were identified as false statements as CS -- CAS, even if those documents do consist of all of the statements and he -- and plaintiff is willing to concede that that is all of it, we still have a problem there; because our interrogatory requesting additional information about each of those publications still hasn't been answered.

And I will tell you why that is necessary. I emailed Julie a PDF a little while ago that had some documents in it. And I will be referring to them by their Bates labels. But included in this 36 documents, for example, there is an

article from Charleston Animal Society's magazine about a police K-9 falling out of a window. And that's CAS one to two.

There is a copy of the act -- literally a copy taken from the 1874 statutes at large of the act incorporating the South Carolina Society for the Prevention of Cruelty to Animals. There are a number of screenshots of comments on the Animal Society's Facebook page made by members of the public they don't appear to have anything to do with the plaintiff or this lawsuit.

And there is even -- there's a screenshot of -- and let me back up. The copy of the 1874 statute at large, that is at 19 to 20. There is an example of the screenshot showing commenting is 26. And then there is even a screenshot of my client, the Animal Society's posting policy for the public; things like we won't tolerate profanity, etc.

I haven't the slightest idea what could be defamatory about that. And I don't think I should have to guess. I don't -- additionally I don't think any of these statements actually even identify Charleston Carriage Works, the plaintiff.

So I need to know how did a statement that doesn't even mention you damage you. What is it -- how is it fault as to the plaintiff. What evidence does the plaintiff have that that particular statement was published with malice. That is

the main -- main thing with our motion to compel.

There were a couple of other little things that I have pretty much resolved. But aside from that we have got Interrogatory Number -- I'm sorry, Interrogatory Number 10. The plaintiff has alleged that as a result of the alleged defamation that it has been phased cloaked with efforts by the City of Charleston to restrict and curtail the plaintiff's use of its property. So, yes, well, what actions has the City taken? What is the basis of that allegation that somehow the Animal Society is responsible for that?

The answer essentially was, well, the Animal Society has accused plaintiff of not following the law. That is not responsive to that request at all. We want to know what actions were taken by the City to curtail the plaintiff's use of this property. And if there are none, fine, let's have an answer that says no information.

We also in conjunction with that interrogatory served a request for production requesting documents relating to the same. We haven't seen any of those.

And there is also no answer at all to Interrogatory Number 13. Which it may have been an oversight. But I did point out in my Rule 11 letter. And that was requesting a copy of any communications related to consultations that the plaintiff may have had with third parties after Big John's fall. We haven't received anything for that.

And let's see. I believe that is all that we've got right now.

THE COURT: All right. So yours is Number 6, Number 10, and Number 13. And Mr. Goldstein's is Number E on his letter and Number F. Correct?

MR. GOLDSTEIN: That is.

THE COURT: All right. Well, we only give 30 minute blocks; so the other hearings are waiting. But I can go ahead and make a ruling to make it easy on you.

As to Schedule B's, Mr. Goldstein already admitted Ms. Palmer is certainly above board and will do what she says; but I am going to give Mr. Cristoff one more chance to go by and any information that he wants take a look in her office and ask her to produce she will -- we will -- she will redact and produce.

I am going to grant the motion as to F.

And, Ms. Palmer, I am going to grant your motions as to all three of yours, six, ten and thirteen. He will need to answer Number 13. He will need to answer with specificity on Number 6 and 10.

All right?

MS. PALMER: Thank you, Your Honor.

THE COURT: All right. If y'all will just -- who wants to do the order?

MS. PALMER: I would be happy to.

THE COURT: All right. If you will just send a copy to everybody. Make sure we are in agreement on it. It doesn't need to be anything special, fancy, nice. Just what I just said, and that will be it.

MS. PALMER: Sounds good.

MR. GOLDSTEIN: Okay.

THE COURT: All right. And then you E-file it and I will sign it.

MS. PALMER: Thank you very much.

THE COURT: All right. Thank y'all very much and hope y'all have a wonderful day.

MR. GOLDSTEIN: Thank you.

(WHEREUPON, the hearing concluded.)

(NOTE: Please contact the court reporter for additional copies or certified transcripts.*)*

CERTIFICATE

I, the undersigned Phyllis Norton, Official Court Reporter for the Ninth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all proceedings had and evidence introduced in the captioned case, relative to appeal, in the court for South Carolina, on May 28, 2020.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

Phyllis Norton

Date: November 23, 2020

Certified Transcript Provided For: Thomas Goldstein
Certification Reference #112320 Original

STATE OF SOUTH CAROLINA	)	COURT OF COMMON PLEAS
	)	NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON	)	
	)	
Charleston Carriage Works, LLC,	)	CASE NO. 2018-CP-10-04083
	)	
PLAINTIFF,	)	TRANSCRIPT OF RECORD
	)	
VS.	)	CERTIFIED COPY
	)	
Charleston Animal Society, Ellen Harley, and Charleston Carriage Horse Advocates, Inc.	)	
	)	
DEFENDANTS.	)	
	)	

June 16, 2020

Charleston, South Carolina, via WebEx

B E F O R E:

The Honorable Bentley Price

A P P E A R A N C E S:

For the Plaintiff:
Thomas R. Goldstein, Esquire

For the Defendants:
Joseph DuRant "Trey" Thompson, Esquire
Elizabeth J. Palmer, Esquire

Certified Transcript Provided For: T. Goldstein

Phyllis Norton, CVR-Master, *Nationally Certified Verbatim Court Reporter*
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I N D E X

HEARING -- 03

EXHIBITS - None Proffered

CERTIFICATION OF TRANSCRIPT -- 20

If you need an additional copy of this transcript or a sealed transcript or if opposing counsel requires a copy of the transcript, you should contact the court reporter.

Certification will satisfy Rule 80, Stenographic Report of Transcript as Evidence.

THE COURT: Just introduce yourselves and whose motion it is. And understand that we are -- you know, we are limiting you to 30 minutes. So if you have got to make an argument make it -- if you think it is going to go longer then certainly just understand we only have about 30 minutes. So if you will go ahead and begin. We will start with the plaintiff.

MR. GOLDSTEIN: Tommy Goldstein for the plaintiff, Charleston Carriage Works.

MR. THOMPSON: Your Honor, Trey Thompson for the defendant, Ellen Harley and Charleston Carriage Horse Advocates.

MS. PALMER: And Beth Palmer for defendant, Charleston Animal Society.

MR. GOLDSTEIN: Okay. So are you ready for me to start now, Judge?

THE COURT: Yes, sir, I will be happy to hear from you.

MR. GOLDSTEIN: Okay. This is a motion to compel. And I have to ...

(WHEREUPON, audio of Mr. Goldstein temporarily frozen.)

THE COURT: Yeah, he froze.

(WHEREUPON, pause while audio frozen.)

MR. GOLDSTEIN: ... and have worked well together in this case.

THE COURT: All right, Mr. Goldstein, hold on. You

froze. We have heard nothing that you have said other than okay.

MR. GOLDSTEIN: All right. Well, let me just tell you this is a motion to compel. This case is a 2018 case. The answer wasn't filed until about seven or eight months after the complaint was filed. And since that time we have gotten virtually nothing from the defendant, Ellen Harley and Charleston Carriage Horse Advocates. They did not answer the most basic discovery material -- I mean questions.

And in an effort to break the logjam on January of - I forget the date now - January 19th I think. On January I took a 30(b)(6) deposition to try to get past the obstruction. And at that time Ms. Harley appeared as the 30(b)(6) and she provided us with 144 pages of information.

And I would like to share that with the court, because I think it is important. I took the 144 pages and I broke it down. And I am going to bring that up on the screen now if I can figure out how to do that. Okay, I am supposed to click share screen somewhere but.

(WHEREUPON, pause to share screen.)

MR. GOLDSTEIN: Okay. Can y'all see that document?

THE COURT: Yes, everybody can see it. Yes.

MR. GOLDSTEIN: Okay. And I didn't know if you could hear me. This is the total -- this is the sum total of discovery we have gotten from Charleston Carriage Horse

Advocates. They gave us 144 pages of total production. Of that, 33 pages were just duplicates of the same document and 51 pages were a public e-blast that just went out to the public that anybody could get off of the internet. Entirely two pages, mostly which were black, was represented as the entire Charleston Carriage Horse Advocates' correspondence.

Now that is the total amount of discovery that we have gotten from a public charity that is -- receives favorable taxable benefits as a result of holding itself out as a public charity with all of the responsibilities of being transparent that are required under South Carolina law.

So now I want to take that document down and I want to show you the numerous efforts I have made to resolve this prior to today's hearing.

(WHEREUPON, pause to share screen.)

MR. GOLDSTEIN: All right. This is my first letter to counsel. And let me state once again that none of this -- none of this problem with getting information is a result of counsel. Counsel has a very unusual client, someone who -- with a lot of experience in the political system having served in the Pennsylvania House of Representatives and having been an unsuccessful Republican candidate for a congressional seat and also a candidate for political office here in Charleston when she ran for Seat Number One, Henry Fishburne's seat at City Council, which she was unsuccessful.

The point is that she is very sophisticated, very wealthy, and she has no intention of complying with the rules that govern litigants in civil litigation. And that is where this problem has come. It has not come from the lawyers. It has come from the client.

But anyway, Judge, as you can see on March 21st I wrote a letter to counsel outlining the fact that Ms. Harley and Charleston Carriage Works had failed to provide any meaningful answers to our request.

And of course you can read this letter for yourself. I don't need to sit here and read it to you. But I want to show you the four other letters that followed this as the plaintiff made an effort to break the logjam and get just basic answers to basic fundamental discovery.

And now when I take a document down and put another document up it is going to go silent while I am doing that. Because I don't know how to stop that from happening. And I don't want to waste anybody's time while I figure it out. So as I take -- as I go from one document to another one you are not going to hear me. So let me -- that is I guess really for Ms. Norton to understand.

So if you would just take a minute and look through this document -- and do I have to scroll it out down manually for -- oh, I have to scroll it down manually for you. So let me take a second and do that.

(WHEREUPON, pause for document to be shared on display.)
(WHEREUPON, Mr. Goldstein begins to speak but no audio.)
THE COURT REPORTER: You are on mute again. I can't hear you. I think your mute button is on. Bottom, left corner, just push the microphone to turn it back on.
MR. GOLDSTEIN: Okay. How about now?
THE COURT REPORTER: Got you now. Very good. Go ahead.
MR. GOLDSTEIN: Okay. And, Judge, I don't want to take your time reading this. But as you can see, this letter I specifically walked through each and every question and explained why I am entitled to the information.
And this was not the only time I did this. I did this on March 21st, on May 22nd, on August 2nd, and on August 5th. And let me just show you each one of those very briefly.
(WHEREUPON, Mr. Goldstein confers with assistant.)
MR. GOLDSTEIN: Okay. May 22nd is next.
(WHEREUPON, Mr. Goldstein confers with assistant.)
MR. GOLDSTEIN: Okay. Here is the May 22 letter. Again going through the same information. And, as you can see, it says I would like to talk to you about the obvious deficiencies in Ms. Harley's response to discovery. As I previously pointed out by letter, defendant essentially ignored the plaintiff's request for basic information. None of that has changed.
So let me stop that -- sharing that, and let me show you

the next letter.
(WHEREUPON, pause for document to be shared on display.)
(WHEREUPON, Mr. Goldstein confers with assistant.)
MR. GOLDSTEIN: Okay. Here is the August 2nd one. And in this letter, again going through the same thing, I attached the actual supplemental interrogatory. And take a look at this one, Judge, if you don't mind. I asked -- I said give me the names and addresses, agents, and the people who have the ...
(WHEREUPON, Mr. Goldstein's screen frozen.)
THE COURT REPORTER: It is frozen. I got give me the names and addresses ... the people who; and then it froze.
THE COURT: Yeah, I think we are going to have to just tell him to quit sharing the screen and just make the argument because I think that is what is messing it up.
MR. GOLDSTEIN: Y'all can't hear me?
THE COURT REPORTER: We can now. You are back.
MR. GOLDSTEIN: Oh. Okay.
THE COURT: You can just -- how about this, instead of sharing your screen, because that is what is messing you up, ---
MR. GOLDSTEIN: Oh.
THE COURT: --- just read me what is on your screen to us and we will put that in the record.
MR. GOLDSTEIN: Oh, gosh, that August 5th letter is

about three over four pages. It is ---

THE COURT: No, I mean just that one you wanted to read me. You wanted to read me the first one about the names and addresses or whatever. Just read that one and the answer, because that is what you wanted to do.

MR. GOLDSTEIN: Okay. Let's see. That was the May 20- -- that was the August -- May 22nd, share.

Well, I can't. It's -- I am getting an error message saying the host has disabled the screen sharing so ---

THE COURT: What I was telling you is that that is what is messing it up. Every time that you shared it, it freezes you. So what I was saying is just read me the one interrogatory from the August 9th letter that you wanted to ---

MR. GOLDSTEIN: Okay.

THE COURT: For me to take a look at, and that way it will be in the record.

(WHEREUPON, Mr. Goldstein confers with assistant.)

MR. GOLDSTEIN: I can't find it.

THE COURT REPORTER: So he is having trouble seeing it unless he shares it with us, seeing it at the same time.

THE COURT: Okay. All right.

(WHEREUPON, Mr. Goldstein confers with assistant.)

MR. GOLDSTEIN: Okay. It is August 2nd. Can y'all hear me?

THE COURT: Yes.

MR. GOLDSTEIN: Okay. August 2nd the interrogatory says give me the names and addresses of employees, agents, internal auditors and so forth, who were in possession of the records of the corporation. And this -- I am just asking for the identity of the people who have the records. Here is the defendant's answer word for word: Defendant objects to this interrogatory as it is overly broad, unduly burdensome, and not calculated to lead to the discovery of admissible evidence.

That was their answer.

Now as I told you earlier, I attempted to break through -- and again this is not counsel doing this. This is Ms. Harley. Because she is -- she is an unusual litigant. She is unlike any litigant I have ever encountered. The rules just don't apply to her.

So I have no doubt that her counsel has made a diligent and good-faith effort to get her to comply with the rules of discovery, but she is just not going to do it until the Court tells her to. It is just that simple.

So in an effort to break through this impasse I scheduled a 30(b)(6) notice of deposition and Ms. Harley appeared as the designated witness. And in that deposition, which I have not filed with the court because I don't -- you can see how much trouble I am having with just the few

documents I am trying to show you.

She -- I asked her, for example, who is the bookkeeper; and she said A-1 Bookkeeping. Where there is no such thing as A-1 Bookkeeping. It just doesn't exist. She didn't know anything about anything.

In her 30(b)(6) deposition she revealed for the very first time that she is not responsible for her media presence regarding Charleston Carriage Horses, that two corporate entity she identified for the very first time. We had never heard of these people before, not in the answer.

So the bottom line -- I am just going to wrap it up and tell you this, Judge. It is really very simple. The Charleston -- the Charleston Carriage Horse Advocates has completely stonewalled us on discovery. We have gotten nothing meaningful from them, and we are not going to get anything meaningful from them.

And there is a very simple solution to this problem that requires very little effort for Mr. Thompson or any of the numerous other lawyers representing her. All we have to do is get an order of the court requiring her to turn over her lap top, her electronic devices, to our expert who has been standing on the sideline waiting to get -- swing into action. He could then using the administrator key find out exactly when they posted, who they communicate with, what they've deleted. Because I am confident that they have deleted a

lot. And their bank statements. And we are done.

But the bottom line is this case has been pending over a year and a half and we've gotten no discovery from them whatsoever. We have gotten nothing.

THE COURT: All right. So my understanding, Mr. Thompson, is you are the one that represents Charleston Carriage Horse Advocates; is that correct?

MR. THOMPSON: That is correct, Your Honor.

THE COURT: Have you represented them since the inception of this case?

MR. THOMPSON: Yes, Your Honor.

THE COURT: And how many other attorneys are there that represent Ms. Harley?

MR. THOMPSON: There are two others that have made an appearance outside of my firm, and then there's another that is inside of my firm that has made an appearance.

THE COURT: All right. Go ahead. I'll be happy to hear from you. I will mute myself.

MR. THOMPSON: Thank you, Your Honor. May it please the Court.

Your Honor, my name is Trey Thompson. I represent Charleston Carriage Horse and Ellen Harley. I am a little befuddled by counsel's presentation this morning -- or this afternoon. All his assertions, all of his letters, everything else, not once has he said okay I actually got

those things. Because he did.

In fact, the way he ended his presentation this afternoon was quite simple; and that was all I need are the bank statements and Ms. Harley's laptop. That is what he said. So the entirety of his presentation prior was irrelevant, frankly, Your Honor.

And it is a problem here because in all honesty at every turn I have communicated with Mr. Goldstein to try and work through these things. In fact, this morning we had a telephone call and he stated very specifically that the only things that were left for discussion or concern were the bank statements and e-discovery piece, which is for what sort of referred to as a laptop.

So I had a specific call with Mr. Goldstein this morning. There were two issues. And then I got what I heard this afternoon which is not what we discussed.

Now with regard to the two issues that he has outlined, the bank statements, that, Your Honor, we are prepared to produce.

Your Honor, the background and the back story on all of this case, in all honesty if you are familiar with the carriage horse -- the carriage horse industry, and then there are advocates that I believe that there should be better and more efficient controls on that industry with regard to the working of those horses. This is a dispute that has been in

the public realm for a long time. There are First Amendment concerns that undermine or underline all of the issues in this case, the ability and the opportunity to advocate. And so against those I guess that background this lawsuit then appears. It really generally sort of seemed to generate as a result of an incident that happened back in April of 2017 involving with Big John and a video there.

Now what Mr. Goldstein is talking about with regard to the bank statements I find it interesting. You know, we have been back and forth on financial records; and there is general distrust on both sides that the financial records will be used by the other side in their campaign against the other.

In fact, Mr. Goldstein wrote me a letter saying he wasn't going to produce any of the worksheets or any of the vendor information for his client because of that very issue. And yet on the other hand he then wants to get this Court to produce records and information that he didn't want to produce himself.

So at the end, with regard to the bank statements, I had proposed to Mr. Goldstein this morning that we would produce those. I didn't hear back from him. And so I think that that is where we are on that.

With regard to the e-discovery and the laptops this is very important, Judge, because this is really not technically

in front of you this morning -- or this afternoon. I keep saying this morning. I don't know why.

The motions that Mr. Goldstein filed were all in the 2019 timeframe. The deposition of Ms. Harley, the 30(b)(6) was taken in January of 2020. That deposition notice included document production. And in that document production it was requested for the e-discovery stuff, the e-mails and generally frankly mostly the internet sites and the internet postings.

What Mr. Goldstein has posted is 144 pages; however, we submitted to him a thumb drive with thousands of pages of posts from the websites that Charleston Carriage Horse manages.

So it is disingenuous for him to appear today and say there is only 144 pages when he got an entire thumb drive full of records and all it demonstrating all of the posts by Charleston Carriage Horse.

Now the important part here for Your Honor is is this: When the 30(b)(6) was conducted we obviously ran into this issue with regard to the discovery of -- or the disclosure of certain e-mails and certain e-mail activity. The deposition notice and the document production therein was the first time Mr. Goldstein requested that information from us, the first time. And so obviously at this point in time that didn't have anything to do with the motions that are before you.

In fact, we had a meeting with Mr. Goldstein specifically to work through these e-discovery issues on June 1; and at that time we discussed with him, hey, we need to have search terms, right, because the e-mails that you are asking from Ms. Harley can't just go and mirror a hard drive of her computer because obviously there is a lot of personal information on there that has nothing to do with this case, however if you will provide us with search terms that is what e-discovery we do all the time, provide us with search terms and we will get our expert or somebody to produce all of the relevant e-mails that have those search terms that would then obviously leave out any personal information.

That was June 1. And at -- today I had not heard back from Mr. Goldstein. I addressed that with him this morning in a call. He then sent a number of search terms. We have not, Your Honor, had an opportunity to work through that issue.

Right, Rule 11 we would normally have the opportunity to sit down and talk about, okay, what are the issues with regard to the e-discovery, what are the issues with regard to the search terms that you are requesting. And literally I got the last one from him an hour or so before this hearing. So we really have not had an opportunity to work through that.

We don't object to working through that concept and

providing a scope that would allow for the production and/or the investigation -- or the discovery of the e-mail traffic that would involve this case.

However, again, Mr. Goldstein in not one of those letters, not one of the things before this court, has anything to do with that. And so he is trying to bootstrap what happened and what we were trying to work through now into an order of the court that is not -- or into an issue that is not before this court at this time.

Now I suggested to Mr. Goldstein obviously again this morning that we have not had that opportunity and that I thought that we needed to deal with that first and then if we couldn't get it worked out we would get back in front of the court. However, I did not get an e-mail or a telephone call back from him after that e-mail.

So in short, Your Honor, when we talk about the two things that he has indicated that he is seeking at this point in time in seeking for an order of this Court, is bank statements from CCHA, the monthly bank statements just as they would be delivered to the client from the bank. We are going to present those, Judge.

The other piece is not before Your Honor, respectfully. It is something that the parties have not specifically worked through other than we tried to on June 1 and then didn't hear back from Mr. Goldstein until over two weeks later with

search terms. So we are still honestly trying to work through that piece. And --

THE COURT: So -- so are y'all consenting to the bank statement?

MR. THOMPSON: Yes, Your Honor.

THE COURT: Okay. Well, then that solves number one. And then how long do you think you will need between the two of y'all to go through those search terms; or are you complete with the search terms, Mr. Goldstein, what you submitted an hour prior to the hearing is that all the search terms that you are requesting at this time?

MR. GOLDSTEIN: Yes, sir.

THE COURT: All right. Seems like problem solved. They consented to the bank statements. They will produce those.

How long do you need for that, Mr. Thompson?

MR. THOMPSON: Well, Your Honor, I -- obviously we can produce whatever we have. But to go to the bank if we don't have those statements we will have to request them from the bank to get them. I don't know how long that will take. Obviously we will make it an expedited effort. I can't imagine longer than 30 days. I would hate to commit to less than that.

THE COURT: All right. So we would do that. Give -- just tell Mrs. Harley we have 30 days to produce those documents as to the statements. And inside those 30 days if

y'all haven't been able to come up to dial in the search terms and have a time to -- you know, that y'all have agreed on to produce those then I will allow you to come back to the court and ask for the same thing again.

So I will just basically at this point in time take this matter under advisement for the next 30 days and we will see where we end up at the close of those 30 days.

MR. THOMPSON: Thank you, Your Honor.

THE COURT: All right. Problem solved. All right. If y'all need anything else just reach out and let me know.

MR. GOLDSTEIN: Okay, Judge, we are -- at some point we are going to have to talk about the access keys and the administrative keys to see what they have deleted though. I don't know that we touched on that. But if you want us to go through that in the next 30 days I am willing to do that as well.

THE COURT: All right. Let's try that. And if not, come back to me and I will make a decision.

MR. GOLDSTEIN: Yes, sir. Thank you.

THE COURT: All right. Thank y'all.

(WHEREUPON, the hearing concluded.)

