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Jul 11 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Honorable Kristi F. Curtis, Circuit Court Judge

Case No.: 2020-CP-26-06286
Appellate Case No.: 2023-000289

Jack Kelly,

Appellant,

v.

Roger D. Cox, Cox Millwork & Supply, Cox Properties, LLC, and Waterside Drive Boat Ramp,
LLC,

Respondents.

**RESPONDENTS' RETURN TO APPELLANT'S MOTION SEEKING CLARIFICATION
OF RESPONDENTS' DESIGNATION OF MATTER**

PROCEDURAL BACKGROUND

On May 26, 2023, Appellant filed their designation of matter to be included in the record on appeal ("Designation"). See Ex. A, Appellant's Designation. In his Designation, Appellant requested pages 15–22 and 23–24 of the transcript of the November 29, 2022, summary judgment hearing ("the Hearing"), the December 29, 2022, Order granting summary judgment as to all defendants ("the Order"), Appellant's notice of and motion for reconsideration, the Form 4 Order denying Appellant's motion for reconsideration, and his notice of appeal. See Ex. A, App.'s

Designation.

On June 23, 2023, Respondents’ filed their Initial Brief and Designation. *See* Ex. B, Respondents’ Designation. In their Designation, Respondents requested that the full transcripts of the depositions of Appellant and Dawn Sarte, among others, be included in the record on appeal. Appellant now filed motion seeking to clarify Respondents’ Designation.

ARGUMENTS

I. Respondents’ Designation is made with the specificity required under Rule 209(b), SCACR.

Rule 209(b), SCACR, provides that a party’s Designation must clearly identify what the party desires to have included in the Record, Rule 210(c), SCACR, provides that the Record “*shall include* all matter designated to be included by any party under Rule 209[.]”

Appellant brings multiple arguments before this Court. First, Appellant argues that Respondents have not adequately specified what materials are to be included in the record on appeal. On June 27, 2023, Appellant sent correspondence to Respondents requesting clarification regarding the designation of matter. *See* Ex. C, Appellant’s correspondence dated June 27, 2023. On the same day, Respondents provided clarification regarding its designation of matter and requested Appellant contact Respondents should he disagree with the matters included in Respondents’ designation of matter. *See* Ex. C, Respondents’ correspondence dated June 27, 2023. Respondents specifically noted it wished the “entirety of every document listed within the designation of matter” be included in the record on appeal. *See* Ex. C, Respondents’ correspondence dated June 27, 2023. Respondents’ designation of matter was specific—every page of every document listed in its designation of matter should be included in the record on appeal. *See* Rule 209(b), SCACR. To the extent that it still was not clear, or to the extent that Appellant disagreed with including any document within its Designation, Respondents requested

Appellant contact them regarding Appellant's disagreement or continued confusion. To the extent that there is continued confusion—Respondents desire for the entirety of all deposition transcripts, with all related exhibits, to be included in its Designation and, by extension, the Record.

Thus, Respondents' Designation was set forth with the required specificity and this Court should deny Appellant's motion.

II. Respondents' designation of matter contains only items that are relevant to the appeal.

Rule 209(b), SCACR, provides that the Designation includes only matters relevant to the appeal. In reviewing a motion for summary judgment, the Court of Appeals applies the same standard applied by the trial court under Rule 56(c), SCRPC. *Fleming v. Rose*, 350 S.C. 488, 494, 567 S.E.2d 857, 860 (2002). This Court has admonished parties for citing facts not included in the Record and restated the importance of the South Carolina Appellate Court Rules. *Forner v. Butler*, 319 S.C. 275, 276 n.1, 460 S.E.2d 425, 426 n.1 (Ct. App. 1995) ("We also note the parties make numerous factual assertions in their briefs which have no basis in the record on appeal."). The only standard set forth by the South Carolina Appellate Court Rules regarding the inclusion of documents or other items within the Designation is *relevance* and whether it was presented to the lower court. *See* Rule 209(b), SCACR (setting forth that the Designation must only include items relevant to the appeal and items that can be properly included in the Record under rule 210(c), SCACR).

Appellant's motion is not actually seeking clarification of what documents Respondents wish to include in their Designation (and, by extension, the Record); rather, Appellant is attempting to have this Court limit the Record by limiting Respondents' Designation. Appellant has not argued that the items included in Respondents' Designation are irrelevant. *See* App. Motion for Clarification. Thus, for this reason alone Appellant's argument fails. *See* Rule 209(b), SCACR.