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CERTIFICATE

I, the undersigned Phyllis Norton, Official Court Reporter for the Ninth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all proceedings had and evidence introduced in the captioned case, relative to appeal, in the court for South Carolina, on June 16, 2020.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

Phyllis Norton

Date: July 25, 2020

Certified Transcript Provided For: T. Goldstein

Certification Reference #2022-0525

STATE OF SOUTH CAROLINA
IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON
FOR THE NINTH JUDICIAL CIRCUIT

CHARLESTON CARRIAGE WORKS, LLC, Plaintiff, -versus- CHARLESTON ANIMAL SOCIETY, ELLEN HARLEY AND CHARLESTON CARRIAGE HORSE ADVOCATES, INC., Defendants.	Case No. 2018-CP-10-4083

Hearing before the Honorable Mikell R. Scarborough, reported by Jennifer M. Huggins, Court Reporter and Notary Public, at 2:00 p.m. on September 29, 2021 at 100 Broad Street, Courtroom 2A, Charleston, South Carolina.

Jennifer M. Huggins, Court Reporter
Master-in-Equity
P.O. Box 80711
Charleston, SC 29416

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Joe Elmore

THE COURT: All right. So this afternoon we have the before the Court, the case Charleston Carriage Works, LLC, as plaintiff versus the Charleston Animal Society, Ellen Harley and the Charleston Carriage Horse Advocates, Inc. The case 2018-CP-10-4083.

Mr. Tommy Goldstein, present for the plaintiffs.

MR. GOLDSTEIN: Yes, sir.

THE COURT: Good afternoon, Mr. Goldstein. Good to see you again.

MR. GOLDSTEIN: Good to see you, Judge.

THE COURT: And Ms. Palmer is here for the defendant, Charleston Animal Society, correct?

MS. PALMER: That's correct, Your Honor.

THE COURT: All right.

MR. MANN: Jenkins Mann, Your Honor, on behalf of Charleston Carriage Horse Advocates, Inc., and Ellen Harley. And this is Kevin Maroney, who's also in my office.

THE COURT: All right. Mr. Mann, thank you, sir.

MR. GOLDSTEIN: Judge, don't forget Mr. Thompson. I wouldn't want you to overlook him.

THE COURT: I see Mr. Trey Thompson back there, Ms. Spencer Gill. Anybody else I need to know about? Sir?

MR. ELMORE: Joe Elmore with the Charleston Animal Society.

THE COURT: All right. Mr. Elmore, good to have you. And then, of course, that's my illustrious sidekick, Ms. Marti Dennis Goodwin back there. She's interested. She's an animal person. She likes animals. She's the one that showed me the videotape. Okay? So I looked at that last after I'd had a chance to read y'all's submissions.

Let me just start -- I know we've got a number of motions. I've been focused on the summary judgment motion, but there were some other motions in the record. So I'm looking to see what might still be outstanding from either a discovery or an amendment standpoint.

I figured we'd take about 15 minutes to address that before we get into the merits of the thing. All of those preceded the case coming to

me; so they may have been resolved. But I want to make sure that the record is clear on that before we get into the merits.

MR. MANN: So, Your Honor, Kevin in my office is going to argue our motion to compel if it's necessary. Mr. Goldstein and I talked this morning. I had hoped we could catch up on my way down, but I couldn't catch him on his cell phone, which is --

THE COURT: He's a hard man to get.

MR. MANN: He's a hard man to get. I think --

THE COURT: Unless you ride a Harley. If you ride a Harley, you might catch him.

MR. MANN: I think our motion to compel can be resolved. I don't think we need to -- we probably need about 15 minutes to talk to Tommy at some point, maybe on a break today.

THE COURT: Okay.

MR. MANN: But I do believe our motion to compel can be resolved.

THE COURT: All right. Thank you, Mr. Mann.

And, Mr. Goldstein, on your side.

MR. GOLDSTEIN: Yes, sir. On behalf of the plaintiff, Mr. Mann and I have been talking. I do believe it can be resolved, if it has not already been resolved.

And let me just state for the record: Number one, the reason he couldn't get me on my cell phone is because I forgot it. And second, you know, I'm going to play the old man card for the whole afternoon.

THE COURT: Don't do that to me.

MR. GOLDSTEIN: Secondly, I'm fairly confident we can resolve it because I will state on the record that not only myself, but also my client, are available to Mr. Jenkins and Mr. Maroney.

My file is completely open to him. I will make my client available to walk him through the electronic discovery, which has been extensive.

THE COURT: Okay.

MR. GOLDSTEIN: Okay. And it is complicated, and it is convoluted. And I will further stipulate that Mr. Maroney can leave the record open, and if he's not satisfied with our efforts to meet their -- whatever deficiencies

may exist, that he is not waiving the right to go forward at a later time.

THE COURT: Okay. All right. Very good.

MR. MANN: And, Your Honor, that might just be the easiest way to do it rather than go on a break. If you just want to table this for down the road. If it doesn't get resolved, then we're fine with that.

THE COURT: Okay. Well, like I said, I was preparing for the summary judgment motion, but I just want to make sure that I had covered that.

I had Ms. Wilkerson here prepare me a list of whatever was -- had been filed in the case, and there were motions to amend and there were allegations of sanctions for failure to comply with the discovery and that kind of stuff. So I just wanted to make sure that's all resolved.

MR. GOLDSTEIN: On behalf of -- and I will defer to Ms. Wilkerson. She's probably better prepared to address the outstanding motions than I am, but I believe that also outstanding is the plaintiff's motion to amend

and the plaintiff's motion to compel answers to the discovery.

THE COURT: Right. That's what I was asking about.

MR. GOLDSTEIN: Yes, sir.

THE COURT: It cuts both ways. What's your motion to amend? What --

MR. GOLDSTEIN: What happened in this case is we took a 30(b)(6) deposition of the Charleston Carriage Horse Advocates on January 31st, 2020 for the first time. Charleston Carriage Horse Advocates produced Ellen Harley as the witness.

And at that deposition, she claimed that all of the media publications were not handled by her but were handled by two commercial -- two commercial entities: Domangue Consulting and Digital Consultants. I may be butchering the second name.

And so naturally that brought out the question of, oh, great, are we going to get trial and they're going to be arguing, well, you've sued the wrong defendant. You shouldn't sue that defendant. So I think four months later -- and I'll defer to Ms. Wilkerson. I think it was in

April, I filed a motion to amend.

I also sought to amend my client, individually, and his wife, individually. The reason that came up is during discovery, the defendants asserted that some of the claims -- some of the damages being claimed by the plaintiff belonged to the individuals and not to the company.

And so for that reason, I moved to add them as a party of this claim. It wouldn't change any of the causes of action, but it just would allow them to the claim for some personal damages.

And then the other amendment was to add three individuals, who -- there's very much a question in our mind as to whether or not Charleston Carriage Horse Advocates does or does not exist.

Early on in the case, we took the deposition of Elizabeth Ford, who claimed that there were no minutes, and there were no meetings, and that they didn't really observe any formalities. It was just basically for downtown residents who take issue with the carriage tours.

And so for that reason, we sought to add

them as individual defendants. Again, none of the causes of action would change. Really, none of the proof would change. But I could shed more light on this when we shift gears and go to the motion to compel. And I'll give you a for example.

THE COURT: All right. Well, let me make sure I'm clear. So what you seek to do in your motion to amend the complaint would be to add Mr. and Mrs. Christoff as party plaintiffs?

MR. GOLDSTEIN: That's correct.

THE COURT: And then you also wanted to add, what, members of the Charleston Carriage Horse Advocates, Inc., as parties?

MR. GOLDSTEIN: As parties defendant. We named Ellen Harley as an individual defendant, and now, we're seeking to add the three other principals of Charleston Carriage Horse Advocates, LLC.

THE COURT: Well, I'm going to ask that question right off the bat. Is that an Inc. or an LLC? And if it's an Inc., I'm assuming it's a corporation, and they do business as a corporation, blah, blah, blah?

MR. MANN: That's correct, Your

Honor. It's an Inc.

MR. GOLDSTEIN: All right. I stand corrected. I wasn't trying to mislead in any way.

THE COURT: Yeah. Yeah. Okay.

MR. GOLDSTEIN: But in discovery -- and tell me if you don't want me to segue to discovery. But in this -- we took Ms. Ford's deposition and asked her if there were minutes or anything, and she said there really weren't.

So then in discovery, we got what we contend are bogus minutes, but -- see, I'm sort of shifting over to the discovery motion now -- which is why we want to get the metadata and the electronic fingerprints of these documents because we contend that these minutes were prepared after the fact in sort of post hoc effort to provide cover for what individual potential defendants were doing.

But that's the next motion. So I'll reserve my comments on that unless you particularly want me to go to that.

THE COURT: All right. Well, I would like to make sure I get all the right parties before the Court. If we start adding

parties, we've got to delay this thing about six months. I'm not sure anybody wants to do that. You tell me. The motion was filed -- and you're right. The motion was filed April 6th of 2020 to amend the complaint.

MR. GOLDSTEIN: Right.

THE COURT: I guess there was no court for the longest time.

MR. GOLDSTEIN: No. And also, I had a little visit down at Med U for pretty much 2019; so that was an interesting experience.

THE COURT: I'm sorry to hear that, but apparently you survived, and that was pre-Covid, so I know it wasn't a Covid problem you had.

MR. GOLDSTEIN: I just barely beat Covid. Boy, was that luckily.

THE COURT: Yeah. Yeah. All right. Well, I'm glad you're still standing, Mr. Goldstein, at least for now.

MR. GOLDSTEIN: And it got me -- it actually got me again -- I'm not trying to get sympathy or anything, but it got me two weeks ago. I was back there down there two weeks ago, and they had to do the little electricity.

THE COURT: Well, that will slow you down.

Ms. Palmer, I assume you're ready to go, are you not?

MS. PALMER: I am, Your Honor.

THE COURT: All right. On your motion.

Mr. Mann, do you think you've got y'all's worked out or as close to being worked out as you can?

MR. MANN: Our motion to compel, yes, Your Honor. I think we're okay to table that. Obviously our summary judgment and Mr. Goldstein's motion for summary judgment.

THE COURT: Would it change? I didn't see any counter-claims. Y'all don't have counter-claims in here, do you?

MS. PALMER: No, Your Honor.

THE COURT: So whether or not the Christoffs were individually involved with the case or not, do y'all have a position on that?

MS. PALMER: Yes, Your Honor.

THE COURT: I assume you oppose that. I think that I saw a memo to that effect somewhere in there.

MS. PALMER: Yes, Your Honor. I've got a copy. We didn't -- I didn't get the filing in until today; so I brought you what --

THE COURT: Just tell me where you are.

MS. PALMER: All right. Well, one, Rule 15 doesn't allow the addition of new parties. It only permits the plaintiff to add, modify, delete or change claims against an existing defendant.

But beyond that, there's several reasons I think this motion should be denied. Undo delay. The plaintiffs and Mr. and Mrs. Christoff were aware of the claims that they're seeking to bring in April of 2017. They've known about them for over four years.

In fact, at the end of April, beginning of May, Mr. Goldstein sent letters to my client and to Mr. Mann's client demanding retraction, demanding that they stop, you know, advocating on behalf of animals, and specifically saying that Mr. Christoff and his wife, or his family, have suffered, you know, severe distress from the backlash from the John video.

So these claims were known to them April

or May of 2017. Mr. Broderick even stood up at a tourism commission meeting in August of -- or in April of 2017 saying to the tourism commission, describing how the publication of that video harmed him and his wife and that his wife was unable to sleep for a very long period of time.

Anyhow, there's just no reason to have waited even until April of 2020, two months after discovery, and then to file this motion to amend. You know, and aware of the claims before even filed, the initial complaint in this action. So undo delay obviously is an issue and prejudice.

We've taken -- we've done all of this discovery. We've taken so many depositions. And I mean, for example, Mrs. Christoff's deposition, we didn't inquire into her personal damages or if she had been personally defamed or, you know, fraud, outrage, these other claims that he seeks to add, we didn't, obviously, ask her to those. So that deposition would have to be redone.

You know, the amendments just plainly require us to do a lot of work and would require different evidence, different proof. And, I mean, that is the definition of prejudice. I've got, you know, a few examples. But I think that

pretty much covers up prejudice.

And the big thing here is futility, the statute of limitations. I mean, Mr. Goldstein just told us that these claims -- and this is in his reply brief or his reply memo in support of his motion -- concedes that these new claims all arise out of the same transaction, same occurrence.

So all of those facts existed pre-August of '18 when his complaint was filed. The statute has run. There's no relation back in this -- under 15c in relation back only applies when a party is changed, not when new parties are added. And then in our memo, we've cited case law to that effect.

So, you know, adding them at this point would be pretty futile because we're just going to turn around and file a motion to dismiss on statute of limitations grounds. And two things I just want to point out, and I'm very glad that Mr. Goldstein is okay and that those surgeries, we -- and I know it was very extensive.

But there was nothing to prevent Mr. Christoff and his wife from filing a separate lawsuit at some point. There was no need to wait

until today. They could have filed it at any point.

THE COURT: All right. Okay.

MS. PALMER: And not to mention --

THE COURT: Let me go to back to Mr. Goldstein.

MS. PALMER: Sure.

THE COURT: I think you've made your record.

Mr. Goldstein, what, if any, would be the damages to the Christoffs, separate from their company? And I'm assuming that is an LLC, and my understanding is that he is the principal of the LLC --

MR. GOLDSTEIN: That's correct.

THE COURT: -- right?

MR. GOLDSTEIN: That's correct. This issue came up during discovery with assertions that some of the damages being claimed by the LLC actually belong to the individuals.

As for the statute of limitation, this -- the torts alleged in our complaint are ongoing. The statute of limitations may have run on 2017, but they sure hadn't run on current events. This is ongoing. This is -- I mean,

I've got a stack here of --

THE COURT: Does that relate to the defamation?

MR. GOLDSTEIN: That's right.

THE COURT: To the conspiracy?

MR. GOLDSTEIN: Right.

THE COURT: All right. That's where you're going there? Interference with the contract. Okay. All right. I'm going to take that under advisement.

All right. Let's get on into the merits. I wanted to put that on the record. I wanted to get that. And I understand what you're saying, but it would seem to me that if the business operates in the form of Charleston Carriage Works, LLC, that would be the one that would be damaged, I would think. But we can go from there.

Help me out. Charleston Carriage Works, which ones are those? Those are not the red sash, are they?

MR. GOLDSTEIN: Oh, no. That's Old South.

THE COURT: Okay. Which one is Charleston Carriage Works so I know when I see

one on the street which one it is?

MR. GOLDSTEIN: Well, I guess -- I don't know what you'd call the color. Burgundy?

THE COURT: Okay.

MR. GOLDSTEIN: Burgundy, I guess, is the color.

THE COURT: Okay. I don't ride on them. I just get behind them. All right. And I see them from time to time. So I just want to know which company we're talking about. I have viewed the video.

I'll let y'all know, that was the last thing I did. I was looking at that before I came out here. I'm withholding judgment, but I figured it was probably worthwhile for me to take a look at the video, so...

MR. GOLDSTEIN: Sure, absolutely.

THE COURT: That's what really got us here, did it not?

MR. GOLDSTEIN: Absolutely. That's what -- that started us rolling the rock up the hill.

THE COURT: Yeah. Okay. All right.

MR. GOLDSTEIN: Now, we're back to

discovery. Do you want to talk about that at all?

THE COURT: What is it that you're looking for and how would that impact you?

MR. GOLDSTEIN: Oh, gosh. Are you kidding me? Ms. --

THE COURT: What are you looking for? Question number one.

MR. GOLDSTEIN: Everything. I want all of their corporate records. I want the metadata. I want to see -- I want the admin key to see all the stuff that they deleted to create -- to put Brody and his company in a false light. That's what this case is about. They have --

THE COURT: That's Charleston Carriage Horse Advocates, right?

MR. GOLDSTEIN: That's right.

THE COURT: Okay.

MR. GOLDSTEIN: Yeah, that's right.

THE COURT: All right. The motion today that's before the Court is Charleston Animal Society, is it not?

MR. GOLDSTEIN: The summary judgment?

THE COURT: Yeah.

MR. GOLDSTEIN: Oh, no, there's joint summary judgments.

THE COURT: Y'all joined up on that one?

MR. GOLDSTEIN: Right. They do everything together. We -- one of our allegations is that they are amalgamated.

THE COURT: All right. Let me tell you what I want y'all to answer for me today. Okay? I've got it under advisement. I need to answer these questions.

I need to know if the plaintiff is a public figure or a private figure. And if they're a public figure, are they a limited purpose public figure? Okay. These are the questions that y'all going to answer for me in order for me to make a decision. Today or in the future.

Second, is this a matter of public concern? Is it an issue of public concern? Okay. Is it a legal standard that we've got to address.

Three, is the statement that's alleged to be defamatory, true or false? All right.

Next, does the defendant qualify as a -- what we refer to as a media defendant?

MR. GOLDSTEIN: I'm sorry, say it again, Judge.

THE COURT: As a media defendant. Back to the statement, is it a statement of and concerning the plaintiff.

And finally, is there malice, either implied or in fact, and is there actual malice or common law malice? Those are the questions that I need to get answered today for me to make a decision. All right?

So I'm going to ask y'all to address those in your presentations. And if there's anything else that I need to address, I will ask y'all to point that out to me. Mr. Mann has already got something he wants to say.

MR. MANN: Well, Your Honor, whenever you're ready, it's our motions are fairly identical or mostly fairly identical on the issues of defamation.

And Ms. Palmer and I have discussed how I was going to handle the defamation piece of it. So I'm happy to address as much of this as I can from our position to start with.

THE COURT: Okay. All right. Do you want to go ahead and start on the defamation question?

MR. MANN: Yes, Your Honor.

THE COURT: Okay.

MR. MANN: If it suits you, I will just go straight through the questions you asked.

THE COURT: Did I parlay out to -- yeah. If I get the questions out -- of course, I've got to figure out what the issues are before I get to the answers, right?

MR. MANN: That's right.

THE COURT: So this is how I'm scratching my head on the defamation claim, which I think is the most complicated of the bunch.

MR. MANN: It is, Your Honor. And to be honest, one of the things that I was going to do was really to try to give as much of an overview of this as I could.

But it sounds like you're really honed to just the questions that I think need to be answered. So if you're fine with it, I will simply walk through these questions and answer those.

THE COURT: Sure. I can tell you

one thing, Mr. Goldstein's response says, there's lots of questions of fact. So that's what we've got to get into.

MR. MANN: Right.

MR. GOLDSTEIN: Is there a genuine issue of material fact, such that the case should go to a jury.

MR. MANN: Sure. Okay.

THE COURT: I'm happy to hear from you.

MR. MANN: All right. Well, let me start, Your Honor, with -- I found this to be unusual when we researching this and writing memos in support of summary judgment.

If you look at -- and there's good South Carolina case law on this as well. There's a case which I would very much like for the Court to read at some point. You don't have to read it today, but it's the Garrard case that we cite in our briefs.

THE COURT: G-A-double R-A-R-D?

MR. MANN: Yes, Your Honor, that's correct. And I actually brought you a copy, should you need one today.

THE COURT: If you've got it, you

can hand it up.

MR. MANN: I sure will.

THE COURT: I'm sure my wonderful law clerk will be glad to take a look at that matter.

MR. MANN: Your Honor, there are multiple cases that are strangely on point, I find in doing the defamation research that we've done. But this one -- this one is particularly pointed.

Before we get to your questions, I think it's important that we seize on the one issue out of this case, which is that there's a gatekeeping function that the Court has in these defamation cases that's beyond what the Court has in just about any other case that I'm aware of.

THE COURT: As Mr. Bundy has been saying for the last two weeks, to get to trial, it's got to be more than a chinchilla about it.

MR. MANN: That's correct, Your Honor.

In fact, if we win the limited public figure, he has to establish -- today, at summary judgment, he has to establish by clear and convincing evidence that there's actual malice,

and that's his burden, as soon as you agree that it's either a limited public figure, or he has additional burdens if it's a public concern. Although, I will concede he doesn't have the actual malice burden if it's a public concern.

So on the limited public figure, the Garrard case is interesting because it -- you know, it goes through high school teachers are limited public figures, high school football coaches are limited public figures. It's a really relatively low bar.

If you look at some of the cases we've cited in our memorandum, you will see that, you know, typically you're going to find a limited public figure most commonly as someone who's thrust into that position. They didn't seek it out.

Controversy was something that they were a part of already, Mr. Christoff being a perfect example. You know, he's running his business. This business is -- as Mr. Goldstein and Mr. Christoff will concede, this business is in the midst of an operating inside a public concern.

So I can answer question number two for

you. They will concede it's a public concern. It's in Mr. Christoff's deposition. I asked him those questions. Mr. Goldstein and I spoke today, and Mr. Goldstein said, we're not going to argue, this is a public concern.

THE COURT: All right.

MR. MANN: These carriage horses have been argued over for 25 plus years. Okay. So no question it's a public concern.

THE COURT: All right.

MR. MANN: The question is, is he a limited public figure. When you look at the case law we've cited, and I think Milkovich is a good case to look at. You know, the quote we pulled from there is, "To protect defamatory criticism of nonpublic persons who are nevertheless intimately involved in a resolution of important public questions or by reason of their fame, shape, events and areas of concern to society at large."

The Garrard case lays out that five-part test that we put in our brief as to whether someone is a limited public figure. The first part -- the first prong is that that plaintiff, that individual, had access to channels of

effective communication, right?

THE COURT: Okay.

MR. MANN: I don't think there's going to be an argument, but I'm certainly going to walk you through Mr. Christoff's access to effective channels of communication.

The plaintiff voluntarily assumed a special prominence in the public controversy. Okay. Well, Mr. Christoff basically is an emissary for the entire industry, speaking at these tourism commissions on behalf of the industry.

Honestly, I think he's got a hard time saying that he's not in a prominent position in the industry in advocating on behalf of the industry before City Counsel, before these tourism commissions, et cetera. And I will give you specifics on this in a second.

THE COURT: Okay.

MR. MANN: The plaintiff sought to influence the resolution or outcome of the controversy. Again, no question. Mr. Christoff has a particular position on behalf of the industry that he's seeking to affect the outcome. And no fault to him. That's his right and

advocacy to do so, just as we contend here today our right is to advocate to the opposite position.

The controversy existed prior to the publication of the defamatory statement. I'm going to give you dates and publications and involvement by Mr. Christoff prior to the Big John incident on April 19, 2017, and the plaintiff retained public figure status at the time of the alleged defamation, which, in fact, he did.

So, Your Honor, I will concede that Ms. Palmer is significantly a better writer than I am, and so I'm going to read from her brief. So her brief cites, if you'll begin -- you begin with her assessment of his involvement in various publications, et cetera.

So she has him on November 23rd, 2015, he is in the minutes of a tourism subcommittee meeting, speaking on behalf of the industry. The same thing happens again on February 14, 2016. The same thing happens again on April 25, 2016, and again, on March 14, 2017.

And, again, Ms. Palmer attaches all of those minutes, Your Honor. You're free to go

look at them and see what the level of his involvement is there.

THE COURT: That's the tourism committee? Is that what they call it?

MR. MANN: So, yeah, the tourism subcommittee, that's correct.

THE COURT: Okay. Of the City Counsel?

MR. MANN: Yes. And so then he subsequently, multiple times identifies owning in those same minutes and later in examples I'm going to give you is owning Charleston Carriage Works. And he's there as -- he and Charleston Carriage Works are indistinguishable.

And, Your Honor, if that should become a question as to, hey, we're talking about Mr. Christoff, but really we mean we're -- but, you know, the plaintiff here is Charleston Carriage Works and how does that defamation mesh that George v. Fabri case, South Carolina case from, I believe, right around 1995 or so says, look, you're out advocating on behalf of -- you are speaking on behalf of this corporation.

You are inseparable. You are one and the same. So to the extent that you're promoting

yourself, you're promoting that corporation as well.

THE COURT: Gotcha.

MR. MANN: There is an August 23rd, 2016 Post and Courier article talking about Mr. Christoff, and it has him as being the owner of Charleston Carriage Works. There's a February 20, 2017 article entitled, Charleston -- or carriage company owner responds after minor incident over the weekend. It contains comments from Mr. Christoff.

There's a December 14, 2016 article that identifies Mr. Christoff of Charleston Carriage Works before reporting on some of his comments at a committee meeting. And then there are two online videos that Ms. Palmer references in her brief that you can go look at. One is with Quintin Washington. It's an interview that he does with him regarding the industry in Charleston.

And the second is an interview posted on the Charleston Cares site where, again, he's on there talking about Charleston Carriage Works and being committed to being advocates and educators for the often misunderstood and misrepresented

horse carriage industry.

And then finally, Your Honor, Mr. Christoff's Facebook page -- or the plaintiff's Facebook page contains -- I don't believe I'm calling it the derogatory manifesto. I believe it's been called that throughout the entire case, perhaps even by Mr. Christoff.

It's the manifesto written by Mr. Christoff on all of the responses, and it deals with those who would seek to undo the industry. And it is very much a very -- it's a very public response to the very back and forth between those who advocate against the industry and those inside the industry.

THE COURT: What's the -- is that dated?

MR. MANN: That is dated -- the Facebook post is April 21, 2017; is that right? Yep. April 21, 2017 on it as well, and again --

THE COURT: So shortly after the incident?

MR. MANN: That's right. So we've got the involvement prior to the incident. We've got the involvement that continues after the incident.

THE COURT: Got it. Okay. All right.

MR. MANN: I'm going to table answering number 2 unless Mr. Goldstein somehow changes his mind and says it's a not a public concern. I would simply say that their allegations are that there were over 100 million views of the Big John video. I would think that satisfies the public concern piece, but if we need to have that debate, we certainly can.

All right. Number 3 is a bit of a pickle for me, and let me tell you why. I don't know what statements we're talking about. And I think that today, I really -- I would like to hear the bottom of what and where this defamation is, what was said, what were the words concisely -- as concisely as possible, that were said there are defamatory.

And, Your Honor, frankly, we need to see every instance of it because every instance of it has got to be measured and weighed by the Court as part of its gatekeeping function to determine whether or not they are, in fact, defamatory. Okay?

Now, as you know, or as I imagine you

are aware from reading our briefs and from the questions you've asked, assuming this is a public concern -- and if we have to have that argument, we certainly can -- but assuming it's a public concern, then we know that it raises the bar on defamation in several -- several ways.

Perhaps the most important for today is, it says, you've got to have a provably false factual connotation in your statement. Now, Your Honor, I understand there are cases out there that say, well, we don't want to draw the distinction between fact and opinion, right?

But -- and I'm a small-minded individual. I have trouble understanding how that isn't simply saying, it can't be opinion. And when I read Garrard, I have trouble reading Garrard to say anything other than opinion is -- we can't stop you in a first amendment context from expressing your opinion.

The Garrard case is, to me, somewhat the perfect corollary. The Garrard case is high school football team, Academic Magnet High School football team here in Charleston is -- after football games, they're bashing watermelons. You probably know the factuals.

The newspaper runs -- Charleston paper runs an editorial calling them racist douche bags. Okay? The Court of Appeals looks at it, and says, look, the term racist is a moving target. One man's racist might be perfectly acceptable to someone else, right?

So if we're talking about statements where Charleston Carriage Horse Advocates, or the defendants say, it's too hot or these horses are overworked. These are subjective words in a public concern context that are incapable of being proved false, right?

If I say it's too hot outside -- you and I go fishing and I say, it's too hot outside, it might not be too hot outside for you, but it might be too hot outside for me. It doesn't mean what I just said is false. It just means that what I said is subjective.

So, you know, to me, we've got to draw the distinction on these statements, one by one, bird by bird, what are we talking about and is that a factual assertion or is it a subjective word that can -- that's subject to the interpretation of every individual who hears it, every individual who says it.

Now, if -- I heard you early on say, you know, we're here about the Big John video. And we certainly are. It's probably what got us here.

THE COURT: I think that's what got us here.

MR. MANN: I think that's what got us here. So if your question is, are those statements in that Big John video true? We stand by those statements one thousand percent.

The first thing that happened is, I took Mr. Christoff's deposition in December of 2018. I asked Mr. Christoff, I said, tell me who saw this animal go to the ground. And he said, well, I didn't. And I said, all right, well, it's your burden. You've got to tell me that -- you've got to prove that my word "collapse" is wrong, that however he fell -- however Big John hit the pavement, you've got to prove that that's wrong.

He said, well, I heard from someone else that he tripped, but the vet, Dr. Byrd, will be able to tell you that the animal did not collapse. Okay? And I think it was Mr. Thompson who, by the way, just as an aside, I'm definitely going to call Mr. Turner today by -- my best

friend for 20 years is a guy named Trey Turner. So I will be calling him Trey Turner or Mr. Turner.

But Mr. Thompson took and Ms. Palmer took Dr. Byrd's deposition and asked specifically -- read the definition of collapse, and asked her, did the horse collapse? And she said -- her first answer was to say, well, look, I wasn't there. I didn't see it.

But the difference between tripping and collapsing, to me, the person who is going to opine that this is a false statement is -- there is no distinction. They are one and the same. So to that extent, the animal collapsed.

THE COURT: Well, if we get into a manner of semantics, we've got a problem, from a plaintiff's perspective, I would think, would we not?

MR. MANN: Right. I mean, Your Honor, I --

THE COURT: The test is much greater than semantics, is it not?

MR. MANN: That's correct, Your Honor.

THE COURT: All right.

MR. MANN: That's correct. So, you know, again, it's impossible to talk about all of the statements because I'm not even sure I know what they are, but the ones that I'm able to identify, the ones that have been produced to us without the explanation of what the problem is with the statements, are statements along the lines of, they're overworked. It's too hot. This is cruel.

Even the word cruel is an exact corollary to the word racist. It's simply a derogatory statement about something that's happening that is subjective to the opinion of the speaker and subjective to the opinion of the listener.

Media defendant number 4, I'm going to let Ms. Palmer handle that. Let me skip that and jump to five and six unless you want to hear them in that order, and then I'll let her come back and talk about it.

THE COURT: That's fine. That's fine.

MR. MANN: All right. The of and concerning, no, Your Honor, we don't think that this is sufficiently of and concerning Charleston

Carriage Works.

Now, the Big John video, that's a closer call because they're going to say, look, that's our carriage, sign in the background, et cetera. But statements that we're making generally about the industry in Charleston are industry-wide statements. They are made about the Charleston carriage horse industry.

We're saying, these horses in Charleston are overworked. We're not saying, Charleston Carriage Work's horses are overworked. We're saying, the horses in Charleston, the industry in Charleston overworks their horses.

Garrard is actually excellent on this point as well. If you read Garrard, there are six members of the football team who filed a lawsuit against the paper saying, you defamed me by saying, members of the football team in fact had this ritual, and that's defamatory.

The Court of Appeals says, no, the football team -- and they didn't say how many members are on that football team, but a football team has got a lot of folks on it. You're only six of them. That doesn't mean that you -- that these were of and concerning you.

So, Your Honor, I do not believe that the statements that we make about the industry in Charleston, and certainly the industry in general, that drawing -- that using -- working animals in an urban environment, especially where it's hot, is inhumane to the animals.

That's an industry-wide, across all carriage industries, all over the country, that their advocacy is against both that and what happens here in Charleston, and being critical of the city as well.

THE COURT: I assume the video came as part of the advocacy program, did it not?

MR. MANN: It did, Your Honor.

THE COURT: I mean, it was a specific instance and a specific point in time, a specific place.

MR. MANN: And if the question is, Your Honor, do I think that the video is of and concerning for the purposes of today, I will concede. That video is of and concerning Charleston Carriage Works.

I'm saying, there are other statements that have been -- we get pictures of statements, et cetera, that have been produced to us, and to

the letter, those are just about the industry in general, that Charleston carriage horses in Charleston are overworked, that they're pulling the biggest loads in the country, that they're -- it's too hot, et cetera.

Those are not particular to Charleston Carriage Works. And I would submit that, yes, it is possible to defame by a reference to a group so small that it's very clear that you are defaming everyone in that group or that you're defaming the individual plaintiff.

I don't know that that's true of six working companies inside a city like Charleston. I don't know that that's -- I don't know that -- there is no answer. There's no, you know, it's one-fifth, one-sixth, one-seventh.

But I will summit to you that this is the Magnet School's football program, and six of them isn't sufficient to be of and concerning. What are there, 40? So that's one-seventh, right? 40 kids on that team, and one-seventh wasn't of and concerning. But that's a guess, Your Honor.

THE COURT: They've got a small team over there, I know.

MR. MANN: They do. And six of them -- six out of however many wasn't of and concerning. And then as to the malice, actual malice, again -- you know, I'm not sure if I understand the question, Your Honor, but I would say that, in the limited public figure setting, it's actual malice.

THE COURT: It's required, right?

MS. PALMER: It's required. And by clear and convincing evidence.

THE COURT: All right. Very good. Thank you.

MS. PALMER: I will follow up on a few of those points and also address media defendant.

THE COURT: Okay.

MS. PALMER: And one thing about of and concerning. A lot of the statements, general statements that were produced in discovery, it could be any one of the carriage companies.

But they could also be viewed and were intended to be viewed as being critical of the city and the regulations and the city's enforcement regulations. It's not just about the carriage industry. It's about the entire world

of regulation on that issue.

And then you mentioned, you know, as -- if you get into semantics, if it's a matter of semantics, then we've got a problem. Typically, yes, but not when it's a matter of public concern because it is upon -- the burden is upon the plaintiff to prove falsity. It's not our burden. And I don't know how you prove one way or the other what a horse was thinking, doing, feeling. I mean, you can't really.

THE COURT: Nobody ever interviewed the horse. He's not Big Ed, right?

MS. PALMER: We couldn't depose him.

THE COURT: Or Mr. Ed.

MS. PALMER: Mr. Ed.

THE COURT: You've got to be old enough to -- got to me and Goldstein's age to know about Mr. Ed, I suppose.

MS. PALMER: And so -- and then with malice, yes, I agree that the limited public figure is actual malice, but even if we don't have a public figure, he's a private plaintiff, or the company is a private plaintiff.

Because it's a matter of public concern,

the burden is still on them to prove common law malice and to prove actual malice to be entitled to punitive damages. So both of those come into play here because you've got a matter of public concern.

All right. So switching gears to the media defendant. We contend -- and this is put out pretty thoroughly in our briefs, I believe, that there is no longer a distinction between a media defendant and a non-media defendant.

The South Carolina Supreme Court has not had this issue before it, as far as I know, neither had the United States Supreme Court. There was a ninth circuit case saying -- you know, it's eliminating the distinction as the -- I've got it cited in here.

THE COURT: I assume that's because everybody has been published on the Facebook now; is that --

MS. PALMER: I'm sorry?

THE COURT: I assume that's because everybody can now be a self-publisher?

MS. PALMER: Exactly. And this is -- the fourth circuit abolished those distinctions, Synder v. Phelps in 2009, and that

case was affirmed by the Supreme Court on -- not that specific issue.

So, again, it wasn't -- that was not before the Supreme Court, but in -- in it abolishing this distinction, it says, any effort to justify a media slash non-media distinction rests on unstable ground, given the difficulty of defining with precision who belongs to the media.

And more importantly, the Supreme Court has concluded that quote, "the inherit worth of speech does not depend on the identity of its source, whether a corporation, association, union or individual."

And so in other context, the Supreme Court has eliminated any distinction and said, the press should not be given any greater right or less right than any other individual. The Citizens United case was one of those cases. We cite that.

And recently the Obsidian Finance Group v. Cox case, that was when the ninth circuit did away with the distinction of media versus non-media. And I would just point out that they petitioned for an assert to the U.S. Supreme (sic), and that assert was denied.

THE COURT: What was the name of the case again?

MS. PALMER: It's Obsidian of -- the one I was just speaking of was Obsidian Finance Group, LLC, versus Cox, and that cite is 740-F3D-1284.

And that case goes through -- it does a great job of going through all the different times the issue of media versus non-media has been before the Supreme Court or the Supreme Court has had to say something to the effect of, it is what is being said, not who is saying it.

THE COURT: Okay. The substance of the statement, not -- not the speaker.

MS. PALMER: The speaker. Exactly, Your Honor. So we would contend that there is no distinction at this point.

That being said, even if the Court were inclined to decide that there is a distinction, that it does matter as far as burden of proof, we would submit that Charleston Animal Society absolutely is a media defendant, and this is set forth in Mr. Elmore's supplemental affidavit.

The animal society publishes a quarterly magazine, Carolina Tails, that has 25 to 30,000

circulation. It's the largest pet magazine in South Carolina, and it addresses issues from legislative, you know, happenings, news, pet safety.

It is a source of news, and it's given out to -- distributed to supporters of the animal society, of which there are hundreds of thousands, public officials, every vet that's in the state and is offered for free at most Harris Teeters, I believe.

The Animal Society has approximately 250,000 followers on Facebook. It has a blog. It obviously has a YouTube channel because that's where this all came from. It has an E-news letter with 60,000 subscribers. It has its own TV channel where it gives current events, news, everything related to pets that it streams through the shelter, which has -- what is it -- 50,000 visitors a year.

And as you've probably seen yourself, the Animal Society frequently holds press conferences that -- at the press conference, they issue press releases. They're asked to comment on things. You know, they're very frequently in the news.

And as Mr. Christoff testified in his deposition, quote, "This isn't just a random person. This is an organization that's recognized as an authority on animals."

And so we would submit that even if the Court were to determine that a distinction is relevant at this day and age, and I don't think it is, that we would still qualify as a media defendant, and therefore, be entitled to that shifting of burden structure and that that -- all of that.

And I don't know if Mr. Jenkins would like to -- I mean, Mr. Mann would like to address whether or not the Charleston Carriage Horse Advocates, if they are media defendant versus non.

MR. MANN: Your Honor, I would just simply -- if I could, I would just point you to paragraphs 7 through 10 in Ms. Harley's affidavit, if you want to look at that. That lays out our media defendant, should the Court decide that.

THE COURT: Okay. Ms. Harley's affidavit?

MR. MANN: Yes, Your Honor. We've

got 19,000 followers on Facebook. We've got channels that we push things out on, E-blasts, et cetera, et cetera.

THE COURT: Okay. All right. Thank you.

MS. PALMER: Does the Court have any further questions about that issue?

THE COURT: I'm running through my notes. Just one second.

MS. PALMER: Okay.

THE COURT: Not on that issue.

MS. PALMER: And I would point out just -- and this is in our brief as well, but the second, third, eighth, ninth, tenth, and DC Circuits, and the fourth, obviously, have all eliminated that distinction.

THE COURT: Okay. On the question of?

MS. PALMER: Media versus non-media.

THE COURT: Okay.

MS. PALMER: Thank you.

THE COURT: What's your position relative to the -- we've touched on it -- but the truth or falsity of the claims? Are y'all still

searching for those as well, as to what they are? I'm sorry. I was talking to you.

MS. PALMER: Yes, Your Honor. We've got the Big John video. If there's anything else -- and we've gone through a motion to compel, trying to get -- this has just been a moving target for three years.

So at this point, I would be surprised if there's anything else specific, but I've been surprised before. So if there is anything else, I will let Mr. Goldstein address that.

THE COURT: Nature of the practice of law.

MS. PALMER: Yes, exactly.

THE COURT: Usually in a courtroom at the time of trial, but that's another story.

MS. PALMER: Yeah.

THE COURT: I had penned those down. I wanted to address -- I think you did a -- I know you covered it in the memo, so that's what I was looking at.

So we talked about the term, "collapse", specifically. This on page 24 of your memo. On the next two, you've sort of supposed or maybe opined on what the other statements would have

been. Again, this comes out of the video. So let's talk about those briefly. This is on page 25 of your memo now.

MS. PALMER: I've got that.

THE COURT: If you would like, I can read them, and you can listen to them.

MS. PALMER: No, Your Honor. I actually printed out just all of the subtitles and the description for the video. It was more than the word collapse.

They contend that, as a whole, the subtitles reflected them wrong, painting Charleston Carriage Horse in a light as being inhumane. So -- but it is important to go through each one, and I know I have that.

MR. MANN: You said 24 and 25, Your Honor?

THE COURT: Yeah. On page 25. I'm reading now from the memo. And I'm going to -- of course, I'm going to turn to Mr. Goldstein on this, but you -- you say, the only other two statements, as opposed to questions is, in the video, quote, "By law, the horse is not supposed to pull more than three times their weight."

MS. PALMER: Yeah.

THE COURT: That's statement number one. And the other one is, Big John could not get up on his own. A team of people had to try and pull him up. Those -- narrowed down to those other than the term collapse; is that right?

MS. PALMER: Yes, Your Honor.

THE COURT: That's what I'm getting at.

MS. PALMER: Okay.

THE COURT: I want to be in the same ballpark.

MS. PALMER: That's my contention. They might disagree.

THE COURT: All right. Very good.

MS. PALMER: Yeah. It goes to -- Mr. Christoff testified that his loaded carriages have never been weighed. I think at this point in time they probably have. I think they changed that.

And as to Big John getting up on his own, Mr. Christoff testified that, quote, "There were a number of people involved", that, quote, "Assisted and helped Big John to his feet."

But, again, the burden is on them to show that it's false, and I don't -- going back

to that, I don't know how you're going to find out if Big John could have gotten up by himself or not.

THE COURT: Well, that's the ball I hand over to Mr. Goldstein. Mr. Goldstein?

MR. GOLDSTEIN: Yes, sir.

THE COURT: Let's talk about the statements themselves and which statements, and let's start there, and then let's work back around on some of these other issues.

MR. GOLDSTEIN: All right. I'm happy to do that, but before we do that, let me remind the Court that under Doe versus Batson, the Court can't even entertain a motion for summary judgment until the party resisting it has had a full and fair opportunity to conduct discovery. That did not happen in this case.

THE COURT: All right. Got it.

MR. GOLDSTEIN: Now, let's talk about collapse. This isn't where I intended to start. By the way --

THE COURT: I get to lead discussions a little bit, don't I?

MR. GOLDSTEIN: No. You get to -- you're the boss of it all. We serve at the

pleasure of the Court.

THE COURT: All right.

MR. GOLDSTEIN: After 40 years, I know my place. So, yes, you direct us. You frame the questions.

THE COURT: I just need the questions answered. I got your -- I acknowledge your position. But let's talk about the statements.

MR. GOLDSTEIN: Let's go to collapse.

THE COURT: Okay.

MR. GOLDSTEIN: If I may approach?

THE COURT: You may.

MR. GOLDSTEIN: I'll hand it to your clerk. Let's go to collapse because that is absolutely a false statement.

THE COURT: Okay.

MR. GOLDSTEIN: And it was intentionally selected and promulgated to inflict the maximum injury on Brody's company.

THE COURT: Okay.

MR. GOLDSTEIN: Now, they took the deposition of both Dr. Byrd, who said that the horse didn't collapse. Dr. Byrd is the one

who -- and this is all in the record. He's the one who examined the horse immediately after the incident and said the horse was fine and had a minor abrasion and did not collapse.

But let's turn to Dr. Justin Miller for a moment. On page 103, I'm sorry, 104, Mr. Thompson asked Dr. Miller, are you aware of any science studies with regard to a horse's traffic congestion and things like that working in those environments? And he said, not that I'm aware of.

The studies had basically tested cortisole levels. And he explains that working horses have a lower cortisole level than horses in the wild because they have a routine. They like their routine. They're well cared for, and they're properly fed. They receive veterinary care and so forth.

So then we got to collapse on page 105. I'm sorry, that's still the study. I want to jump to collapse, which comes up on page -- well, at this moment, I can't find it. I thought I highlighted it. I had a copy that was highlighted.

But at some point, we asked him if the

horse collapsed and he said, the horse did not collapse. And that was the expert's -- that was both veterinarians' opinions.

THE COURT: Did y'all get an agreement on what that meant?

MR. GOLDSTEIN: No, we did not. We've never agreed. That's the -- that's the genuine issue of material fact is how did -- how we're here to respond to the false allegation that a horse collapsed.

When a horse trips, it's not the same thing as collapse. Collapse means to breakdown from an internal organ failure or something like that. If I trip --

THE COURT: You've got a definition that says that?

MR. GOLDSTEIN: Well --

THE COURT: I thought you were handing me Websters here.

MR. GOLDSTEIN: No. Well, Websters dictionary.

THE COURT: I think the other side handed me Websters. Maybe you've got somebody else's dictionary.

MR. GOLDSTEIN: Well, it's in

this -- it's in this deposition, and that's why I'm --

THE COURT: Did the doctor define it for you?

MR. GOLDSTEIN: Yes.

THE COURT: Okay. That's Dr. Miller?

MR. GOLDSTEIN: Correct.

THE COURT: Otherwise, this is only a snippet. You've got some more yet?

MR. GOLDSTEIN: Yeah. The file is too big for me to carry. I can't bring the file up here. It would take a hand truck. Well, I will have to come back to that. I don't want to delay these proceedings because I can't find the line -- I should have highlighted it. I thought I did.

But I'm grateful to the Court for asking it, and I wrote down five questions. I heard you -- I heard Ms. Palmer or somebody say there were six. I only heard five. Public figure, private figure, public concern, true or false statement, media defendant, and is there malice. And if there was a sixth question, I just --

THE COURT: I think, did you get of

and concerning?

MR. GOLDSTEIN: Say it again.

THE COURT: Let me run over them with you. Public figure.

MR. GOLDSTEIN: I got that one, number 1.

THE COURT: Public concern.

MR. GOLDSTEIN: I got that, number 2.

THE COURT: True or false.

MR. GOLDSTEIN: Got that, number 3.

THE COURT: Media defendant.

MR. GOLDSTEIN: Got that, number 4.

THE COURT: Statement of and concerning.

MR. GOLDSTEIN: Oh, that's the one that I missed, and I still didn't hear you.

THE COURT: Okay. Well, I'll say it again then.

MR. GOLDSTEIN: Okay.

THE COURT: Statement of and concerning for the plaintiff, and then the finally, malice.

So on the -- on the question of collapse -- I don't want to leave it yet. On the

question of collapse, you disagree with -- that the horse collapsed?

MR. GOLDSTEIN: That's correct. There's no evidence in this record that the horse collapsed, none, zero. In fact, all the evidence is that the horse did not collapse. That's the evidence in the case. But, Judge, I know it's --

THE COURT: Y'all do have an eyewitness to the horse falling, though, right?