Appellant’s only argument that this Court should not include the full deposition transcript in Respondents’ Designation and, by extension, the Record, is that the transcripts were “filed under seal . . . due to the sensitive and personal nature of the depositions [and Exhibits].” Even assuming that Appellant is correct in this assertion, his argument fails to show that the testimony is *not relevant* to the appeal—the only relevant standard. *See* Rule 209(b), SCACR.

The full deposition transcript and all corresponding exhibits are necessary for this Court to conduct a proper *de novo* review.¹ *See* Rule 56(c), SCRCP; Rule 209(b), SCACR; *Fleming*, 350 S.C. at 494, 567 S.E.2d at 860. It is not possible for this Court to properly conduct a *de novo* review without viewing the documents, testimony, exhibits, and other material the lower court possessed. *See* Rule 56(c), SCRCP; Rule 209(b), SCACR; *Fleming*, 350 S.C. at 494, 567 S.E.2d at 860. Without the full transcripts, this Court would lack the necessary context for arguments presented on appeal. While Respondents may cite specific portions of the transcripts, orders, exhibits, or any other documents within their initial brief, that does not mean that the *full* document is *not relevant*. *See* Rule 209(b). Furthermore, even assuming *arguendo* that the deposition transcripts were filed under seal, Appellant has not presented any case law or statute noting that this would prevent the Court from viewing these documents. *See* App. Motion for Clarification. This Court has the jurisdiction and authority to view deposition transcripts—whether sealed or not.²

These transcripts and exhibits are relevant—in his initial brief, Appellant argued that “[t]he lower Court erred in dismissing the damages for Outrage.” *See* Appellant’s Initial Brief at pp.4–5.

¹ It is Respondents’ understanding that Appellant’s main concern are the deposition transcripts discussed within this return; however, this argument would also apply to the other documents within Respondents’ Designation.

² To the extent that Appellant is worried about his testimony being public record, that is a consideration all parties must make prior to filing a lawsuit, and is not, on its own, a proper reason for this Court to decline to view his testimony.

The testimony of Appellant, his mother, and all exhibits³ shown at the depositions are relevant to whether the circuit court properly granted Respondents' motion for summary judgment. Specifically, Appellant appealed the issue of damages—Appellant's testimony and medical records are directly relevant to whether Appellant suffered damages. *See* Rule 56(c), SCRCF; Rule 209(b), SCACR; *Fleming*, 350 S.C. at 494, 567 S.E.2d at 860. Furthermore, Dawn Sarte's testimony (Appellant's mother) is directly relevant to whether Appellant suffered any damages. *See* Rule 56(c), SCRCF; Rule 209(b), SCACR; *Fleming*, 350 S.C. at 494, 567 S.E.2d at 860. Their testimony and corresponding exhibits are not only *relevant* but *necessary* for this Court's review of the appeal. *See Fleming*, 350 S.C. at 494, 567 S.E.2d at 860.

For the reasons above, this Court should deny Appellant's motion.

[SIGNATURE BLOCK TO FOLLOW]

³ The exhibits marked at Appellant's deposition were as follows: 1) Beach Ford subpoena response; 2) the letter Appellant alleges was drafted and/or signed by Respondent Cox that constitutes an admission of liability; 3) Appellant's medical records from Wofford; and 4) photographs of Appellant's 2005 BMW. *See* Ex. D, Appellant Deposition Exhibits. The exhibits marked at Dawn Sarte's deposition were as follows: 1) Dawn Sarte Facebook post. *See* Ex. E, Dawn Sarte Deposition Exhibits. These exhibits are relevant to the appeal—at the very least, these exhibits have direct bearing on whether Appellant suffered any damages—which is an issue specifically raised by Appellant in his initial brief.

Respectfully submitted,

s/ Brenten H. DeShields

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**RESPONDENTS' RETURN TO APPELLANT'S MOTION SEEKING CLARIFICATION
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EXHIBIT A

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and Cox Properties, LLC *Respondents.*

**APPELLANT'S DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL**

Appellant proposes the following documents to be included in the Record on Appeal:

1. Transcript of Record, November 29, 2022 (pages 12–15, and pages 23–24);
2. Order Granting Summary Judgment To All Defendants [Ends Case], dated and filed December 29, 2022 (attached as *Exhibit A to Notice of Appeal*; attached as *Exhibit A to Appellant's Motion for Reconsideration*);
3. Appellant's Notice of Motion and Motion for Reconsideration Pursuant to Rule 59, *SCRCP*, dated and filed January 05, 2023, with Exhibits B, C and D attached thereto;
4. Form 4 Order Denying Appellant's Motion for Reconsideration, dated and filed February 03, 2023 (attached as *Exhibit B to Notice of Appeal*);
5. Notice of Appeal, dated February 08, 2023, and filed with the Court of Appeals February 27, 2023.