MR. GOLDSTEIN: Gabby Burton. They didn't depose her.

THE COURT: Well, somebody was driving the train.

MR. GOLDSTEIN: Gabby Burton.

THE COURT: Okay.

MR. GOLDSTEIN: They didn't depose her. We got her. She's got on our witness list.

THE COURT: Okay. All right.

MR. GOLDSTEIN: But, Judge, I am so sorry to say this, but I still didn't hear number 5. I just can't -- I just can't hear it. I don't know what I'm -- can y'all just tell me what number 5 is?

MS. PALMER: Of and concerning.

MR. MANN: Of and concerning.

THE COURT: A statement of and concerning the plaintiff; so it's got to be brought home to your client, not just the --

MR. GOLDSTEIN: Got it.

THE COURT: -- not just the industry in general.

MR. GOLDSTEIN: I understand. I just didn't hear it. So I anticipated these questions.

THE COURT: Well, that's because you know me. You've been in front of me before.

MR. GOLDSTEIN: No, it's not that. And this time, I didn't. I had Xeroxed the wrong pages. But if you will give me permission, I will file Dr. Miller's deposition with the right pages on collapse.

THE COURT: All right. I will take it under advisement. I will let you do that, certainly.

MR. GOLDSTEIN: I brought -- again, if I may approach and hand it to your clerk?

THE COURT: All right.

MR. GOLDSTEIN: This exact issue, this precise issue, if these questions came up before the South Carolina Supreme Court in

another (inaudible) case.

And this was the case that everybody in Charleston remembers, Russ Stemke. I think it was Russ Stemke -- made a million dollars on. This was the private guardian ad litem. And these five, six questions came before the Supreme Court. The exact, precise argument that the defendants are making in this case.

And let me emphasize, we still haven't gotten all of our discovery from Charleston Carriage Horse Advocates. So who knows what's in there that can shed additional light on these six questions.

But at the risk of boring the Court, this is what our Supreme Court said, because in Jones Street, the defendant said the same thing here, is that, look, you're a public figure. You're a limited public figure. You're a guardian ad litem. You work in the court system. This is an area of public concern.

And our Supreme Court said on page, beginning just above page 669, a private individual is not automatically transformed into a public figure by becoming involved or associated with a matter that attracts public

attention.

What brought Brody into public attention was the false, deliberately misleading lies promulgated by Charleston Carriage Horse Advocates, Ellen Harley, and Charleston Animal Society that Big John collapsed on April 19th.

In addition, they not only alleged that he collapsed, which is demonstrably false, and even if it's not demonstrably false, it's still a question of fact for a jury to decide. How is the word -- when they use the word collapse, how is that word to be apprehended by the listener? What were they intending?

I've got -- I've got comment after comment from people who read and heard that comment writing in, I hope you F word die. I'm going to kill you. I mean, just -- the abuse was unbelievable. Brody and his wife, they had to arm themselves up, install surveillance.

So you tell me what the word collapse means. But in addition to collapse, they weren't content with just collapse. Here's the other false statements that they pushed out. They pushed out knowingly false statements on temperature, weight, water, alleging that the

horses don't get water or rest. All of that is demonstrably false.

They accused Brody of cooking the books, not keeping accurate records. They just -- and in all of these -- not all of these -- a lot of these publications, they post an image of Big John, which sends everybody right back to Brody.

Not only that, Charleston Carriage Horse Advocates didn't come into existence until 2017. And in Mr. Christoff's affidavit, he testifies how they interfered with him by going -- by paying money and going to Google, and I don't know how that computer stuff works. I'm a complete ignoramus.

But how, when you go to look for Charleston Carriage Works, they pop up. And what you see is Big John on the ground with the false statement that he was exhausted. Charleston Animal Society, on the video that you looked at -- you saw the words on there. That is a compilation of three videos.

I hope you saw the video with the words on there because that's the one they published. And Mr. Elmore sent an e-mail the next day, or two days later, saying kudos, it's already up

over a million views. That video has words superimposed on it.

Superimposed by Charleston Animal Society, Dan Krosse, director of media for the Charleston Animal Society, did Big John trip or was he exhausted? Was he carrying too much weight?

Now, that's a perfect segue into the -- and I cited this in our brief -- the Milkovich case, and this is embarrassingly old school, but I didn't bring copies for everybody. I brought the book. But it's Milkovich vs. -- it's cited in our memorandum.

THE COURT: Yeah. I got the cite. It's a US Supreme Court case.

MR. GOLDSTEIN: That's right.

THE COURT: Yeah. Before you go there, let me ask you this: What evidence do you have of what you just said, which I've written down, Google pushes people to the Big John video, if you look up --

MR. GOLDSTEIN: It's in Mr. Christoff's affidavits. I don't know if it's in the supplemental, second supplemental, or third supplemental. He filed four affidavits,

but it's in there. And if you want to give me a minute, I could turn to it and find it.

THE COURT: Yeah, that's fine.

MR. GOLDSTEIN: But it's in the record.

THE COURT: If you go to the Charleston -- or Charleston Horse Carriage rides, or is it specific to his business, is my question?

MR. GOLDSTEIN: No. If you go looking for Charleston Carriage Works, bam, they pop up.

THE COURT: All right.

MR. GOLDSTEIN: And they depressed his income, and we have given them -- we not only gave them the taxes, but we gave them the bar graph showing how the income plummeted right after publication of the video. That's why they pushed the video out.

But I got off the track. That video that Charleston Animal Society gave to Charleston Carriage Horse Advocates -- see, this is where amalgamation comes in. One is the -- you see one, you see the other. When they go before Charleston -- and this is in the record -- they

go before Charleston City Counsel, they identify themselves as being amalgamated.

And as a matter of fact, there's an e-mail from Mr. Elmore warning Ms. Harley, stop identifying yourself with CAS. You know, just keep that under the radar. But I got way off your five -- your six questions.

THE COURT: Other than your client's affidavit, what other evidence do you have to support this statement?

MR. GOLDSTEIN: That it's false?

THE COURT: No, that Google pushes people to the Big John video.

MR. GOLDSTEIN: Yeah. Oh, that's right. We have screenshots where you go to Charleston Carriage Works, and Charleston Carriage Works Advocates pops up, and I can supplement it. I left my index on the printer. So I have to literally --

THE COURT: All right. Well, you might want to supplement that. I'll take a look at that.

MR. GOLDSTEIN: All right. Well, I do want to go back to the six questions, though, because I got off -- I forgot to mention

Milkovich because Milkovich brought up this same question.

And Milkovich, he was a wrestling coach who was accused of committing perjury under oath. They said he's a liar. And so it went up to the Ohio Supreme Court, and the Ohio Trial Court granted summary judgment, like they want. And then the Ohio Supreme Court affirmed it, and it went up on certiorari.

And it was a 7/2 decision, but on page 2706, the US Supreme Court said -- talking about whether or not you can escape liability by expressing things in the form of an opinion. That's the issue with Milkovich. And that's what they're saying. They're saying, look, it's just our opinion.

And the US Supreme Court said, thus, unlike the statement, in my opinion, Mayor Jones is a liar. The statement in my opinion, Mayor Jones shows his abysmal ignorance by accepting the teachings of Marx and Lenin would not be actionable.

They go on to say, talking about the law of -- the tension between the law of defamation and First Amendment, that, like, the imaginative

expression in the rhetorical hyperbole which the Court finds have traditionally added much to the discourse of our nation, conjecture is intrinsic to the free flow of ideas and opinions of matters of public interest and concern. That is the heart of the First Amendment, citing Falwell.

Falwell, of course, was the case where Hustler Magazine published a cartoon of Jerry Falwell literally having sex with his mother in an outhouse, and the State Court found that to be actionable, and the US Supreme Court, in a unanimous decision said, well, it wasn't actionable because it's so hyperbolic that nobody would believe it.

Here, the constant refrain of allegations of violation of the law, running horses without -- in too hot conditions, not giving them water, not giving them proper rest, one of their publications that they work them 24 hours without giving them a rest. I mean, that's just demonstratively false.

And more insidious is when any third party attempts to post corrective information, they immediately delete the post -- and I've got a whole stack of them here -- they immediately

delete the post and then ban the poster. So they're framing the narrative.

They're creating a false -- they're casting Brody in a false light to drive down his business. And, of course, there's the e-mail attached to one of Mr. Christoff's affidavits, where Ellen Harley is communicating to Mr. Elmore, she says, look, we're not going to win legislatively.

The only way to win the -- she said, the City is just too -- the corruption is too great to fight. We can't win. The only way we can win is to depress their income. And she's talking about Brody. This is right after --

THE COURT: I saw some reference to that. Where is that again in your record?

MR. GOLDSTEIN: In Mr. Christoff's affidavit.

THE COURT: All right. And that was a statement she made to Mr. Christoff?

MR. GOLDSTEIN: No, to Mr. Elmore. That's them plotting.

THE COURT: How does that -- how does he then get to testify to that?

MR. GOLDSTEIN: Say again? How

does --

MS. PALMER: Mr. Elmore?

THE COURT: Yeah.

MS. PALMER: He was -- the e-mail --

MR. GOLDSTEIN: No, Mr. Christoff.

MS. PALMER: Oh, Mr. Christoff.

THE COURT: Yeah. How does that become his basis for testimony?

MS. PALMER: I have no idea. It says, the city slash cartel, like the industry cartel. There's no reference to -- I don't know.

MR. GOLDSTEIN: Well --

THE COURT: My question is, how is that not hearsay? Okay. That's my question.

MR. GOLDSTEIN: Oh, no, no.

THE COURT: That's my question. It's got to be admissible evidence to get past that.

MR. GOLDSTEIN: Yeah, no, no, no. It won't be hearsay when she's on the stand and presented with it and say, you sent this e-mail on such and such a date, didn't you?

THE COURT: All right. So you have taken that she has admitted to making that

statement on the record?

MR. GOLDSTEIN: No. I only took her 30(b)(6) deposition. See, unlike the defendants, they deposed Mr. Christoff for 13 hours before we did any discovery.

THE COURT: All right.

MR. GOLDSTEIN: I wanted my discovery before I took a deposition, which is why there's another motion out there fixed in the scheduling order. I forgot about that. But I thought that sort of got subsumed under our motion to compel and motion to amend.

THE COURT: All right.

MR. GOLDSTEIN: So anyway, to go back to the Court's six questions, in Erickson, the Supreme Court talking about the guardian ad litem says, those charged with defamation cannot, by their own conduct, create their own defense by making the claimant a public figure.

That's what they're doing in this case. In the present case, Appellate had no more access to channels of effective communication, such as the media, than any other ordinary, private person.

And, Judge, if you read all the cases on

limited public person -- limited public figure, you will see that those always are figures who are either government officials or in some position of authority where they have more than ordinary access.

For example, to use Mr. Mann's example, school teachers. They're government officials. They're government employees. They're paid by the taxpayers.

The Court goes on to say, Appellate did not voluntarily assume a role of special prominence in the controversy over reforming the guardian system, and she did not seek to influence the outcome of that controversy.

He never sought to influence the outcome of this controversy. He was appearing to defend his business against false allegations of working horses to exhaustion. This thing about them carrying a load, that is just a complete myth. They just make that up out of whole cloth. All of these allegations are completely false.

THE COURT: I read that. And how does they not put him -- if he's down there testifying in front of the tourism committee, how does that not put him in the public light?

MR. GOLDSTEIN: Well, because once he's attacked, he's got two choices. He can either defend himself or not defend himself. By choosing to defend himself, he doesn't transform into a limited public figure. That's the holding of Erickson versus Jones Street Publishers.

That's exactly what the Supreme Court said about guardian ad litem's, that the -- listen to this sentence: The private letters Appellate wrote to the governor's office defending herself were intended to correct misinformation about her alleged lack of education and training and to express concern over the false accusations made by the people upset about particular Family Court cases.

That's exactly what Mr. Christoff did. Those two -- these two cases are on all fours. So going back to your six questions, he is absolutely a private figure. I agree with Mr. Mann. The carriage tours has been a matter of public concern for -- I mean, he's right. I told him I wasn't going to fuss about that.

THE COURT: All right. Well, glad to see y'all can reach an agreement on something.

MR. GOLDSTEIN: Yeah. So we're

past number 2. Number 3, whether or not the statement is true or false. That is a hotly disputed, genuine issue of material fact.

The jury could well believe these defendants and say, Goldstein, quit your complaining. You know, it's free speech. Go away. If so, Mr. Christoff says he will accept his loss, but he wants his day in court.

Number 4, is he a media defendant? Well, we just talked about that; so I don't need to repeat that. By defending himself, he doesn't transform himself into -- oh, whether they're a media defendant. Now, that's an interesting question.

THE COURT: All right. Well, let's answer it. Let's talk about it.

MR. GOLDSTEIN: That's an interesting question.

THE COURT: If they publish their own website, they put stuff on their website --

MR. GOLDSTEIN: Oh, but there's more.

THE COURT: All right.

MR. GOLDSTEIN: There's so much more.

THE COURT: All right. Did they become a media defendant? Can they not control their website and kick him off if he goes on there?

MR. GOLDSTEIN: That is exactly the right question, and the answer is, by statute, no.

THE COURT: All right.

MR. GOLDSTEIN: By South Carolina statute, if you come under the protection of a charitable organization statute, by statute, you are prohibited from promulgating, publishing, or disseminating false or -- and this is a direct quote from the statute -- misleading information. Remember, these are tax-free institutions. These are 501C3. Okay? They don't pay any taxes. So you get a little bit of a burden with the benefit.

Now, wait until I let the other shoe drop. Charleston Animal Society is a quasi judicial -- a quasi-governmental entity. Every month, Charleston County writes them a check for $175,000. They get grants from Mt. Pleasant, North Charleston, City of Charleston.

The County of Charleston gave them the

building that they occupy. They are answerable to the taxpayers of Charleston County and the municipalities contained therein, and to the State in general. So they're in a complete separate category.

They're not a media defendant. They're not channel 5 news. They're not Jones Street Publishers. They're not the New York Times. They're a government -- they're a taxpayer supported charitable organization. That's a different standard. Now, as far as I can tell, that issue hasn't come before our Supreme Court.

THE COURT: Your basis for that being that they do get funding from the County, right?

MR. GOLDSTEIN: $175,000 a month. That's a lot of money.

THE COURT: All right.

MR. GOLDSTEIN: So that takes care of 4. Number 5, whether the statement is of and concerning the plaintiff. Well, the answer to that is yes. Unlike -- I'm going to grant Mr. Mann's assertion that there are six carriage companies. There are actually four carriage companies.

So, once again, whether or not these statements do or can or cannot be related back to Mr. Christoff is a genuine issue of material fact. They may well win the case. They may convince the jury that it doesn't relate back to him.

But all this talk about Big John, now, there's no mistaking that. There's no mistaking who Big John belonged to. And there's a lot of talk about Big John, and it generated a lot of threats. You know, one guy came in their barn and threatened him in person, and said, I've got something for you, and I will be back. So that answers number 5.

So the next -- the final question the Court posed at number 6 is, is there malice. Well, of course, malice isn't required if he's a private figure. But if he's a limited public figure, knowingly disseminating false information is pretty good evidence of malice.

And once again, that becomes a genuine issue of material fact for a jury to determine whether or not there's malice or not. The Court can't decide if there's malice. The jury decides. That's a question of fact.

So I think that I've answered all of the Court's six questions. But, again, at the risk of being repetitious, I say again, under Doe vs. Batson, they can't even move for summary judgment yet. I'm entitled to get all my discovery.

THE COURT: Is your -- I want to make sure I'm clear. Is your position that they're, in part, not entitled to summary judgment because you haven't fleshed out all of the allegations of defamation?

MR. GOLDSTEIN: Yes. I think there's additional evidence that, I think -- you know, I called Ms. Harley a liar in a letter and it got me reported to the disciplinary counsel; so I'm not going to do that again.

THE COURT: Don't do that. Don't do that. All right. Let's go back then. You had -- you filed the case, though, right? You had to have a case to file?

MR. GOLDSTEIN: Right.

THE COURT: Filed in '18, I think it was, following this event in April of '17?

MR. GOLDSTEIN: It's a 2018 case.

THE COURT: So you had to have a basis upon which to file the lawsuit?

MR. GOLDSTEIN: Right.

THE COURT: So you're telling me you're still searching for stuff. They've got a right to defend whatever it is that you are alleging --

MR. GOLDSTEIN: Right.

THE COURT: -- as of whatever date in '18 it was that you filed the case. So they want to know what that is.

MR. GOLDSTEIN: Conspiracy.

THE COURT: I want to know what that is.

MR. GOLDSTEIN: Conspiracy.

THE COURT: Well, they still get to know what it is. Okay?

MR. GOLDSTEIN: Right.

THE COURT: So what are the statements? Have we discovered the statements? I have written down Big John. I've written down water, temperature, rest, and I think I wrote down one other one. Something. Okay? But you've got to have a basis for it to bring a claim. Collapsed, temperature, water, and weight.

MR. GOLDSTEIN: Right.

THE COURT: So rest would be the --

MR. GOLDSTEIN: Oh, here we go.

THE COURT: Temperature as well.

MR. GOLDSTEIN: Here's some more I left out. There are numerous statements by both Charleston Animal Society and the Charleston Carriage Horse Advocates that the operation is cruel, that it constitutes animal abuse, which of course is a crime in South Carolina.

Animal abuse is a statutory crime, and as a matter of fact, there are a lot of posters who write in and say, hey, have y'all reported them to the police? You know, this is -- you're asserting a crime. Boom, immediately deleted and banned.

So I think that -- I think that I've now covered them all. Animal cruelty, animal abuse, operating in violation of the regulations, not keeping correct records, pulling overloaded carriages, not giving proper rest, depriving them of water, and of course, the mother of them all, to quote Saddam Hussein, I guess, is collapse.

THE COURT: Okay.

MR. GOLDSTEIN: That's false allegation.

THE COURT: All right. Very good. Thank you, Mr. Goldstein.

MR. GOLDSTEIN: Oh, I did want to hand up, and this is just for the Court's -- this is just for the Court's edification. If I may approach?

THE COURT: Sure.

MR. GOLDSTEIN: I told you at the beginning of my presentation that we took a 30(b)(6) deposition of Charleston Carriage Horse Advocates on January 31st, 2020, and in that deposition, you will see that there were 38 objections and constant interruptions and coaching.

And most importantly is in that deposition, I asked Ms. Harley if she would -- where all this information was stored, and she said on their electronic devices. And I said, well, do you have any objection to making those available to our forensic expert to be examined, and she said, no, I don't.

But we are still waiting. I submit to Your Honor that there will be substantial evidence on that to show coordination with Charleston Animal Society to attack Mr. Christoff

and drive him out of business.

THE COURT: All right. Very good. Thank you, sir. All right. Let me come back on Ms. Harley. Mr. Mann?

Ms. Palmer, I'll come back to y'all.

MR. MANN: If I may.

THE COURT: Sure.

MR. MANN: I think Ms. Palmer has already put her hands on Dr. Miller's testimony regarding the word collapse, which I do think the Court wants to hear.

THE COURT: Sure.

MR. MANN: And I will let her -- I won't steal her thunder on that. I do want to point out a couple of things as we -- as we go here and try to be as brief as possible. All of these statements about temperature, water, weight, whatever they may be, abuse, all of these.

We've got to see the statement. Who made it, about whom was it made, to whom was it made, how was it published? It can't be -- we are here now three years into this case, and it can't be the word, according to my friend, Tommy Goldstein, who I like a lot.

But that's not what -- he doesn't testify to the jury. I need to see these statements, to whom they were made, and the context in which they're made, right? That goes to -- now, that we all agree, we are talking about a public concern, then we -- Garrard cannot be more clear, we now have to look and see, is it a provably false factual statement.

Again, it's too hot for these horses. You can't prove that it's not too hot for the horses. You simply cannot. It's too -- they don't get proper rest. Okay. So, you know, someone wants a horse to sleep eight hours a day; someone else says they should sleep six hours a day.

Again, it's no different than the racist feedback. It is simply a subjective term used to describe -- and in this public concern context, the Court cannot point -- the Court as gatekeeper has to point to a provably false factual connotation of what is being said.

As for -- I don't know that I covered this earlier, and I want to make sure that I do cover this. Nothing he said -- nothing Mr. Goldstein said, nothing I've seen, and in

fact, I took Mr. Christoff's deposition. I don't have any statements by Ellen Harley, individually. There's not an amalgamation theory. There's not an alter ego theory. Ms. Harley is a defendant that needs to be out of this case.

And I'm not even sure if Mr. Goldstein disagrees with that. We talked before about dismissing her. I don't know. But nothing today, in her individual context, was -- did she make any statements. That's really all I've got. Unless you've got additional questions, I'd like Ms. Palmer to go ahead and cite to the -- Dr. Miller.

THE COURT: Let me ask you this question because I was writing it down. He does have to present the specific facts over it. But allegations of animal abuse, cruelty, and not following the rules.

Those -- some of those would -- I think would probably fit into the criteria of defamation. Not following the rules would be a violation of the law, right?

MR. MANN: Well --

THE COURT: So how do we get -- how

do you get around those allegations?

MR. MANN: Well, and we know that they're --

THE COURT: Animal abuse can certainly be an opinion, I understand that.

MR. MANN: Right. We understand not following the rules. We took a deposition that -- they have violated ordinances, without question. They've been cited for violations of ordinances.

THE COURT: So truth is the --

MR. MANN: Truth.

THE COURT: Truth is the defense?

MR. MANN: Truth.

THE COURT: All right.

MR. MANN: So, yeah, I mean, truth is a defense as to ordinances. I'm happy to brief that issue if that becomes an issue for us.

THE COURT: Okay. All right. Thank you, Mr. Mann.

All right. Ms. Palmer?

MS. PALMER: Thank you, Your Honor. In our brief, we do cite the violation of ordinances, and I believe during Mr. Christoff's deposition, someone at The Market had been taking

video of the different horses running stop signs. So I showed him the videos of his horses running the stop signs, and he said, yes, those are my horses, and yes, they're supposed to stop at stop signs.

THE COURT: Okay. I think there was an -- there was an acknowledgement, I think. Was that in your brief or your memo?

MS. PALMER: Yeah, I believe so.

THE COURT: Okay. All right. I do remember that now.

MS. PALMER: I'm getting a little mixed up on what's in what. But I want to address the Google ads issue.

THE COURT: Yeah, yeah.

MS. PALMER: In order to know what -- and I've become educated on this issue of how Google ad work campaigns work, and we have an affidavit as Exhibit 23 from someone who is a digital marketing expert.

THE COURT: Okay.

MS. PALMER: In order to know -- to make a statement like Charleston Animal Society used Google ads to target Charleston Carriage Works, you would have to know what words

Charleston Animal Society is bidding on, what words they were using.

There's no way -- I mean, for Mr. Christoff, in his deposition -- I mean, in his affidavit to say that we, quote, "Stepped up our campaign against them by spending taxpayer money to purchase Google ads to divert my customers to their web page." He can't -- you can't make that statement based on personal knowledge. He doesn't know what the words are. We've never targeted him individually.