I certify that this designation contains no matter which is irrelevant to this appeal.

Respectfully submitted,

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Attorneys for the Appellant

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North Myrtle Beach, SC

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[INITIAL] BRIEF OF APPELLANT

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I. STATEMENT OF ISSUES ON APPEAL

- A. Did the lower Court err in granting summary judgment as to all Defendants when substantial discovery had yet to be completed?
- B. Did the lower Court err in dismissing the damages for Outrage?

II. STATEMENT OF THE CASE

This action is before this Court on appeal from Orders of the Horry County Court of Common Pleas, the Honorable Kristi F. Curtis presiding in Case No. 2020-CP-26-06286. (*Order Granting Summary Judgment To All Defendants; Form 4 Order Denying Appellant's Motion for Reconsideration*; also attached as *Exhibits A and B to Appellant's Notice of Appeal*); R. pp. ____.) Specifically, the action was before the Court of Common Pleas for a hearing on November 29, 2022, upon a Motion for Summary Judgment as to all Defendants that was filed on August 17, 2022. The Court's Order recited that the Court had considered the Motion, reply, pleadings, discovery and depositions on file, together with arguments of counsel, and expressly granted Defendants Roger D. Cox, Cox Millwork & Supply Inc., Waterside Drive Boat Ramp, LLC and Cox Properties, LLC (Defendants/Respondents) Motion for Summary Judgment. Thus, final judgment is entered on their behalf, ending this case with prejudice. (*Order Granting Summary Judgment To All Defendants (Ends Case)*; also attached as *Exhibit A to Appellant's Notice of Appeal*; R. pp. ____.)

Thereafter, on December 29, 2022, Appellant timely filed a Motion to Reconsider the December 29, 2022 Order, with Exhibits A through D attached. (R. pp. ____.) On February 3, 2023, the Honorable Kristi F. Curtis issued a Form 4 Order, which Denied Appellant's Motion to Reconsider. (*Form 4 Order Denying Appellant's Motion for Reconsideration; Exhibit B to Appellant's Notice of Appeal*; R. pp. ____.) The Appellant timely filed a Notice of Appeal with

Exhibits A and B attached, on February 8, 2023 (R. pp. ____); transcripts of the proceedings were ordered and then received on April 15, 2023.

III. STANDARD OF REVIEW

The trial court granted summary judgment in favor of the Respondents. (*Order Granting Summary Judgment To All Defendants; Exhibit A to Appellant's Notice of Appeal*; R. pp. __.) “When reviewing an order granting summary judgment, the appellate court applies the same standard as the trial court.” David v. McLeod Reg'l Med. Ctr., 367 S.C. 242, 247, 626 S.E.2d 1, 3 (2006). Summary judgment is improper when there is a genuine issue as to any material fact; and so, the moving party would not be entitled to judgment as a matter of law. Fleming v. Rose, 350 S.C. 488, 493, 567 S.E.2d 857, 860 (2002). A trial court may not grant a motion for summary judgment “if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any,” show that there is a genuine issue as to any material fact. Bovain v. Canal Ins., 383 S.C. 100, 678 S.E.2d 422, 424 (2009); Rule 56, SCRPC (2020). “Summary judgment is not appropriate where further inquiry into the facts of the case is desirable to clarify the application of the law.” Robinson v. Estate of Harris, 378 S.C. 140, 662 S.E.2d 420, 422 (Ct. App. 2008) (citing Moore v. Weinberg, 373 S.C. 209, 215–16; 644 S.E.2d 740 (Ct. App. 2007)).

In determining whether a genuine issue of fact exists, the evidence and all reasonable inferences drawn from it must be viewed in the light most favorable to the non-moving party. Sauner v. Public Serv. Auth. of S.C., 354 S.C. 397, 404, 581 S.E.2d 161, 165 (2003). The Appellant was the non-moving party before the Court, and therefore all reasonable inferences must be viewed in the light most favorable to him. Law v. S.C. Dep't of Corr., 368 S.C. 424, 434, 629 S.E.2d 642, 648 (2006).