Someone -- a good example, this morning, I typed in Charleston Carriage Works. The paid ad that came up Palmetto Carriage Works. Palmetto Carriage Works is probably running Google ads using the words Charleston and carriage, you know, the same thing as we were.

Another -- you know, I will tell you with the affidavits that Mr. Christoff has submitted, if you take away what is, you know, not based on personal knowledge, but what is speculative, the inferential leaps, what is, you know, false on the face, you're not really left with anything.

And it's not admissible evidence. You

know, in this same sentence, they -- we spent taxpayer money. Well, no, Google has a grant for non-profits. We never spent a dime on any of it, and that's in Joe Elmore's affidavit. But that's just one example of --

THE COURT: Have you got a sworn statement from Ms. (Inaudible)?

MS. PALMER: Yes, that is the --

THE COURT: She signed it, but there isn't a notary on there. Do you have the notarized one?

MS. PALMER: Yes. Well, we do have one. That's not the filed one.

THE COURT: All right. I'm going to let y'all make --

MS. PALMER: Yeah. But regardless --

THE COURT: I just wanted to point that out to you.

MS. PALMER: I absolutely will. We do have one. That was a mistake. But regardless of Mr. Elmore's affidavit, he says what ad words they bid on, and none of them target Charleston Carriage Works. And just -- that's just not true.

THE COURT: Okay.

MS. PALMER: You know, a lot of the statements -- Mr. Goldstein tells a good story.

THE COURT: I'm sorry?

MS. PALMER: Mr. Goldstein tells a very good story. He is very entertaining.

THE COURT: He's a Shakespeare scholar. He should be able to tell a good story.

MS. PALMER: His e-mails are always very entertaining.

THE COURT: You're welcome.

MR. GOLDSTEIN: If thou art rich, thou art poor, for like an ass whose back --

MS. PALMER: Well, like I was saying, sound and fury.

MR. GOLDSTEIN: Okay. I will give it to you in a second.

MS. PALMER: His argument is not evidence, and most of things that he said just now, what you didn't hear was, here's where in the record you see that.

And that's the problem that we've had. That's why we're here on summary judgment. You also didn't hear him say that the Animal Society hasn't participated in discovery or that there's

anything outstanding from us. That's just not it. Let's see.

As for the contract with the city for the services, I don't know if the Court is interested or not.

THE COURT: Yeah. Tell me a little bit about that.

MS. PALMER: Sure. So each year -- the Animal Society is essentially a contractor for the county and is its -- it's for animal control. Well, not animal control, but for housing, humane disposition of the animals.

THE COURT: The Animal Society is where the strays and the pick-ups go, right?

MS. PALMER: Exactly. And they are paid as a contractor. Each year, the county gets together, when they do their budget, and decides how much they're going to give them. And this is in Joe Elmore's first affidavit.

Each year, there is a short fall of -- the amount they receive pays for about 25 to 33 percent of the services they actually provide. They have to subsidize what they do for the county with money that they raise. They are far from rolling in money from the county.

And, you know, to the extent that there is -- there are other causes of action that I think we'll get to eventually, but -- and I'll deal with that then because he has raised a constitutional claim. So I will address that then.

THE COURT: Right.

MS. PALMER: You know, the -- when Mr. Goldstein addressed malice, he made the comment that we -- and I don't know which defendant he was referring to, and I don't know what statement he's referring to, but knowingly disseminated, no.

There's Joe Elmore's affidavit saying, as to the Big John video, the intent in doing that was to raise awareness as to the horse carriage issue and to push for this scientific peer reviewed study that they have been proposing for years now. That is their sole intent. There is no credible admissible evidence to contradict that.

Let's see. I don't know if there was -- oh, and then Dr. Miller. I've only got my notes on the testimony regarding Big John, but here's somewhat of what I've got. I don't have his full

deposition quote. And the problem with the --

MR. GOLDSTEIN: That makes two of us.

MS. PALMER: And the problem with the word collapse is that it's not -- it doesn't really tell you why the horse went down. It implies that there was a system failure, and for some reason, the horse lost complete control of his body.

Well, in Mr. Christoff's deposition, he states -- he testified that, first, that he tripped and fell and then also that his legs gave way. How is that not going down? Dr. Miller also testified, collapsed is just, quote, "Kind of a vague word." His definition of collapse: Generally, it would mean that the horse hit the ground.

And then, again, Your Honor has picked up on this. Mr. Christoff testified in his deposition or that he agreed that the horse went down suddenly and completely. That's the definition in Merriam Webster.

MR. MANN: And if I may also add because I was just cheating on Mr. Thompson's computer reading, and he said -- not only did he

say that, in general, meaning that the horse hit the ground; he describes collapse as a less descriptive, less specific term than trip.

He says, "I would never use the least descriptive term that I have at my disposal, i.e., collapse is less descriptive than trip." So by Dr. Miller's testimony, we used the most vanilla word we could use to describe what we did not understand was the basis for the fall.

THE COURT: Right. And that's their expert?

MR. MANN: Yes.

THE COURT: All right. What page is that on?

MR. MANN: That's on page 69.

THE COURT: Okay. All right.

Mr. Goldstein, do you want to respond to that one?

MR. GOLDSTEIN: I do.

THE COURT: I was looking for that earlier.

MR. GOLDSTEIN: Well, I would like -- I would like to supplement the record by filing Dr. Miller's deposition. I'll just file the whole thing so that there's no --

THE COURT: Why don't you file the whole thing, but why don't you point out what it is that you'd like me to see? That way I don't have to go through the whole thing.

MR. GOLDSTEIN: Okay. He says that the horse did not collapse, and then shedding light on the --

THE COURT: He said the horse could not collapse?

MR. GOLDSTEIN: Did not collapse.

THE COURT: Did not collapse, I'm sorry.

MR. GOLDSTEIN: And let me just read you this. They were asking him --

THE COURT: I've had a horse collapse under me before. He stepped in a hole and sent me over the top of him. We both survived, thank goodness.

MR. GOLDSTEIN: Well, this is actually my question. And I said, "You said in response to a question from her that you urged the two of them to quit using inflammatory language; is that correct?" Inflammatory. This is him testifying about that the City asked him -- Dr. Miller to act as a bridge between

Charleston Animal Society and the carriage company.

He said, "Right". I said, "And at that time we were hoping that everybody could come together and try to work toward something positive." I said, "Okay". And at the time, he said, "And I felt that it was important for that conversation to begin."

Question, "Okay. Did they explain to you why they chose inflammatory language?" Answer, "Mr. Elmore did."

Question, "What was his explanation that he provided to you? Answer, "That that was how he was able to get people to listen." So the choice of that word is a genuine -- is a highly disputed question of fact.

And as for Ms. Palmer's statement about them having to subsidize their operations, they've got 12 million bucks in the stock market, and they got 23 million net assets. And that's all I will say unless you want me to quote Shakespeare.

THE COURT: No. No. I don't need any more of that. Let's touch on those other causes of action, though.

MR. GOLDSTEIN: And also, I would also like to -- if you want, we can turn Mr. Christoff loose on a computer right now in front of everybody, and he can show you how Charleston Carriage Horse Advocates has paid money to Google to purchase three words in these order: Charleston Carriage Works; so that when you punch in Charleston Carriage Works, instead of going to his company, you go to Charleston Carriage Horse Advocates.

Now, if you want a demonstration of that, he can get on a computer right now and do it. But I'm happy to supplement the record with a screenshot showing how that is done, if I'm given lead to do that.

THE COURT: You can do that. There were three things that you wanted to say, or is that it?

MR. GOLDSTEIN: It was Charleston Animal Society that redirected, not Charleston Carriage Horse Advocates. I stand by -- I misspoke. That's all. Thank you, Your Honor.

THE COURT: All right. Very good. Do you want to touch on the other cause of action? We will just make a record here.

MS. PALMER: Yes, Your Honor. It's a civil conspiracy.

THE COURT: I know Mr. Goldstein claims it's still going on.

MS. PALMER: Right.

THE COURT: Why don't we have one?

MS. PALMER: Well, I'll say this just to give a little background here. The South Carolina Supreme Court just --

THE COURT: Paradis vs. Charleston County.

MS. PALMER: Yes.

THE COURT: I know about it. Okay.

MS. PALMER: And it took the opportunity to clarify what the elements were, and I know the Court knows, but just to start us out: An agreement to commit an unlawful act or a lawful act by an unlawful means.

I'm not even going to go through the other two because I think right there we're -- we're good enough. So that opinion was initially filed in May. It was refiled last month. The only difference being is that the Court added a footnote to emphasize that, quote, "Since civil conspiracy is an intentional tort, an intent to

harm, which has also been discussed in our conspiracy law, it remains an inherent part of the analysis."

And as cited in (inaudible), "Civil conspiracy is an intentional tort requiring a specific intent to accomplish the contemplated wrong." There's no evidence of that. There is no evidence of any agreement.

We've got Mr. Elmore's affidavit saying that Charleston Carriage works, that the other defendants had nothing to do with any of the words used, the bylines, the subtitles on the video of Big John. That was at Mr. Elmore's direction and his alone.

There's no -- again, and I've said this before, his affidavit clarifies that the sole intent was to raise awareness with the horse carriage industry and the Animal Society's desire and proposal to have a scientific peer reviewed study of the carriage horses to determine whether or not the circumstances and conditions under which they work are humane.

And the speculative assertions and inferential leads, that's not enough to get you past summary judgment. And over the three years

that this case has been pending, the narrative -- the plaintiff's narrative that the Animal Society has got all this money and Mr. Elmore makes all this money, that doesn't have anything to do with anything. And the story has gotten bigger and bigger, but it's not backed up by anything.

And that's why we filed summary judgment. That's why we think that this case is right for it. And I don't know if -- Mr. Mann, do you have anything to add as far as civil conspiracy?

MR. MANN: No, Your Honor. I mean, our affidavit, likewise, reflects that none of this was intended to accomplish any (inaudible).

THE COURT: All right. Thank you. Intentional interference with the contract?

MS. PALMER: There's been no breach, he testified to that.

THE COURT: All right. No breach of contract.

MS. PALMER: And the only contract identified is the City's franchise contract, and that hasn't -- he's still in business today.

THE COURT: Got it. And was there another? I'm trying to recall.

MS. PALMER: Yes.
THE COURT: The constitution of --
MS. PALMER: The violation of plaintiff's civil rights --
THE COURT: Yes, civil rights.
MS. PALMER: -- and gross negligence and negligence. And I'm not still really sure if it's negligence or if it's a civil rights violation. Our memo addresses the fact that -- they don't cite -- it's not a governmental entity, and even if it were, even if there's a quasi, the government has nothing to do with its advocacy.

However, you don't even need to get to that. This cause of action is asking for money damages. Palmer v. State, which is easy, obviously, for me to remember, 427 South Carolina 36. In 2019, our Court of Appeals clarified the issue and said, look, we don't have an enabling statute in South Carolina like section 1983.

There are no money damages for the violation of the Constitution without legislature, you know, indicating as such. Re-hearing was denied on that and our State Supreme Court denied cert on that.

THE COURT: Okay. All right.

MS. PALMER: And then to the extent that it was supposed to be a negligence cause of action, there was no duty.

THE COURT: Y'all don't owe a duty to the carriage horse?

MS. PALMER: I mean, I don't -- I'm not aware of any.

THE COURT: All right.

MS. PALMER: That hasn't been an issue. That would be the first I've heard of it, if they're actually pursuing negligence as a cause of action.

THE COURT: All right. Thank you.

MS. PALMER: Thank you.

THE COURT: Mr. Goldstein, do you want to be heard on those? I know where you stand on conspiracy because you've touched in it. Okay?

MR. GOLDSTEIN: Right. By the way, the screenshot that I was looking for that I couldn't find is attached to the -- there are so many documents in this case. It is attached to the third supplemental affidavit filed September 24th.

And Natalie Powers posted on the Charleston Carriage Works' Facebook page, "Can't wait to see what Charleston Animal Society does to keep destroying" -- I'm sorry, on Charleston Carriage Works' Facebook page, "Can't wait to see what Charleston Animal Society does to keep destroying y'all, y'all suck." And, of course, there's thousands of those. That's just -- this is just one representative.

The conspiracy is encapsulated -- oh, you said you didn't need to hear any more on conspiracy.

THE COURT: Yeah. Tell me about your breach of contract claim, interference of contract claim.

MR. GOLDSTEIN: The four carriage companies operate under a franchise agreement with the City of Charleston. It has to be renewed every year. I think the current renewal fee is $175,000 -- $117,500, sorry. It's an extremely long document and has all kinds of stipulations.

THE COURT: When was it most recently renewed?

MR. GOLDSTEIN: It's renewed

annually. I think it's due January 31st. It's late after January 31st.

THE COURT: Okay. He's still been operating every year?

MR. GOLDSTEIN: Oh, no, no. He's still operating, right.

THE COURT: All right.

MR. GOLDSTEIN: And it wasn't -- they didn't terminate the franchise agreement, but that's always --

THE COURT: Well, we can speculate that one day they might, right? You've got to do better than that.

MR. GOLDSTEIN: I understand.

THE COURT: Okay. All right. That one doesn't sound too good. Let's move on to the Constitutional Issues. I don't think you can get money damages out of a Constitutional violation.

MR. GOLDSTEIN: He can get an injunction.

THE COURT: All right. Is that what you are seeking there?

MR. GOLDSTEIN: You know, an injunction three years ago probably would have solved this entire case.

THE COURT: Well, we're going to talk about that in a second, too, but anyway.

MR. GOLDSTEIN: Well, it's funny you should --

THE COURT: How we can resolve this case.

MR. GOLDSTEIN: Yes.

THE COURT: And then finally, negligence. Is there any duty owed to your client under a negligence theory? I'm not sure it was pled that way, but I want to make sure it was covered.

MR. GOLDSTEIN: I'm sorry. I wanted to point out to the Court that just --

THE COURT: You were just being negligent, right?

MR. GOLDSTEIN: That just how ongoing this is. Just a few days, on September 16th --

THE COURT: Tommy, you don't need to go there.

MR. GOLDSTEIN: Okay.

THE COURT: We just covered that.

MR. GOLDSTEIN: Okay. All right.

THE COURT: I'm just buttoning it

up right now.

MR. GOLDSTEIN: On Charleston Animal Society's -- is this Carolina Tails? Yeah, Carolina Tails, or their homepage. They say, Charleston Animal Society also supports reviewing whether the number of carriages or carriage companies operating under franchise agreements with the City should be reduced due to the dramatic increase in traffic in the historic district.

So there is some move afoot to interfere with the franchise agreement. I mean, it's on the radar.

And I'm sorry, your next question was to move onto?

THE COURT: Negligence.

MR. GOLDSTEIN: Negligence. The publications, especially by Charleston Animal Society, are negligent because, as Ms. Palmer just told you, they are subsidized by taxpayers and by government grants, and that they, therefore, have a duty -- a statutory duty not to disseminate -- and this is a direct quote from the statute on false or misleading information.

And they made no effort to ascertain the

truth of the allegations they made about whether or not Big John was exhausted because, if they had made any inquiry, they would have known that the temperature that day was in the 70's, that it was in the morning, that the -- that there were children on the carriage.

In other words, all the things that they allege were demonstrably false, and yet, they made no effort to ascertain the truth or falsity of it before pushing out -- and remember that those words on that video were put on there by Dan Krosse, the media specialist at Charleston Animal Society.

They made -- they were negligent in not making any effort to ascertain whether or not what they were plant -- what they were imprinting on the video was true or false. And they had a duty to do that. They had a duty to make some inquiry, just like lawyers. You know, when lawyers file --

THE COURT: Well, if they published it, then that doesn't fall under defamation. Isn't defamation just a subset of that?

MR. GOLDSTEIN: If I were drawing a diagram, they would intersect, yes. Yes, sir.

THE COURT: Okay. All right. Very good. Thank you. Here's my question to y'all. Have y'all been to mediation? Have y'all been ordered to mediation? Where did y'all go? Who did you go see?

MR. MANN: Dr. Folkens, Karl Folkens.

THE COURT: Karl Folkens. He is pretty good. Did we have a total breakdown at mediation, or what happened there?

MR. GOLDSTEIN: No.

THE COURT: All right. Let me hear from you on that, Goldstein.

MR. GOLDSTEIN: Here's what happened. We were all set for mediation. Ms. Harley said she wanted to attend by Zoom. I'm not casting any dispersions about that. She just wanted to attend by Zoom. So then we all attended by Zoom, and I thought it was a completely worthless exercise.

THE COURT: All right. Yeah, I can see that. Zoom is tough. Zoom is tough. Let me -- let me start on the defense side, and then I'm going to flip over to the plaintiff's side because what I'm -- I hear there's a dispute,

there's no doubt about that.

From what I'm hearing from the defense side is, there's a desire here not to necessarily punish this claimant, but to try and make some changes in how the horse carriage operations work in the City of Charleston; is that simply put?

MR. MANN: That's correct.

MS. PALMER: Nothing ever targeted them specifically.

THE COURT: Right. From the plaintiff's standpoint, you run a business. You want to stay in business. You want to keep running a business.

Is there any opposition to what it is that they seek? I'm talking about on a general basis, as opposed to specifics because that's when it gets -- the rubber meets the road. Unless you've got a political entity you've got to deal with. I understand that.

But just in general, if Mr. Christoff is able to keep his business afloat, stay in business, is there just a total opposition to even communicating about the possibility of having criteria established by the City of Charleston as to how to operate these businesses?

That's my question. I mean, I can't imagine y'all are that far apart, but I'm happy to hear from you, Mr. Goldstein.

MR. GOLDSTEIN: Let me begin by saying on behalf of all of us, thank you for your interest in this case. The practice of law, since this Corona pandemic, has become very -- I don't know. What's the word?

MS. PALMER: Acrimonious?

MR. GOLDSTEIN: Well, I wouldn't say that. I was going to say mechanized.

THE COURT: It's difficult. I have no doubt about that.

MR. GOLDSTEIN: There's no more communication.

THE COURT: Yeah, yeah.

MR. GOLDSTEIN: And you're the first judge who's expressed an interest in this case; so on behalf of all the parties, all of it -- I'm not trying to create favor. I'm saying on behalf of all of us --

THE COURT: Yeah.

MS. PALMER: I would agree with you.

MR. GOLDSTEIN: Thank you for that.

THE COURT: All right.

MR. GOLDSTEIN: So to answer your question, I'm going to start off with a stick, and I'm going to end up with a Karen.

THE COURT: All right.

MR. GOLDSTEIN: All right. Here comes the stick and get ready y'all because it's going to sting.

THE COURT: Not usually the best way to start, but go ahead.

MR. GOLDSTEIN: Yeah. Ellen Harley and Joe Elmore are frauds. They're animal activists. They object -- they're like PETA. Mr. Elmore came from ASPCA, and you can read their ban on animals.

You can read the failed entertainment case, which was brought by ASPCA that drove Judge Emmet Sullivan insane where he ordered attorney's fees -- he ordered the lawyer's fees turned over to disciplinary. That's the stick. I take no pleasure in saying that. I don't come into Court because I like to pick on people.

THE COURT: Right.

MR. GOLDSTEIN: Okay. Here comes the Karen. They all love animals. All of them.

Mr. Christoff does. Mr. Elmore does. Ms. Harley does. They all love animals.

THE COURT: Yeah.

MR. GOLDSTEIN: So why can't they get together? Ms. Harley served -- she served in the Pennsylvania House of Representatives. She ran for Congress. She came down here. She ran against Henry Fishburne for city council. She's been intimately involved in the tourism commission. So has Mr. Elmore.

The City has regulations governing it, and they have a First Amendment right to advocate for the elimination of carriages. They have the fundamental First Amendment right, no question about that.

Mr. Christoff has never questioned that, but he's got a right to be left alone, too, and he's got a right to operate a business and to try to make something out of it. So if the Court were inclined -- and what I hear the Court saying is, is there any middle ground? I think there is.

THE COURT: Yeah.

MR. GOLDSTEIN: I don't know how to get there, and I look to the Court for some

direction on that, but I can tell you, we're willing.

THE COURT: Okay. All right. Well, it just seems to me -- and I guess that was sort of my starting point. He wouldn't be in the business he's in if he wasn't interested in animals and people because that's what he does.

And this crowd wouldn't be here -- they wouldn't have formed as an entity unless they were interested in animals, and ultimately, we all have to deal with people. That's what we do certainly in the courtroom.

And so it just seemed to me that there's some basis upon which y'all have a foundation, okay, on which you might be able to work. It may be so far apart that you can't get there, but it's worth a try is the way I look at it. Okay? Karl Folkens is an excellent communicator and an excellent mediator. And I don't know how you could do much better, to be frank about it.

But it would be a lot better if you got in here and got in a room and everybody sort of took their clothes off and said, here, here's where I am, this is what I'm willing to do. Okay? And I think it would be in the best

interest of our community if we could get to that point. Okay?

You know, I see -- I see and I've heard what's going on here, and I don't know that it's ever going to satisfy anybody. But if y'all get in the same room, you start playing by the same -- in the same ballpark and play by the same ball rules, at least you've got an opportunity to try and get somewhere and get a solution made.

That's really all I'm saying. I just spent two weeks over in that historic courthouse over there trying a case. The only thing I could get those lawyers to agree on was where to have the trial. Okay? I mean, everything is contested, and I'm going back for another two weeks at the end of the month with the same crowd. So I got through the plaintiff's case in two weeks. All right.

For some reason they agreed to send -- to contractually send it to me. Okay? Y'all got me, I assume, by default because I'm not sure how much of this was bouncing around over there in Circuit Court. But, I mean, I -- you know, I like my job. I do what I do, and I'm happy to do it, and I just see a dispute that I don't see it

ending even if this case goes to trial, and it goes on appeal, and it does what it does with Ms. Erickson. I heard some of those Erickson motions in that case, too. I was familiar with that case.

But it would seem to me that it would benefit all of y'all to go to mediation, participate in mediation; everybody participate in mediation. I know Mr. Folkens is out of Florence, but I'm sure he would come here because everybody else is here. And I haven't had anybody say they wouldn't come to Charleston yet. And see if y'all can't come to some terms.

I mean, ultimately, it would take some action on the part of city council over there to put those rules into play, but you might get a start going here to the extent your plaintiff is representative and you can get the other bodies on board.

I'm not looking just at solving this suit. I'm looking at solving a problem that exists in this community. You know, it doesn't impact me a whole lot because I don't ride on those horse carriages very often, but I see them all the time, you know. But it's become sort of

a way of life. I go to other cities around the country, and they've got them, too. Okay? I go to a foreign country. They've got them there. Okay? So, you know, they're just there.

And the rest of that has to -- having to do with the political process is something that we've got a problem with in our own country right now because we've got issues that none of us can fix by sitting back here and watching what we do.

So I mean, ultimately, I'm a decision maker, and that's what I do. I make decisions in other people's lives because they can't do it. If I can get y'all to come together and sit in the same room and talk about the same commonality of interest that you actually do have to try and work through a solution, I just think it's in y'all's best interest.

And I'm happy to send y'all back to mediation with Mr. Folkens and see if y'all can't do that within the next 60 days and get that done. I'm happy to have y'all provide me with additional documentation.

I would go back to your respective clients and see if y'all are willing to entertain mediation. If you are, I will certainly give you

the time to do that. If anything else, I've got to mull the discovery issues that you presented to me as well as whatever y'all are going to supplement this record with, but I can give y'all an answer.

But I'm happy to give you -- I typically give 30 days to provide orders and 30 days to give you an answer. I'm happy to give y'all 60 days to see if y'all can't work out some time to get a mediation with Mr. Folkens, to go back to the table, back to the drawing board, and see if you can't build on something.

I don't know if anything was made, but see if you can't find a way to get there. I thought that was -- other than the stick, I thought that was a pretty good speech made by Mr. Goldstein, you know? I mean, you're an advocate for your client, I understand that. I have no problem with that. Okay?

And I see that there was -- there was at least an attempt made, and I think that that's probably worthwhile. I watched Mr. Folkens get an award at the trial lawyers conference last -- I guess it was last month, just last month in August, and he made an incredible speech.

It was amazing what he said and how it was that he got into the business of law, you know, how that happened to him and to perk his interest as a young kid, five-year-old kid sitting in the back of a car going to the California desert. You know, I still remember that story. That's how good a story it was.

So I would be happy to give y'all that timeframe. If y'all can work something out, great. If you can't, I'll have to make the decision. I'm happy to make decisions because that's what I do. All right?

MR. GOLDSTEIN: Can I make two comments?

THE COURT: You certainly may.

MR. GOLDSTEIN: One, you've made an allusion to lawyers who couldn't decide anything but where to have the courtroom, where to have the trial. These lawyers have been nothing but kind, generous, and professional throughout, and it has been an honor to serve in this case with them. So I just want to tell you that.

THE COURT: I'm happy to hear that.

MR. GOLDSTEIN: And number 2, with regard to mediation, you may have forgotten that

you are wearing a black robe, and you can tell us what to do.

THE COURT: You want me to order you to mediation? I mean, y'all have already been, right?

MR. GOLDSTEIN: Yes, sir.

THE COURT: And it's just -- y'all hit an impasse or it's just -- you never got to first base? I'm not sure what happened.

MR. GOLDSTEIN: It just wasn't effective over the computer is all I'm saying. I don't know if they agree with me or not.

THE COURT: All right.

MR. GOLDSTEIN: They may not agree with me.

THE COURT: Well, I'm happy to order y'all to mediation in person over the next 60 days, but I can't control Mr. Folkens calendar. There's my problem.

MR. MANN: He will mediate on Saturdays.

THE COURT: Okay.

MR. MANN: I've done that with him a fair number of times.

THE COURT: Okay. Well, I mean,

you know, how good he is. I'd like to see y'all do that and see what y'all can't come to. If y'all can get the genesis of a basis for a solution, I'd be glad to hear about that. Okay? Otherwise, I will look to hear from y'all in about 60 days. Okay?

MR. GOLDSTEIN: Thank you, Your Honor.

(The hearing was concluded at 4:12 P.M.)

CERTIFICATE OF REPORTER
STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER

I, Jennifer M. Adams, Certified Shorthand Reporter and Notary Public for the State of South Carolina at Large, do hereby certify that the witness whose attached in the foregoing hearing was by me duly sworn to testify to the truth, the whole truth, and nothing but the truth in the within-entitled cause; that said hearing was taken at the time and location therein stated; that the testimony of the witness and all objections made at the time of the examination were recorded stenographically by me and were thereafter transcribed by computer-aided transcription; that the foregoing is a full, complete and true record of the testimony of the witness and of all objections made at the time of the examination; and that the witness was given an opportunity to read and correct said hearing and to subscribe the same.

Should the signature of the witness not be affixed to the hearing, the witness shall not have availed himself/herself of the opportunity to sign or the signature has been waived.

I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof.

Witness my hand, I have hereunto affixed my official seal on February 4th, 2022 at Charleston, Charleston County, South Carolina

_____
Jennifer M. Adams
Court Reporter And Notary Public
My commission expires: 02/07/2022

ARTICLE V. - TRANSPORTATION BY ANIMAL-DRAWN VEHICLES FOR PURPOSES OF TOURING

DIVISION 1. - GENERALLY

c. 29-201. - Restricted.

No person shall operate or cause to be operate for hire any vehicle, of whatever nature, drawn by animals for the purpose of conducting tours within the old city district or the old and historic district, except animal-drawn vehicles as provided in this chapter.

(Ord. No. 1983-22, § 56, 5-10-83)

Editor's note— Formerly numbered as section 29-202.

Sec. 29-202. - Franchise agreement required; restrictions.

(a) *Findings of fact:*

(1) City council finds that certain of the operators of animal drawn vehicles in the old and historic district of the city have begun to utilize aggressive solicitation practices, adjacent to or upon the streets, sidewalks and public properties, urging upon citizens and visitors the use of their services; have abruptly approached citizens and visitors and thrust brochures in their hands, which are often unwanted and end up on the streets and sidewalks; have utilized solicitors, pamphleteers, persons holding signs, hawkers and pullers-in and have even placed fixed structures upon or adjacent to the streets, sidewalks and public properties to solicit business and/or distribute materials urging the use of their services.

(2) City council further finds that the success of such commercial practices requires that persons congregate and respond to such solicitation, thereby impeding pedestrian and vehicle travel.

(3) City council further finds that such practices have an adverse impact on the ambiance of the city and its old and historic district; tend to create confrontations with citizens and visitors; adversely impact pedestrian and vehicle traffic flow; create litter; tend to create nuisances; adversely impact the health, safety and well being of the public; and otherwise have a negative impact on the tourism industry and economy of the city.

(4) City council further finds that it is appropriate that, as a condition of operating animal-drawn vehicles in the old and historic district, all persons must obtain a franchise, and must agree to desist from the aforesaid business practices, which agreement shall be a condition of the franchise.

(5) City council further finds that the operation of animal drawn vehicles on the public streets is a privilege and not a right and such operation is for the benefit of the public.

(6) City council further finds in the adoption of this section, that this is part of an ongoing effort to reasonably regulate the conduct of business upon the streets and sidewalks of the central business district and the market area for the benefit of the general public.

(b) *Franchise required:* No person shall operate or cause to be operated upon the streets or sidewalks of the old and historic district of the city any animal-drawn vehicle, without first entering into a franchise agreement with the city. Such franchise agreement shall be granted for a period of one (1) year and shall expire on the anniversary of the date of execution; provided, however, upon compliance with the provisions of the franchise agreement and Chapter 29, Articles V and VI, the agreement shall be automatically renewed. The franchise agreement shall contain the following provisions, which provisions are material and go to the essence of the franchise agreement:

(1) The franchisee shall maintain a current business license.

(2) The franchisee shall agree to operate its business strictly in accordance with the ordinances of the city, applicable thereto, as from time to time amended.

(3) The franchisee shall agree that it will not carry out the following business practices, or suffer them to be carried out on its behalf, upon the sidewalks, streets and public properties in the old and historic district, or upon private property adjacent to such streets, sidewalks and public properties, but directed at persons upon such streets, sidewalks and public properties:

a. The distribution of pamphlets or other printed materials to solicit or advertise for business.

b. The use of hawkers, pullers-in, pamphleteers, or persons holding signs to solicit or advertise the business or inviting the public to make inquiries to such persons.

c. The placement of fixed structures for the purpose of sales, solicitation, hawking, pullers-in, pamphleteering or the support of signage or advertising.

d. The parking or storage of animals or equipment on the public streets and sidewalks, except to load or unload passengers in approved loading zones. Nothing herein shall regulate the parking or storage of animals or equipment on private property.

(4) Nothing herein shall prohibit the solicitation of business immediately alongside an animal-drawn vehicle in an approved loading zone so long as such solicitation is not done in a raucous manner.

(5) The franchise shall be nonexclusive.

(6) The franchisee shall agree that, upon the violation of the provisions of this section by the franchisee, its agents, employees, or persons acting on its behalf, the right to operate animal-drawn vehicles in the old and historic district shall be suspended as follows:

a. Upon two (2) violations within a six-month period, the franchise shall be suspended for a period not to exceed seven (7) days.

b. Upon three (3) violations within a one-year period, the franchise shall be suspended for a period not to exceed thirty (30) days.

c. Upon four (4) violations within a one-year period, the franchise shall be suspended for a period not to exceed one hundred eighty (180) days.

(c) *Administration and appeals.* This section shall be administered by the director of tourism. All appeals from an interpretation or determination by the director of tourism shall be made to the tourism commission, within fifteen (15) days of notice of such interpretation or determination. All appeals from an adverse decision by the tourism commission shall be made to the Court of Common Pleas within thirty (30) days of such decision.

(d) *Execution of agreement.* City council, by the adoption of this section, authorizes the mayor to enter into a franchise agreement with any and all persons who desire to operate animal-drawn vehicles in the old and historic district. Unless otherwise stated, each franchise agreement shall automatically renew on January 1 of every year so long as the franchisee is in good standing.

(Ord. No. 1995-110, § 1, 3-28-95; Ord. No. 1998-174, § 23, 9-22-98; Ord. No. 2001-133, § 1, 12-18-01; Ord. No. 2002-99, § 1, 8-13-02; Ord. No. 2006-200, § 1, 5-23-06)

Editor's note— Ord. No. 1995-110, § 1, adopted March 28, 1995, enacted provisions designated as following former § 29-201. In order to accommodate the provisions of said ordinance, the editor renumbered former § 29-202 as § 29-201 and added the provisions of Ord. No. 1995-110 as § 29-202.

Sec. 29-203. - Route limitations.

Animal-drawn vehicles may operate on all streets or public ways in the district except the following:

(a) The bricked portion of Church Street, from Water Street to South Battery, and all cobblestone and Belgium block streets;

(b) Any public way designated as an alley, land or court (excluding St. Michael's Alley which may be used through Friday from 4:00 to 6:00 p.m., excepting legal holidays.);

(c) The following streets:

(1) Atlantic Street;

(2) Price's Alley;

(3) Rope Maker's Lane;

(4) Bedons Alley;

(5) Ladson Street;

(6) Big Lamboll Street;

(7) Water Street (from Church to Meeting Streets);

(8) Church Street (from Tradd to Water Street);

(9) King Street (between Mary and George Streets).

(d) On such streets or at such times as are restricted for such use by the department of traffic and transportation with the approval of the city council committee on traffic and transportation and so designated by the director of the department of livability and tourism.

(e) There shall be an amended commercial route that can be used during eastern standard time between the hours of 4:30 p.m. to 6:00 p.m. The commercial route approved is as follows: Market Street to Concord Street to Vendue Range to Prioleau Street to Elliot Street to E. Bay Street to Exchange Street to Prioleau Street to Concord Street to Market Street.

(Ord. No. 1983-22, § 59, 5-10-83; Ord. No. 1986-88, § 1, 8-19-86; Ord. No. 1993-58, § 9, 4-27-93; Ord. No. 2013-10, § 1, 1-22-13; Ord. No. 2015-164, § 17, 11-10-15; Ord. No. 2016-070, § 3, 5-24-16; Ord. No. 2017-111, § 2, 9-13-17)

Sec. 29-204. - Drivers.

All drivers of animal-drawn vehicles shall have a current automotive vehicle drivers license and demonstrate competence in handling animal-drawn vehicles. All drivers of animal-drawn vehicles shall be required to pass an animal-drawn vehicle competency examination which will satisfy the city that the driver is knowledgeable and capable of handling horses and animal-drawn vehicles in emergency situations.

(Ord. No. 1983-22, § 60, 5-10-83; Ord. No. 1993-58, § 7, 4-27-93)

Sec. 29-205. - Tour guide required.

All tours on animal-drawn vehicles must be conducted by a registered or temporary tour guide.

(Ord. No. 1983-22, § 61, 5-10-83)

Sec. 29-206. - Gatekeeper loading and medallion issuance procedure.

(a) The city shall establish a central location at the corner of North Market and Church Streets for the distribution of medallions to be issued in the conduct of tours in the zones of operation as established pursuant to section 29-208 of the Code of the City of Charleston. The central location point shall be designated as the "gate" which will consist of a structure to be occupied by a city employee authorized to issue medallions for touring as provided herein, said employee to be more commonly referred to as the "gatekeeper." The gate loading procedure shall require an animal-drawn vehicle to load and discharge passengers as herein provided and to pass through the gate to receive a medallion and a GPS unit. This medallion shall indicate the zone in

which the animal-drawn vehicle shall conduct its tour. The zone designation shall be obtained by random selection by the gatekeeper as hereinafter provided. The medallion shall be issued by the gatekeeper and affixed to the back of the animal-drawn vehicle. The GPS unit shall be used by the driver of the animal drawn vehicle to mark animal excreta on the public right-of-way. Upon completion of the tour, the medallion, and the GPS unit shall be returned to the gatekeeper by the driver or company representative of the animal-drawn vehicle having been issued the medallion. A medallion, and GPS unit shall be returned to the gatekeeper no later than seventy-five (75) minutes after its issuance. Loss or damage of a GPS unit shall result in the company assigned the unit being charged the cost of replacement of the unit.

(b) Animal-drawn vehicles shall load and discharge passengers at the city's one (1) central loading zone, located on Anson Street south of Pinckney Street and on North Market Street between Anson Street and Church Street, provided that an animal-drawn vehicle shall be able to load and discharge passengers on private property that is owned or operated by its company and provided that the said private loading zone is within the Market zone which is described as the area lying between and including Pinckney Street to the north; Cumberland Street to the south; East Bay Street to the east, and Meeting Street to the west.

(c) The gate shall operate between the hours of 9:00 a.m. through 5:30 p.m. during Eastern Standard time and from 9:00 a.m. and 6:30 p.m. during daylight savings time. During Eastern Standard Time, medallions shall be issued until 4:15 p.m. And shall be returned by 5:30 p.m. During daylight savings time, medallions shall be issued until 5:15 p.m. and shall be returned by 6:30 p.m.

(d) Animal-drawn vehicles shall be permitted to remain in a loading zone no longer than fifteen (15) minutes prior to entering the gate to receive a medallion. If a medallion is not issued to a vehicle which has been in the loading zone for fifteen (15) minutes, the said vehicle shall move to the rear of the loading zone and wait in line to enter the gate and receive a medallion.

(e) A special tour, which is defined as a tour that has been scheduled in advance by the director of the department of livability and tourism, shall require a medallion before the said special tour can be conducted. A special tour must also utilize the city's loading zone or private property for loading and discharging passengers as provided herein.

(f) A commercial tour, shall be defined as a tour that is conducted in the commercial district only and after 4:15 p.m. There shall be no more than be five (5) commercial tours permitted to begin between 4:15 p.m. and 5:00 p.m. industry wide, and there shall be no more than five (5) commercial tours permitted to begin between 5:00 p.m. and 5:30 p.m. industry wide. The carriage company owners will determine among themselves how the five (5) commercial tours permitted to begin between 4:30 p.m. and 5:00 p.m. and the five (5) commercial tours permitted to begin between 5:00 p.m. and 5:30 p.m. will be divided up among the carriage companies. Commercial tours conducted after 5:30 p.m. shall not be restricted in the number of tours permitted and shall not require a medallion. Commercial tours shall not require a medallion.

(g) Every franchisee shall maintain a daily manifest upon which is recorded every trip made each day after the closure of the city's gate. Such manifests shall include details of every trip as defined by the department of livability and tourism. Manifests will be provided to the department of livability and tourism the following day. All rules and regulations of this chapter must be followed for these tours including the equipment required under section 29-212(c).

(Ord. No. 1983-22, § 62, 5-10-83; Ord. No. 1993-58, § 1, 4-27-93; Ord. No. 2002-73, § 1, 5-28-02; Ord. No. 2006-495, § 1, 11-14-06; Ord. No. 2010-85, § 2, 5-11-10; Ord. No. 2015-164, § 17, 11-10-15; Ord. No. 2016-070, § 3, 5-24-16; Ord. No. 2017-111, §§ 3, 4, 8, 9-13-17; Ord. No. 2019-026, § 1, 4-9-19; Ord. No. 2021-127, § 2, 9-14-21)

Sec. 29-207. - Design standards.

Animal-drawn vehicles shall be authentically styled passenger carriages. Wagons which patently were designed for cargo instead of passengers will not be approved. Carriages must not exceed twelve (12) feet in length or six (6) feet in width. Carriages will be measured from end to end, excluding the steps and shafts; and, from axle tip to axle tip. No part of the carriage may be over six (6) feet in width; provided, however, any certificated carriage which was in use as of January 1, 1982, and no longer than thirteen (13) feet may continue in use.

(Ord. No. 1983-22, § 63, 5-10-83; Ord. No. 1998-174, § 24, 9-22-98)

Sec. 29-208. - Zones of operation.

(a) The peninsula city shall be divided into zones of operation as may be recommended from time to time by the commission and approved by city council. A map outlining such zones and the streets to be used for ingress and egress thereto, as applicable, shall be maintained by the department of livability and tourism.

(b) Based upon traffic studies, industry input and observations and experience of the commission, the maximum number of animal drawn vehicles to be allowed to operate in a given zone may be restricted, all as may be recommended by the commission and approved by city council.

(c) The right to operate in Zones 1, 2, 3, 4, and 5 shall be made available to touring entities having animal drawn vehicles for which certificates of appropriateness have been issued as follows:

(1) Through the use of the gate and gatekeeper procedure hereinabove defined, the gatekeeper shall utilize a medallion selection machine and twenty-eight (28) medallions, six (6) of which shall be designated for Zone 1, six (6) of which shall be designated for Zone 2, eight (8) of which shall be designated for Zone 3, and eight (8) of which shall be designated for Zone 5, to randomly select a medallion with a designated zone destination marked thereon, and that upon selection, the number shall be removed from the medallion selection machine and replaced when the medallion is returned.

(2) The gatekeeper will alternate between A and B medallions which will provide a different route for exiting the gate area and entering into the zones. These A and B routes provide for different paths of ingress into each zone. A detour is allowed for ingress in Zone 3B during school pickup only; carriages may avoid Archdale and travel Meeting and Queen Streets to enter Zone 3B. The routes are designated on the maps maintained by the

department of livability and tourism.

(3) To avoid multiple carriages from being sent out in succession on the same path, the gatekeeper will keep drawing medallions until a different zone is drawn, unless all of the medallions left are of the same zone.

(4) Zone 4 will be used as a relief valve system. Zone 4 will have six (6) balls. Zone 4 balls will be put in the medallion selection machine on city holidays, the 30 busiest days of the year as determined by the industry, and such other days as the director of livability and tourism deems necessary. An exchange of one medallion for a Zone 4 medallion will be allowed once per day.

(5) When a medallion is issued, the gatekeeper shall record the company's name, the animal-drawn vehicle driver's name, medallion number, GPS unit number, and the time that it is issued. No animal-drawn vehicle shall be issued more than one (1) medallion within forty-five (45) minutes from the time of issuance of the first medallion. When the medallion is returned, the check-in time shall be recorded by the gatekeeper. The gatekeeper shall verify that the maximum check-out time has not been exceeded.

(6) A medallion and GPS unit shall be returned to the gatekeeper no later than seventy-five (75) minutes from the time of its issuance.

(Ord. No. 1985-148, § 5, 12-17-85; Ord. No. 1986-49, § 2, 5-27-86; Ord. No. 1993-58, § 4, 4-27-93; Ord. No. 2015-164, § 17, 11-10-15 ; Ord. No. 2017-111, §§ 4, 5, 9-13-17 ; Ord. No. 2019-026 , § 2, 4-9-19)

Sec. 29-209. - Diapering apparatus and sanitation communication required.

It shall be unlawful for any person, firm, corporation or other entity to utilize any animal for the purpose of pulling any vehicle on city streets unless such animal is equipped with diapering apparatus that prevents the droppings of such animal from being deposited or otherwise left on city streets. It shall be the responsibility of the person, firm, corporation or other entity utilizing any animal-drawn vehicle to see that the diapering apparatus is maintained in working order. Further, every animal-drawn vehicle shall be equipped with a two-way communication system, a GPS unit, and flags to identify areas in need of sanitation. It shall be the responsibility of the person, firm, corporation or other entity utilizing any animal-drawn vehicle to drop a sanitation flag, marking areas where animals deposit or otherwise leave excreta on city streets and to use a GPS unit or utilize two-way communications to provide notice of areas in need of equine sanitation.

(Ord. No. 1987-82, § 1, 7-21-87; Ord. No. 1998-174, § 25, 9-22-98; Ord. No. 2007-223, § 1, 11-27-07; Ord. No. 2019-026 , § 3, 4-9-19)

Sec. 29-210. - Number of medallions to be issued.

(a) The city shall authorize a total of thirty-four (34) medallions to be distributed as follows:

Zone 1 6

Zone 2 6

Zone 3 8

Zone 4* 6

Zone 5 8

*Only available as described in section 29-208(c)(4).

(b) The medallions shall be labeled with a serial number as follows:

Zone 1 Serial Nos. 101—106

Zone 2 Serial Nos. 201—206

Zone 3 Serial Nos. 301—308

Zone 4 Serial Nos. 401—406

Zone 5 Serial Nos. 501—508

(Ord. No. 1993-58, § 3, 4-27-93; Ord. No. 2017-111, § 6, 9-13-17)

Sec. 29-211. - Fees.

(a) Each animal-drawn vehicle company authorized to do business within the City of Charleston shall be assessed an annual fee of seventeen thousand five hundred dollars ($17,500.00) to operate a carriage business in the City of Charleston. This fee will allow a company to have one (1) animal-drawn vehicle in the central loading zone at any given time.

(b) Each animal-drawn vehicle company shall be assessed a fee of three dollars ($3.00) each time one of its animal-drawn vehicles receives a medallion at the gate. The company shall be billed on a monthly basis.

(c) A company which operates an animal-drawn vehicle business in the City of Charleston shall be assessed a monthly sanitation fee in a sum to be assessed by the director of the department of livability and tourism, which fee shall be paid before the company shall be allowed to participate in the gatekeeper system, said fee to be billed to the company on a monthly basis.

(Ord. No. 1993-58, § 5, 4-27-93; Ord. No. 2015-164, § 17, 11-10-15 ; Ord. No. 2016-070, § 3, 5-24-16)

Editor's note— Ord. No. 1993-58, § 5, adopted April 27, 1993, enacted a new section 29-212. In order to better conform to the organization of the Code, the editor has redesignated the provisions of § 5 of Ord. No. 1993-58 as § 29-211.

Sec. 29-212. - General health care and management requirements.

(a) *Findings of fact.* City council hereby makes the following findings of fact:

(1) The City of Charleston, carriage company operators, residents, and visitors to the City of cHarleston have sought to take a proactive approach to protect and ensure the health, safety and welfare of animals used in the tourism industry;

(2) A study was conducted to develop and recommend animal welfare policies to the tourism commission. In response to the study, the tourism commission formed the ad hoc committee on animal-drawn carriages which committee was comprised of representatives from the tourism commission, animal control, the carriage industry, the Society for the Prevention of Cruelty to Animals ("SPCA"), and an independent veterinarian;

(3) The ad hoc committee on animal-drawn carriages has now reviewed and updated the previously recommended policies after much deliberation and with input from the general public, Carriage Operators of North America ("CONA"), and the veterinarian community; and

(4) The codification of the ad hoc committee on animal-drawn carriages recommended regulations is in the best interest of protecting the health, safety, and welfare of the animals used in the tourism industry and protects the health, safety, and welfare of motorists and pedestrians using the public right-of-ways along with the residents and tourists of the City of Charleston.