IV. ARGUMENT

A. **The lower Court erred in granting summary judgment as to all Defendants when substantial discovery had yet to be completed.**

Appellant's counsel informed the Court that discovery had not been completed and informed the Court of the existence of an Amended Consent Scheduling Order filed with the Court on August 31, 2022. (*Exhibit C to Appellant's Motion for Reconsideration*; R. pp. ____.) Appellant's counsel informed the Court that discovery was open pursuant to the Amended Scheduling Order through May 31, 2023 (*Exhibit C to Appellant's Motion for Reconsideration*; R. p. __), and that the Court was putting the cart before the horse since discovery was not complete. (*Exhibit D to Appellant's Motion for Reconsideration*; Tr. p. 12, line 22–p. 13, line 17.) Appellant's counsel also argued to the Court that Appellant had, just thirty-two (32) days prior to the Summary Judgment hearing, received the Respondents' tax returns and had not had the opportunity to depose the Respondents. (*Exhibit D to Appellant's Motion for Reconsideration*; Tr. p. 13, lines 14–17; R. pp. ____.) “Summary Judgment is a drastic remedy and must not be granted until the opposing party has had a full and fair opportunity to complete discovery.” Dawkins v. Fields, 354 S.C. 58, 59, 580 S.E.2d 433, 439 (2003). “Summary Judgment is not appropriate when further inquiry into the facts of the case is desirable to clarify the application of the law.” Gary v. Askew, 417 S.C. 232, 239, 789 S.E.2d 94, 98 (Ct. App 2016), reh'g denied (Aug. 17, 2016).

Appellant's counsel further argued to the Court that if there was a scintilla of evidence then it must deny the motion for Summary Judgment. (Tr. p. 23, line 24–p. 24, line 7.) There is a scintilla of evidence against the Respondents. Appellant's counsel argued that Appellant had received counseling at his University and there was a cost for this counseling. (Tr. p. 14, line 21–p. 15, line 1.) Appellant's counsel also argued that

there were costs associated with the throwing of the clothes into the Waterway that was admitted by the Respondent in a handwritten note (see Exhibit B to [Appellant's] Motion for Reconsideration; Tr. p. 14, lines 4–6.) “Summary Judgment is a drastic remedy to be invoked cautiously and must be denied if Appellants demonstrate a scintilla of evidence in support of their claims.” Jericho State Capital Corp. of Fla. v. Chicago Title Ins. Co., 431 S.C. 437, 444, 848 S.E.2d 572, 575 (Ct. App. 2020).

Therefore, Appellant respectfully requests this Court overturn the lower court’s Orders, based on the overwhelming weight of the authority in support of Appellant’s position. (*Order Granting Summary Judgment To All Defendants; Form 4 Order Denying Appellant’s Motion for Reconsideration; Exhibits A and B to Appellant’s Notice of Appeal*; R. pp. ____)

B. The lower court erred in dismissing the damages for Outrage.

Again, it is clear from Exhibit B to Appellant’s Motion for Reconsideration that Summary Judgment should not be granted to Respondents as the damages for which they are liable to Appellant is a question for the jury. It is well settled that the amount of actual damages and punitive damages to be awarded is a question for the jury in South Carolina. It is also noted in actions for outrage/intentional infliction of emotional distress that where reasonable persons may differ as to whether the Respondents’ conduct was so outrageous to permit recovery it is a question for the jury. See, Holtzscheiter v. Thomson Newspapers, 306 S.C. 297, 302, 411 S.E.2d 664, 666 (1991). “It is for the court to determine whether, on the evidence, severe emotional distress can be found; it is for the jury to determine whether, on the evidence, it has in fact existed.” Hansson v. Scalise Builders of S.C., 374 S.C 352, 650 S.E.2d 68 (2007). When there exists evidence of outrageous conduct and severe emotional distress, the question of damages is a jury question. See, id. at 357.