(b) *Definitions.* Except where the context clearly indicates otherwise, the following terms and phrases as used in this section shall have the following meanings:

(1) *Animal* shall mean any horse or mule used for touring purposes and operated under a franchise agreement as outlined in section 29-202.

(2) *Contamination* shall mean the introduction of unwholesome or undesirable elements, including but not limited to, bedding, mold, bugs, and rodent droppings.

(3) *Equine sanitation flag* shall mean the marker used to identify animal excreta and is generally recognized as a two and one-half-inch rubber ball cut in half with an eight-inch surveyor's flag attached.

(4) *Farrier* shall mean a specialist in horse care who addresses the hooves, feet and legs of the animal.

(5) *Free choice* shall mean that water shall be ready and in front of a horse for fifteen(15) minutes after a tour is conducted so that a horse is free to choose to drink or not to drink water.

(6) *GPS unit* shall mean a device supplied at the gate for the use of marking animal excreta.

(7) *Halter* shall mean a headcollar or other proper equine or livestock headgear that is used to safely lead or tie up an animal that fits behind the ears (behind the poll) and around the muzzle.

(8) *Hitching* shall mean the act of either attaching or detaching an animal to or from a carriage through the use of a harness secured to the animal.

(9) *Inspection* shall mean to permit the department of livability and tourism, the police department, or a city contracted veterinarian to enter upon the premises of any carriage company subject to this ordinance to make inspections and to examine and audit required records.

(10) *Old and Historic District* shall mean that portion of the city that is so designated from time to time on the official zoning map of the city.

(11) *Out of service* shall mean when the animal is unhitched from a carriage and out of its harness.

(12) *Police department* shall mean the chief of police or his or her designee.

(13) *Rest* shall mean the time when the animal is in service but not performing work as defined herein.

(14) *Stable* shall mean the barn where the animals are kept.

(15) *Stall* shall mean individual space within the barn where each animal is kept.

(16) *Tie(s)* shall mean a lead rope, crosstie, or other item used to connect the animal to either a handler or anchor point. Ties shall be strong to ensure the safe securing or handling of the animal and all hardware accompanying such ties shall also be strong enough for such safe handling. Ties and or their accompanying hardware shall be removed from usage if damaged and not able to safely secure the animal.

(17) *Tour* or *touring* shall mean the conducting of or the participation in sightseeing in the districts for hire or in exchange for a donation.

(18) *Touring stock* shall mean all animals used for touring pursuant to this section.

(19) *Vintage carriage* shall mean any carriage built before 1900.

(20) *Work* and *working* shall mean the act of pulling a carriage.

(c) *Equipment.*

(1) Every carriage used for touring purposes and operated under a franchise agreement as outlined in section 29-202 shall be equipped with the following:

a. Head lights or lanterns and tail lights or lanterns which are visible for a distance of (500) feet when the carriage is operated from a half hour after sunset to a half hour before sunrise, and at any other time when windshield wipers are in use as a result of rain, sleet, or snow, or when inclement weather or environmental factors severely reduce the ability to clearly discern persons and vehicles on the street or highway at a distance of five hundred feet ahead. High reflectivity markers on the front, back and sides of the carriage as well as on the harness of the carriage-animal shall also be required;

b. A slow moving vehicle emblem attached to the rear of the carriage;

c. A diapering apparatus that prevents the droppings of the animal used to pull the carriage from being deposited on the ground or the right-of-way;

d. A fifth wheel or cut under turning mechanism on the front axle with the exception of vintage carriages;

e. Reflective ankle cuffs or another reflective device approved by the tourism committee shall be used on at least two (2) of the animal's legs if one (1) animal is pulling a carriage, or if two (2) animals are pulling a carriage reflective ankle cuffs or another reflective device approved by the tourism committee shall be used on at least one (1) of the outside legs of each animal when the carriage is operated from a half (½) hour after sunset to a half (½) hour before sunrise, and at any other time when windshield wipers are in use as a result of rain, sleet, or snow, or when inclement weather or environmental factors severely reduce the ability to clearly discern persons and vehicles on the street or highway at a distance of five hundred (500) feet ahead;

f. A two-way electronic communication system; and

g. A minimum of two (2) equine sanitation flags to mark animal excreta droppings.

h. One (1) GPS unit to mark animal excreta.

(2) Carriages must be properly lubricated and the carriage wheels shall spin freely.

(3) Each carriage shall be maintained in a safe condition so as to not endanger any person or property.

(4) Each carriage shall be maintained in a clean and sanitary condition, free of liter and debris and at all times suitable for public transportation of passengers.

(5) No carriage shall be operated having more passengers than what is permitted by its certificate of appropriateness or having a combined weight of carriage, passengers, and drivers that is more than three (3) times the weight of the animal(s) pulling the vehicle.

(d) *Carriage stands, client pick-up locations, staging areas, and barns.*

(1) Carriages queuing in the medallion booth line shall move and circle the block during equine sanitation cleaning.

(2) Each carriage company shall ensure that their animals in the queue line at the medallion booth shall have a fresh water source every hour.

(3) Each carriage company shall post at their barns in a conspicuous place signage as required under applicable federal, state, and local laws, including but not limited to, the Equine Activity Liability Act (S.C. Code 47-9-730), along with providing brochures outlining the City's ordinances governing the general health and welfare of the animals used in the tourism industry of Charleston.

(e) *Care and shelter of animals.*

(1) No animal shall be used to draw a carriage unless the animal is in good health and the following standards are met:

a. The animal shall not have open sores, open wounds, diarrhea, nor shall the animal be lame or have any other ailments unless the department of livability and tourism as well as the individual company's stable has a current written statement by a veterinarian on file that the animal is fit for such work not withstanding such condition. Further, the written statement by the veterinarian must have a required expiration date;

b. The hooves of all animals while engaged in work on pavement, brick, concrete or other like hard surfaces shall have rubber or elastomer shoes, boots or pads to prevent slipping and shall be evenly trimmed and shod. However, steel shoes can be used upon introduction to the touring stock during an initial two-week trial period. Also, if a farrier determines that the horse's hooves will not accommodate the use of rubber pads, metal shoes can be used on the rear legs of the animal;

c. The animal shall be properly and appropriately groomed;

d. The animal shall have adequate flesh and muscle tone as determined by the Body Condition Scale of the Henneke Chart and shall average between 4 and 7;

e. The animal is kept in good working condition;

f. At introduction into the touring stock then bi-annually thereafter, the animal shall have had a physical inspection completed by and a certificate of serviceability for carriage work signed by a licensed equine veterinarian, with the results thereof provided to the City of Charleston Department of Livability and Tourism and made available for inspection on site. Additionally, written documentation from a certified scale verifying the weight of the animal shall he provided at introduction into the touring stock. Written documentation from a certified scale may be required on an as needed basis;

g. All animals upon reasonable notice by the department of livability and tourism or police department shall be made available for an annual physical inspection to be conducted by the department of livability and tourism or police department's veterinarian with the results thereof being maintained by the department of livability and tourism with a copy being provided to the carriage company operator;

h. At introduction into the touring stock then quarterly thereafter, the animal shall have been de-wormed; and

i. At introduction into the touring stock, the animal has been vaccinated under the direction of a veterinarian for appropriate diseases and risk factors of the area, as outlined on the certificate of serviceability.

(2) Free choice water shall be provided to each animal immediately after completing a tour for a minimum of fifteen (15) minutes.

(3) Animals shall be provided electrolyte supplements at each feeding.

(4) Animals shall have at least fifteen (15) minutes rest between back to back tours.

(5) In a twenty-four-hour period, animals shall not engage in Work more than eight (8) consecutive hours or ten hours with out a one and one-half (1½) hour break being disconnected from the carriage, in a twenty-four-hour period.

(6) Animals shall not engage in work more than six (6) days in a seven-day period.

(7) Animals shall not engage in work with equipment causing an impairment of vision, other than normal blinders.

(8) Animals shall not be driven at a speed faster than a slow trot.

(9) Animals shall not be subject to any cruel or harassing treatment or equipment.

(10) Animals shall not be sold or disposed of except in a humane manner in accordance with American Association of Equine Practitioners' guidelines.

(11) Animals shall be at least three and one-half (3½ years of age and shall not weigh less than nine hundred fifty (950) pounds in fit condition.

(f) *Harnesses.*

(1) Animals shall not engage in work with harnesses or bits that harm or are unsafe to the animal.

(2) Harnesses, bridles, bits and padding shall be properly fitted and kept in clean and good repair.

(3) Harnesses shall be kept free of makeshifts like wire, rope, and rusty chain.

(4) Collars shall be sized appropriately for each equine.

(5) Harnesses, collars, blinders, bits, and bridles should exhibit no frayed or torn parts or evidence or being taped or other such sub-standard repairs.

(6) Trace chains shall not put pressure on the collar and shoulders of the animal when it starts pulling the carriage resulting in a jolting start versus a smooth start with a snug collar already in place.

(7) Breeching shall fit so that it will not rub or hinder the hind leg movement of the animal.

(g) *Weather conditions.*

(1) Carriage company operators and drivers shall use caution when Working animals in adverse weather conditions such as high heat and humidity, snow, ice, heavy rain, and other slippery or reduced visibility situations.

(2) When the ambient temperature reaches or exceeds eighty-five (85) degrees Fahrenheit at any point during the carriage company's hours of operation, the carriage company operators shall implement a mandatory system of taking the rectal temperature of each working animal immediately after completing a tour. In the event an animal's temperature reaches one hundred three (103) degrees Fahrenheit or above, the animal's temperature shall be taken every fifteen (15) minutes until the animal's temperature falls below one hundred three (103) degrees Fahrenheit before the animal is allowed to return to work.

(3) When the rectal temperature of an animal reaches between 103—103.9 degrees Fahrenheit, the carriage company operator shall require the animal to be removed from service and be cooled down to a temperature of 101.5 degrees Fahrenheit before returning them to engage in Work.

(4) In the event that an animal's rectal temperature reaches 104 degrees Fahrenheit or above the animal shall be taken out of service for the day and cooled down.

(5) In the event an animal can not be cooled down to a rectal temperature of 101.5 degrees Fahrenheit within two (2) hours of the first 103 degree Fahrenheit or above rectal temperature recording, a veterinarian shall be immediately contacted to inspect the animal.

(6) At any time when an animal's rectal temperature reaches 105.0 or above, or if any animal shows signs of distress such as panting motions, thumping of the chest (synchronous diaphramic flutter), tying up, or stiffening of legs or back, muscle trembling, or colic, a veterinarian shall be immediately contacted to inspect the animal.

(7) When either the ambient temperature reaches ninety-five (95) degrees Fahrenheit or the Heat Index reaches one hundred ten (110) degrees Fahrenheit, as determined by the department of livability and tourism or the police department after having received four (4) consecutive ambient temperature and/or heat index readings, which readings were taken at least fifteen (15) minutes apart that demonstrate that the ambient temperature and/or heat index equals or is above the stated ambient temperature or heat index as provided herein, the carriage company operators shall discontinue working their animals and remove them from the streets until the temperature decreases below the above-stated temperatures as authorized by the department of livability and tourism or the police department. When such a determination is made, the authorized city employee of the department of livability and tourism or the police department making the determination shall contact the medallion gate and the carriage operators of such determination and require that all carriage operations shall be discontinued until such time as the department of livability and tourism or the police department authorizes the carriages to return to the streets. The department of livability and tourism or the police department shall monitor the temperature and heat index and authorize the carriage operations to begin operating on the streets again after it is determined that the temperature is below ninety-five (95) degrees Fahrenheit and/or the heat index is below one hundred ten (110) degrees Fahrenheit for a period of thirty (30) minutes from the time of the first reading. However, if the temperature and/or heat index rises above the prescribed numbers at any time during the first thirty (30) minutes, the process starts over until the ambient temperature remains below ninety-five (95) degrees Fahrenheit and/or the heat index remains below one hundred ten (110) degrees Fahrenheit for thirty (30) consecutive minutes. At that time the authorized city employee of the department of livability and tourism or the police department making the determination shall notify the medallion gate and the carriage operators to advise that the medallion gate and carriage operators shall be permitted to resume the operation of the medallion gate and the working of their animals for tours on the streets.

(8) The official thermometer used for determining the temperature and the heat index shall be located at the Doubletree Hotel located at 181 Church Street in the City and County of Charleston, South Carolina. In the event this thermometer is out of service, as determined by the department of livability and tourism or the police department, the back-up thermometer shall be the thermometer at the Dock Street Theater located at 135 Church Street in the City and County of Charleston, South Carolina, or as determined by the department of livability and tourism if the back-up thermometer is no longer available at the said Dock Street Theater.

(h)

Feeding.

(1) Animals shall receive an adequate amount of equine feed daily, which is free from contamination, sufficient in quantity, having nutritional value, and be provided frequently enough to meet normal daily requirements for the animal's condition, special needs, environmental factors and size of the animal so as to maintain a healthy flesh.

(2) Clean drinking water free from contamination shall be available to an out of service animal at all times.

(3) Out of service animals shall at all times have access to salt in a block or loose form.

(i) *Stables and stalls.*

(1) Stables shall be safe, well lighted, ventilated, and provide protection from the weather as described herein;

a. Stables and stalls shall be kept clean and in good repair and excreta shall be removed daily;

b. The floors of the stalls shall be graded and raked to keep their surface dry; each stall shall have rubber mats under the shavings or shavings with a minimum depth of four (4) inches;

c. Fans shall be used to increase ventilation when the ambient temperature reaches eighty (80) degrees Fahrenheit;

d. Sharp surfaces and any other hazards shall not be permitted in any stable or stall where they can come in contact with the animals;

e. Stables and stalls shall be kept free of leaks, including but not limited to, leaks form roofs or from plumbing;

f. Stalls sizes shall be no less than five (5) feet nine (9) inches × eleven (11) feet unless a carriage company undertakes any remodeling or refurbishing of any sorts to their stable that equals fifty (50) percent of the market value of the stable or moves their stable. In the event a carriage company does remodel or refurbish their stable as stated in the previous sentence then they must implement a minimum stall size of twelve (12) feet × twelve (12) feet for every stall;

g. The practice of tethering the animal in a stall is permitted so long as the animal can lie down without the risk of entanglement or injury;

h. Occupied stalls shall have a minimum of three (3) inches of bedding or have a specialized surface so as to keep animals clean, dry and free of concussion, abrasion or pressure points;

i. Interior and exterior areas of the stable shall be kept clean, properly drained and free of nuisances including, but not limited to, unreasonable and excessive odors and unreasonable accumulation of refuse and excreta;

j. There shall be no smoking at any time in stables; and

k. Unless otherwise directed by a veterinarian, animals shall be given a pasture turn-out time of a minimum of four (4) consecutive days to total fourteen (14) days within four (4) months;

(2) Stables shall be located within walking distance the medallion gate located at the corner of Church and North Market.

(3) All stables shall have a yearly inspection by the fire department. Fire extinguishers must be kept in obvious places in every stable as required by law and as recommended by the fire department.

(j) *Recordkeeping.*

(1) Feeding, shoeing, medication, and treatment logs, bi-annual inspection records, certificate of serviceability, quarterly de-worming records, rectal temperature logs, work schedules, disposal documentation, and such other records as requested by the tourism director and police department shall be maintained for a three year period by each carriage company operator for every animal used in the touring stock.

(2) These records shall be made available for inspection by the city and its designee.

(k) *Inspections.* In addition to the annual inspection provided for herein, animals, facilities and records shall be subject to random or unannounced inspections at the discretion of the tourism director, police department, and/or the city designated veterinarian. The inspector is permitted to take notes, pictures and video if they deem appropriate. These inspections shall be brief in order to not interfere with the work flow of the business. The inspector should be allowed to enter the premises no longer than fifteen (15) minutes after arrival at the facility during business hours.

(l) *Hitching.*

(1) All animals must be properly secured while being hitched or unhitched from any carriage or apparatus to ensure all animals remain under control during either process. A properly secured animal is one that is secured in any of the following manners:

a. Having at least one (1) tie when the tie is securing the animal to a physical barrier. A physical barrier is limited in this circumstance to mean only a wall, a horse trailer stationed in front of the animals so that the animal cannot walk through, or permanent fixture specifically designed for the safe securing of animals.

b. When no physical barrier is present, two (2) ties are required. These ties will be connecting the animal on the left and right side of the harness to a secured anchor point on each side, with a minimum of eight (8) feet between the two secured anchor points.

(2) Ties, in no situation, shall ever be attached to bridles or bits while being worn by the animal;

(3) All animals must wear halters during the hitching and unhitching processes. Halters shall also remain on underneath the bridle while harnessed.

(4) The animal must be completely unhitched before the bridle may be removed.

(m) *Annual training certifications.*

(1) Each animal-drawn carriage company shall implement a structured annual training program subject to the approval of the city for both its tour guides, and carriage operators to ensure proficiency when operating on the public right-of-way.

(2) Each animal-drawn carriage company shall implement a structured annual training program subject to the approval of the city for every employee who comes into contact with its animals in any capacity to have basic knowledge and training to include proper procedures and tacking methods to ensure proper fit and care of the animals and equipment.

(3) Each animal-drawn carriage company shall make available a report to the department of livability and tourism for inspection no less than once per year on the completion of annual or other mandated training of all drivers.

Ord. No. 2007-90, § 1, 4-24-07; Ord. No. 2011-58, §§ 1—10, 8-16-11; Ord. No. 2011-59, § 1, 8-16-11; Ord. No. 2011-60, § 1, 8-16-11; Ord. No. 2015-164, §§ 17—19, 11-10-15; Ord. No. 2016-070, § 7, 5-24-16; Ord. No. 2017-034, § 2, 3-28-17; Ord. No. 2017-151, § 2, 12-11-17; Ord. No. 2019-026, §§ 4, 5, 4-9-19; Ord. No. 2019-099, § 1, 10-8-19; Ord. No. 2020-123, §§ 1, 2, 9-8-20; Ord. No. 2021-127, § 5, 9-14-21)

Sec. 29-213. - Emergency procedures.

(a) The department of livability and tourism has the authority to temporarily stop issuing medallions and to temporarily prohibit new tours including commercial tours if it is determined by the department of livability and tourism that a weather emergency or other condition(s) in the city exist which presents a substantial risk of injury to horses or carriage passengers. This will not be construed as creating different heat restrictions than those set forth in 29-212.

(b) When the department of livability and tourism does refuse to issue medallions or temporarily prohibits new tours in accordance with subsection (a), then, the department must report such occurrence at the next occurring tourism commission.

(Ord. No. 2021-127, § 6, 9-14-21)

Secs. 29-214—29-218. - Reserved.

DIVISION 2. - CERTIFICATE OF APPROPRIATENESS

Sec. 29-219. - Required.

No animal drawn vehicle shall operate without a duly issued certificate of appropriateness and without having paid such fee therefor as city council may, from time to time, establish. The certificate of appropriateness must be permanently affixed to the vehicle in a location approved by the commission.

(Ord. No. 1983-22, § 58, 5-10-83; Ord. No. 1985-148, § 5, 12-17-85)

c. 29-220. - Application; inspection.

(a) An applicant for a certificate of appropriateness shall provide the department of livability and tourism with the following:

(1) Adequate identification of the applicant and animal-drawn vehicle and proof of ownership;

(2) Material setting forth the characteristics of the vehicle including its dimensions, weight, passenger capacity, maker, year built;

(3) An applicant must provide written documentation from a certified scale verifying the weight of the animal-drawn vehicle;

(4) Color photographs not less than eight (8) inches by ten (10) inches of all four (4) sides of the vehicle or, in the discretion of the department of livability and tourism, sketches of a similar make and model and samples of colors proposed for use on the vehicle;

(5) Adequate proof of liability insurance with at least the amount required for motor vehicles and also medical payments or PIP in an amount of five thousand dollars ($5,000.00);

(6) A fee as set forth by city council;

(7) After approval but prior to the issuance, a current city business license;

(8) Any modifications, other than routine maintenance, to the animal-drawn vehicle that change the dimensions, weight, passenger capacity or other characteristics must be submitted to the department of livability and tourism and shall be either approved or rejected by the tourism commission.

(b) Upon receipt of the information set forth in subsection (a)(1)—(4) and (6), the department of livability and tourism shall submit the application to the tourism commission for the commission's determination as to whether the application should be approved. In acting upon and evaluating any application, the tourism commission shall consider the design standards as set forth in section 29-207 of this chapter as well as the proposed color of the vehicle.

(c) Nothing herein shall be construed so as to prohibit the department of livability and tourism or the commission from requiring visual inspection of the vehicle.

(Ord. No. 1983-22, § 64, 5-10-83; Ord. No. 1987-83, § 2, 7-21-87; Ord. No. 2007-202, § 1, 10-23-07; Ord. No. 2015-164, § 17, 11-10-15; Ord. No. 2019-100, § 1, 10-8-19)

Sec. 29-221. - Transferability.

A certificate of appropriateness required by this division shall be issued on a specific vehicle and for a specific owner and is not transferable. The certificate remains the property of the city and must be surrendered upon expiration or revocation.

(Ord. No. 1983-22, § 65, 5-10-83)

Sec. 29-222. - Suspension or revocation.

(a) Failure to abide by the provisions of this chapter or any of the ordinances of the city or laws of the state in any manner affecting or regulating the operation of the vehicle for which the certificate is issued, or the failure to maintain the required insurance shall be grounds for suspension for a reasonable time or the revocation of a certificate of appropriateness issued under this division.

(b) If, in the opinion of the manager of arts and history/tourism commissions, a certificate of appropriateness should be suspended or revoked, he shall give written notice to the holder thereof, by certified mail of the right to appear before the commission and show cause why the certificate should not be suspended or revoked.

(Ord. No. 1983-22, § 67, 5-10-83; Ord. No. 2007-202, § 2, 10-23-07; Ord. No. 2015-164, § 17, 11-10-15)

Sec. 29-223. - Expiration.

All certificates of appropriateness shall be granted for a period of one year and shall expire on the anniversary of the date of issuance; provided, however, upon compliance with the provisions of section 29220(1), (4), (5), and (6) the certificate shall be renewed.

(Ord. No. 1983-22, § 66, 5-10-83; Ord. No. 2007-202, § 3, 10-23-07)

Secs. 29-224—29-234. - Reserved.

tgoldstein@cobblaw.net

From: Joseph Thompson, III <JThompson@hallboothsmith.com>
Sent: Tuesday, June 16, 2020 12:33 PM
To: tgoldstein@cobblaw.net
Cc: jmann@rogerslewis.com; Spencer Craig Gill
Subject: RE: a few more [IWOV-chdms.FID50908]

Importance: High

Tommy:

As housekeeping matters:

1. I am confirming that we will provide the CCHA monthly bank statements (to the extent that either CCHA physically possess them or to the extent the bank can produce same) to show cash in, cash out of CCHA bank accounts.
2. As for the e-discovery stuff, that is technically not before Judge Price today. Your MTC and Amended MTC were filed in 2019, before the e-discovery stuff hit our radar screens. It was only when the CCHA 30(b)(6) deposition was taken that an issue arose. Technically, a MTC has not been filed with regard to the 30(b)(6) production. While I am not inviting a motion, I do believe we have tried to work out a resolution of that production including a TC with you on June 1 when we invited search terms for the e-discovery. Of course, only today, and literally hours before the motion hearing, do we get proposed search terms. At first blush, we are likely to have objections to one or more terms but, realistically, have not been given a reasonable opportunity to vet them with our client and with you.

Is there anything else?

Joseph D. (Trey) Thompson, III

Hall Booth Smith, P.C.
111 Coleman Boulevard
Suite 301
Mount Pleasant, SC 29464

D: 843.720.3469 C: 843.475.9508
O: 843.720.3460 F: 843.606.6536

jthompson@hallboothsmith.com www.hallboothsmith.com

From: tgoldstein@cobblaw.net <tgoldstein@cobblaw.net>
Sent: Tuesday, June 16, 2020 12:15 PM
To: Joseph Thompson, III <JThompson@hallboothsmith.com>
Cc: jmann@rogerslewis.com; Spencer Craig Gill <sgill@hallboothsmith.com>
Subject: a few more

Trey,

Our expert wants to supplement our list of search terms to include:

webmaster
social media
Facebook
twitter
domain
campaign
psychological
reputation
internet service provider
tourist
newsmedia

Until further notice, many attorneys and support staff in our office will be working remotely. To help us with this process, please refrain from sending written correspondence via mail when possible and instead direct all communications to us via email. If something requires shipment to our office, please notify us via email so that it can be promptly addressed.

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tgoldstein@cobblaw.net

From: Jenkins Mann <jmann@rogerslewis.com>
Sent: Monday, October 5, 2020 2:12 PM
To: tgoldstein@cobblaw.net
Subject: RE: phone call.

Tommy, a little surprised you filed these considering our discussions. I was under the impression you were getting me the list of search terms you want run through Ellen's computer and getting back to me on whether South State Bank records showing where "cash out" went would resolve your objection?

Jenkins M. Mann, Esq.
Member
1901 MAIN ST., SUITE 1200, COLUMBIA SC 29201
ROGERS LEWIS

803-978-2831 Direct Dial 803-252-3653 Fax
1901 Main St., Suite 1200, Columbia, South Carolina 29201
PO Box 11803 (29211)

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From: tgoldstein@cobblaw.net <tgoldstein@cobblaw.net>
Sent: Friday, October 2, 2020 12:19 PM
To: Jenkins Mann <jmann@rogerslewis.com>
Subject: phone call.

[This email originated outside the organization. Do not click any links or attachments unless you know the sender]
I know we've been missing each other. I had several court appearances this week, and I find the stress of computer hearings to be more than the regular way. What's your schedule like on Monday? I did file my motion for sanctions today. I will mail you paper copies when they are filed with the Court.

tgoldstein@cobblaw.net

From: Jenkins Mann <jmann@rogerslewis.com>
Sent: Monday, October 26, 2020 8:06 AM
To: tgoldstein@cobblaw.net
Subject: RE: Two things and one VERY confidential thing

Tommy,
I'm following up again to see if you have a list of search terms that you want run through CCHA's computer. I cannot conduct a search unless and until I have that. This is akin to a discovery request – it comes from the lawyer, not the expert. Certainly if you want to consult with your expert regarding the terms to be search, I understand. If that's the case, please do so this week and get back to me.

I need to memorialize that I've been asking you for this list of search terms now for several months and repeatedly telling (as below) that I am prepared to respond to your request for information off of CCHA's computer (and any other databases you tell me you want us to search, if any) as soon as you tell me what it is us to look for and where you want us to look.

I remain concerned that this is an issue you don't want to resolve because you want to argue that you don't have documents or information to defeat summary judgment 2+ years into this case because of a failure by CCHA and Harley to respond to your discovery requests. I intend to show the court this repeated correspondence asking you to provide me with what it is you want and attempting to resolve this "dispute." So, again, I need to know what it is you want off of their computer.

Jenkins M. Mann, Esq.
Member
1901 MAIN ST., SUITE 1200, COLUMBIA SC 29201
ROGERS LEWIS

803-978-2831 Direct Dial 803-252-3653 Fax
1901 Main St., Suite 1200, Columbia, South Carolina 29201
PO Box 11803 (29211)

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From: Jenkins Mann
Sent: Tuesday, October 6, 2020 3:30 PM
To: 'tgoldstein@cobblaw.net' <tgoldstein@cobblaw.net>; 'Elizabeth Palmer' <epalmer@rosenhagood.com>; 'Joseph Thompson, III' <JThompson@hallboothsmith.com>
Subject: RE: Two things and one VERY confidential thing

Tommy, sorry to hear on the third thing. Let's set up a time to chat on tomorrow if you can.

On the first, I don't need anything technical at all from you. I just need the search terms you want our expert to search on CCHA's computer. I don't think that's something you want (or can) get from your computer guy. Once I have those terms, assuming I don't have an objection to them, I'll have my guy run the search on Ellen's computer.

Jenkins M. Mann, Esq.
Member
1901 MAIN ST., SUITE 1200, COLUMBIA SC 29201
ROGERS LEWIS

803-978-2831 Direct Dial 803-252-3653 Fax
1901 Main St., Suite 1200, Columbia, South Carolina 29201
PO Box 11803 (29211)

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From: tgoldstein@cobblaw.net <tgoldstein@cobblaw.net>
Sent: Tuesday, October 6, 2020 1:06 PM
To: Jenkins Mann <jmann@rogerslewis.com>; 'Elizabeth Palmer' <epalmer@rosenhagood.com>; 'Joseph Thompson, III' <JThompson@hallboothsmith.com>
Subject: Two things and one VERY confidential thing

[This email originated outside the organization. Do not click any links or attachments unless you know the sender]

Thing One:

Ongoing discovery battle with Charleston Carriage Horse Advocates, etc.

Let's set up a time to discuss this, but I'm pessimistic that we can resolve it. Frankly, I think we're making it hard on ourselves. I consult with Steve Abrams—he tells me what to ask for; I try (and fail) to convey it to Jenkins, who in turn consults with Rosen Litigation Services, and the communication then reverses course. Let's PLEASE put Abrams and your contact, whoever it is at Rosen Litigation Experts, and let them communicate directly to one another. I'm sure the two whiz kids can figure out what we can't. I'm happy to discuss the philosophy of James Clerk Maxwell and Michael Faraday, or even Alan Turning (but not Charles Babbage), but when it comes time to operate a computer, I call someone else.

Thing Two:

Attached is a PROPOSED Motion for Extension of Scheduling Order. I'm not sure what I report to the Court on consultation. According to my tab, the votes on extending the scheduling Order are:

BELK, COBB, INFINGER AND GOLDSTEIN, P.A.

Harry C. Belk (1919-2003)
Dale T. Cobb, Jr.

Peggy M. Infinger
pinfinger@cobblaw.net

Thomas R. Goldstein
tgoldstein@cobblaw.net

ATTORNEYS AT LAW
2344 COSGROVE AVENUE
CHARLESTON, SC 29405

December 22, 2020

Mailing Address:
P.O. Box 71121
Charleston, SC
zip 29415-1121
Ph: (843) 554-4291
Fax: (843) 554-5566

Mr. Jenkins M. Mann
Rogers Lewis
P. O. Box 11803
Columbia, S. C. 29211

Re: Charleston Carriage v. Harley, *et. al.*, 2018-CP-10-04083

Dear Jenkins,

I am in receipt of your December 11th submission of discovery documents (bank records). Let me begin by thanking you for your effort to overcome this discovery impasse, and I know that you are exercising good faith in your attempts to persuade your client to conform to rules. However, as I have noted on more than one occasion, Ms. Harley does not operate in good faith nor does she conform to the sublunary rules that govern the rest of us. [Insert Fitzgerald reference here.] Thus, despite your Herculean efforts to bridge this gap, we still remain short. We are, however, thanks to you, narrowing the gap.

First, the documents you have produced have been run through a printer at the lowest possible resolution, making them largely illegible. (The Charleston Animal Society deployed this technique—not Beth Palmer—the Animal Society.) Despite my looking at the copies of the checks under the brightest light available in my office with a strong magnifying glass, I am unable to make out about half of the checks. There are two ways, at least, to fix this. One, you can withdraw your objection to my subpoena to South State Bank and allow me to obtain "original" copies, which will be legible. Two, you can provide the records digitally (although, as a senior, I appreciate the paper copies you provided—and that is my preferred way of receiving documents). In addition to illegibility, I note other deficiencies:

2. The first bank statement is dated April 6, 2017, but it suggests there are earlier records. If my assumption is incorrect, and the April 6, 2017-April 28, 2017 statement is the first one, then if you confirm those dates, the matter is ended.
3. The statement for November 2017 is omitted.
4. March, April, and November 2018 checks are omitted
5. $20,000.00 deposit January 22, 2019 redacted
6. $ 4,996.72 deposit January 12, 2019 redacted
7. $12,000.00 deposit January 23, 2019 redacted
8. $25,000.00 deposit March 21, 2019 redacted
9. $15,000.00 deposit June 10, 2019 redacted
10. $25,000.00 deposit June 27, 2019 redacted
11. $25,000.00 deposit February 3, 2020 redacted
12. $25,000.00 deposit June 22, 2020 redacted

As a plaintiff's lawyer, I am sure you are familiar with the frustration of providing defense counsel with all the records relevant to a suit and then having defense counsel send out subpoenas for the same information. I never understood that. Until now. I know that you did not withhold documents and that you provided to me what Ms. Harley provided to you. In light of her conduct in this case, including, but not limited to, providing false information under oath, there can be no doubt that I find any reliance on her trustworthiness not reliable. Therefore, I respectfully suggest you withdraw your objection to my South State subpoena and let me obtain these records directly from the source. On the other hand, should you wish to propose a solution I am open to any suggestion you have because, as I said at the beginning, I have no doubt that **you** are operating in good faith. As to the production of e-mails, *etc.*, I will respond to that when you provide it. With kind regards, I am

Very truly yours,

BELK, COBB, INFINGER & GOLDSTEIN, P.A.

TRG/ Thomas R. Goldstein

cc:
Trey Thompson
Beth Palmer

October 28, 2020

Mr. Jenkins M. Mann, Esq.
Rogers Lewis
P. O. Box 11803
Columbia, S. C. 29211

Dear Jenkins,

I am responding to your recent e-mail regarding your request for a list of search terms. In your e-mail, you criticize me for dragging my feet on providing search terms for you. Just so we are clear, here is what you wrote:

> *I'm following up again to see if you have a list of search terms that you want run through CCHA's computer. I cannot conduct a search unless and until I have that. This is akin to a discovery request – it comes from the lawyer, not the expert. Certainly if you want to consult with your expert regarding the terms to be search, I understand. If that's the case, please do so this week and get back to me.*
>
> *I need to memorialize that I've been asking you for this list of search terms now for several months and repeatedly telling (as below) that I am prepared to respond to your request for information off of CCHA's computer (and any other databases you tell me you want us to search, if any) as soon as you tell me what it is us to look for and where you want us to look.*
>
> *I remain concerned that this is an issue you don't want to resolve because you want to argue that you don't have documents or information to defeat summary judgment 2+ years into this case because of a failure by CCHA and Harley to respond to your discovery requests. I intend to show the court this repeated correspondence asking you to provide me with what it is you want and attempting to resolve this "dispute." So, again, I need to know what it is you want off of their computer.*

I did tell you I would provide you a list of search terms, which should be obvious to any one of us these days:

Brody
Broderick
Christoff
Big
John
Joe
Elmore
Dan

Krosse
Riccio
CAS
Animal
Society
Cruel
Cruelty
Pocketbook
Income
PETA
HSUS
ASPCA
Aldwin
Roman
City of Charleston
City Council
Wagon
Abuse
Abusive
Temperature

However, what frustrates me—hence my preference for letters, which require composition, review, editing for clarity, rather than e-mails, which are little more than gossamer thoughts—is my inability to articulate our theory of the case. I agree that search terms play a minimal role in our case, but we know from the thousand or so e-mails turned over from the Charleston Animal Society that your client has been thoroughly dishonest in providing discovery. I will not call her a "liar" again since that term so upset you, but, for the record, Ms. Harley's effort to gain a collateral advantage by securing a disciplinary finding against me failed to find its mark. It did, however, provide additional cogent evidence of her pattern of dishonest behavior, which a jury may find revealing. You already have a copy of her complaint against me, and I am attaching the Supreme Court's decision, which I plan on using as evidence in the trial of this case, so please consider this letter a supplemental response to request to produce. Our theory of the case is that Ms. Harley, like many dishonest and fraudulent hucksters populating social media, deliberately created a false impression of Brody as an animal abuser. So while the search terms will generate additional evidence of Ms. Harley's conspiracy with Charleston Animal Society as amply demonstrated by the e-mails turned over by the Charleston Animal Society, the more important evidence is the manipulation of her social media presence, which we cannot examine without access to her devices and the administrator keys. As you are aware, when a person takes action on a computer, there is a metadata record of who did what when. This is critically important as it relates to edited and deleted items. And we can be confident in our inference, based on Ms. Harley's demonstrated dishonesty and unethical conduct to date, that she has deleted anything that will be helpful to our cause. I have not even deposed her yet, and we have her in so many lies, I cannot keep them straight.

Now, here's the thing: you are an accomplished, savvy, and effective lawyer. In brainpower, I am operating at about 40 watts while you are a laser, burning with phosphoresce

intensity. So, when you pretend you do not know what I am looking for, not only do I not buy it, but also I acknowledge that you are playing a delaying game, hoping to run out the clock on me, just like Trey did in asserting that I cannot subpoena records from SouthState Bank because it is a "foreign corporation." I know that I do not match up with the legal talent arrayed against me but come on.

Sure, the search terms will turn up e-mails your client said she did not have, but that is not the heart of my case. The heart of my case is her manipulation of social media to attack Brody economically and which could have gotten Brody or Amber or one of their employees killed. The consistent expurgation of truthful information demonstrates an intent to cast Brody in a false light, and this is a foundation of our case. Your refusal to make the devices available for forensic examination is designed to thwart our search for truth. Whether Ms. Harley was acting in her individual capacity or as the principal of Charleston Carriage Horse Advocates, she is prohibited from publishing false information, and deleting true statements to create and convey a false message.

In conclusion, please reconsider this intransigence and please provide Steve Abrams the access to the Charleston Carriage Horse Advocates devices so he can do a forensic study just like he has done in hundreds of cases. Can we please cut through the posturing and give Steve access to the devices and the Administrator keys? Obviously, we will agree that any proprietary information—such as the Administrator keys—will not be disclosed to me or Brody. This is not your first experience with computer forensics, and it is obvious what we are seeking to discover. I look forward to hearing from you. With kind regards, I am

Very truly yours,

TRG/

Belk, Cobb, Infinger & Goldstein, P.A.
Thomas R. Goldstein

enclosure: Supreme Court letter, Oct. 22, 2020

cc:
Beth Palmer
Trey Thompson

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

CHARLESTON CARRIAGE WORKS, L.L.C., **Plaintiff,** **v.** **CHARLESTON ANIMAL SOCIETY, ELLEN HARLEY AND CHARLESTON CARRIAGE HORSE ADVOCATES, INC.,** **Defendants.**	Civil Action No.: 2:18-cv-1980-RMG **NOTICE OF REMOVAL**

YOU ARE HEREBY NOTIFIED that Defendant Charleston Animal Society, and Defendants Ellen Harley and Charleston Carriage Horse Advocates, Inc. (collectively, "Defendants"), jointly, by and through their undersigned counsel, file this Notice of Removal to the United States District Court for the District of South Carolina, Charleston Division, pursuant to 28 U.S.C §1331, 28 U.S.C. § 1441(a) and 28 U.S.C. § 1446. Defendants respectfully show unto this Honorable Court the following:

1. That on or about, May 29, 2018, Plaintiff filed its Summons and Complaint in the Court of Common Pleas, in and for the County of Charleston, South Carolina (hereinafter "State Court Action"), styled *Charleston Carriage Works, L.L.C. v. Charleston Animal Society, Ellen Harley and Charleston Carriage Horse Advocates, Inc.*, Civil Action Number 2018-CP-10-2704, which is incorporated herein, as if set forth in full.

2. That on its face, Plaintiff's Complaint purports to state causes of action against Defendants for civil conspiracy, intentional infliction of mental distress, violation of Animal Enterprise Terrorism Act (AETA) 18 U.S.C. § 43, Violation Substantive Due Process Under Color of Law 42 U.S.C.A. § 1983, and Article I, § 3, of the South Carolina Constitution, tortious

interference with business relations, and slander/libel/defamation per se. A true and correct copy of the Complaint filed in the State Court Action is attached hereto as Exhibit A.

3. That the Summons and Complaint were served on Defendant Charleston Animal Society on June 19, 2018, and Defendants Ellen Harley and Charleston Carriage Horse Advocates, Inc. on June 22, 2018.

4. That no other process or pleadings have been served upon the Defendants in the State Court Action.

5. That this action is removable pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1441(a) as Plaintiff specifically alleges a cause of action arising under the Constitution and laws of the United States. Compl. ¶¶ 14- 24 (18 U.S.C. § 43), Compl. ¶¶ 26-30 (42 U.S.C. § 1983). Plaintiff seeks to redress the deprivation of rights, privileges or immunities secured by the Constitution and the laws of the United States. Supplemental jurisdiction exists over Plaintiff's state law claims pursuant to 28 U.S.C. § 1367.

6. That this Notice of Removal is timely. Defendant Charleston Animal Society was served with Plaintiff's Complaint on June 19, 2018, and Defendants Ellen Harley and Charleston Carriage Horse Advocates, Inc. on June 22, 2018. Defendants hereby file this Notice of Removal within the thirty (30) days prescribed by law pursuant to 28 U.S.C. § 1446(b).

7. That venue in the District of South Carolina, Charleston Division, is proper under 28 U.S.C. § 1441(a), because this Court is the United States District Court for the district and division corresponding to the place where the State Court Action is pending.

8. That all Defendants, by and through their undersigned counsel, join in and consent to the removal of this action.

9. That Defendants will file a copy of this Notice of Removal with the Clerk of Court for Charleston County, South Carolina, and serve counsel for Plaintiff pursuant to 28 U.S.C. § 1446(d).

10. That Defendants file herewith a copy of all process and pleadings in the State Court Action pursuant to 28 U.S.C. § 1446(a).

11. That Defendants have not yet answered or otherwise responded to Plaintiff's Complaint. Defendants will therefore file and serve their answers or motions responsive to the Complaint within seven days pursuant to Federal Rule of Civil Procedure 81(c).

12. That Defendants have simultaneously filed with this Notice of Removal their responses to the Interrogatories as required pursuant to Local Civil Rule 26.01.

WHEREFORE, Defendants hereby remove the above-captioned action from the Charleston County Court of Common Pleas, and respectfully request that further proceedings be conducted in this Court as provided by law.

Respectfully submitted,

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(Additional signatures appear on succeeding page)

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Attorneys for Ellen Harley and Charleston Carriage Horse Advocates, Inc.

Dated: This 19th day of July, 2018

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF SOUTH CAROLINA

CHARLESTON DIVISION

Charleston Carriage Works, L.L.C., Plaintiff, vs. Charleston Animal Society, Ellen Harley and Charleston Carriage Horse Advocates, Inc., Defendants.	Civil Action No.: 2:18-cv-1980-RMG **NOTICE OF DISMISSAL**

TO THE DEFENDANTS ABOVE NAMED:

As authorized by the *Federal Rules of Civil Procedure*, Rule 41(a)(1), the plaintiff voluntarily dismisses without prejudice so much of the Second Cause of Action as asserts claims under 8 U.S.C. § 43, *et. seq.*, and so much of the Third Cause of Action as asserts relief under 42 U.S.C. § 1983. The plaintiff is filing an amended complaint, asserting only claims to remedies provided by the South Carolina Constitution, South Carolina statutes, and South Carolina case law.

July 23, 2018

/s/ Thomas R. Goldstein
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ATTORNEYS FOR PLAINTIFF

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF SOUTH CAROLINA

CHARLESTON DIVISION

Charleston Carriage Works, L.L.C., Plaintiff, vs. Charleston Animal Society, Ellen Harley and Charleston Carriage Horse Advocates, Inc., Defendants.	Civil Action No.: 2:18-cv-1980-RMG **NOTICE OF DISMISSAL (AMENDED)**

TO THE DEFENDANTS ABOVE NAMED:

As authorized by the *Federal Rules of Civil Procedure*, Rule 41(a)(1), the plaintiff voluntarily dismisses without prejudice the above entitled action in its entirety.

August 15, 2018

/s/ Thomas R. Goldstein
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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF SOUTH CAROLINA

CHARLESTON DIVISION

Charleston Carriage Works, L.L.C., Plaintiff, vs. Charleston Animal Society, Ellen Harley and Charleston Carriage Horse Advocates, Inc., Defendants.	Civil Action No.: 2:18-cv-1980-RMG **MEMORANDUM IN SUPPORT OF NOTICE OF DISMISSAL**

Rule 41(a)(1) allows a plaintiff to dismiss any suit without prejudice without a court order provided the notice of dismissal is filed "before the opposing party serves either an answer or a motion for summary judgment." As the Fourth Circuit explains, this right of dismissal is absolute and does not require permission of the Court:

A voluntary dismissal under Rule 41(a)(1)(i) "is available as a matter of unconditional right and is self-executing, *i.e.*, it is effective at the moment the notice is filed with the clerk and no judicial approval is required." *Marex Titanic, Inc. v. The Wrecked & Abandoned Vessel*, 2 F.3d 544, 546 (4th Cir.1993) (citations omitted). Moreover, a dismissal without prejudice "operates to leave the parties as if no action had been brought at all." *Dove v. CODESCO*, 569 F.2d 807, 809 n. 3 (4th Cir.1978). A voluntary dismissal thus "carries down with it previous proceedings and orders in the action, and all pleadings, both of plaintiff and defendant, and all issues, with respect to plaintiff's claim." *Van-S-Aviation Corp. v. Piper Aircraft Corp. (In re Piper Aircraft Distrib. Sys. Antitrust Litig.), 551 F.2d 213*, 219 (8th Cir.1977) (internal quotation marks omitted) (hereinafter *Piper Aircraft*). In addition, after an action is voluntarily dismissed, the court lacks authority to conduct further proceedings on the merits. *See Duke Energy Trading & [*Page 481] *Mktg., L.L.C. v. Davis, 267 F.3d 1042*, 1049 (9th Cir.2001); Foss v. Fed. Intermediate Credit Bank of St. Paul, 808 F.2d 657, 660 (8th Cir.1986).

In Re: Robert V. Matthews, 395 F.3d 477 (2005)

Since no defendant has filed an Answer or a Motion for Summary Judgment, the plaintiff has the right to discontinue its action.

Respectfully submitted,

August 15, 2018

/s/ Thomas R. Goldstein
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ATTORNEYS FOR PLAINTIFF

RECEIVED
Jun 29 2023
SC Court of Appeals

Certificate of Counsel

I certify that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

June 21, 2023

/s/Thomas R. Goldstein
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