Here, there is clearly evidence of outrageous conduct which has resulted in severe emotional distress to the Appellant. Respondent Roger Cox confessed to the outrageous conduct as shown in Exhibit B to Appellant's Motion for Reconsideration. This conduct includes wiping his butt with Appellant's toothbrush, throwing Appellant's shoes in the waterway, scratching Appellant's car, and putting soap on Appellant's toothbrush. (*Exhibit B to Appellant's Motion for Reconsideration*; R. p. ____.) Appellee wiping his butt with Appellant's toothbrush alone would evidence outrageous conduct warranting a submittal of damages to the jury. Appellant has brought a claim for punitive damages and emotional damages, both of which are submitted to a jury to decide the amount awarded. Therefore, Respondents' motion for Summary Judgment as to the outrage cause of action must be denied as there is clearly a question for the jury as to the level or outrageous conduct and amount of damages to be awarded. "Summary Judgment should not be granted even when there is no dispute as to evidentiary facts if there is dispute as to the conclusion to be drawn from those facts." Lyons v Fid. Nat'l Title Ins. Co., 415 S.C. 115, 123, 781 S.E.2d 126, 130–31 (Ct. App. 2015), reh'g denied (Jan. 21, 2016).

Therefore, Appellants respectfully request this Court overturn the lower court's Orders based on the overwhelming weight of the authority in support of Appellant's position. (*Order Granting Summary Judgment To All Defendants; Form 4 Order Denying Appellant's Motion for Reconsideration; Exhibits A and B to Notice of Appeal*; R. pp. ____.)

V. CONCLUSION

For all the foregoing reasons, the lower court erred in denying Appellant's Motion to Reconsider Summary Judgment. Accordingly, Appellant respectfully requests that the lower court's Orders be overturned.

[signature page follows]

Respectfully submitted,

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North Myrtle Beach, SC
May 26, 2023

CERTIFICATE OF COUNSEL

The undersigned certifies this [Initial] Brief of Appellant complies with Rule 211(b), SCACR. The undersigned further certifies this [Initial] Brief of Appellant complies with the Supreme Court's Orders dated August 13, 2007 and April 15, 2014 regarding personal identifiers and sensitive information.

Wright, Worley, Pope, Ekster & Moss, PLLC
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PROOF OF SERVICE

I certify that I have served copies of the *[Initial] Brief of Appellant* and *Appellant's Designation of Matter to Be Included in the Record of Appeal* upon counsel for Respondents, via electronic mail and by depositing copies of same in the United States Mail, first-class postage prepaid, addressed to:

Philip P. Cristaldi, III, Esq. (*pcristaldi@rclawsc.com*)
Emily Christine Sheets, Esq. (*esheets@rclawsc.com*)
ROSS & CRISTALDI, LLC
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this 26th day of May, 2023.

[signature page follows]

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ON APPEAL BY RESPONDENTS
ROGER D. COX, COX MILLWORK &
SUPPLY, INC., WATERSIDE DRIVE
BOAT RAMP, LLC, AND COX
PROPERTIES, LLC**

Respondents Roger D. Cox, Cox Millwork & Supply, Inc., Waterside Drive Boat Ramp, LLC, and Cox Properties, LLC propose the materials in the attached Exhibit A be included in the Record on Appeal.

The undersigned hereby certifies this Designation contains no matter which is irrelevant to this appeal.

Respectfully submitted,

ROSS & CRISTALDI, LLC

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June 23, 2023

EXHIBIT A
PROPOSED DESIGNATION OF RECORD ON APPEAL

1. Appellant's Complaint filed October 30, 2020.
2. Respondents' Answer filed January 15, 2021.
3. Amended Consent Scheduling Order filed August 31, 2022.
4. Transcript of Appellant's Deposition Vol. I.
5. Transcript of Appellant's Deposition Vol. II.
6. Transcript of Dawn Sarte's Deposition.
7. Respondents' Motion for Summary Judgment filed August 17, 2022.
8. Respondents' Memorandum in Support of its Motion for Summary Judgment.
9. Appellant's Memorandum in Opposition of Respondent's Motion for Summary Judgment.
10. Revised Transcript of November 29, 2022, Hearing on Respondent's Motion for Summary Judgment.
11. Order Granting Respondent's Motion for Summary Judgment, filed December 29, 2022.
12. Appellant's Motion for Reconsideration.
13. Exhibit B to Appellant's Motion for Reconsideration.
14. Exhibit C to Appellant's Motion for Reconsideration.
15. Exhibit D to Appellant's Motion for Reconsideration.
16. Order Granting Summary Judgment as to all Defendants.
17. Form 4 Order denying Appellant's Motion for Reconsideration filed February 3, 2023.

RECEIVED

Jun 23 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Honorable Kristi F. Curtis, Circuit Court Judge

Case No. 2020-CP-26-06286
Appellate Case No. 2023-000289

Jack Kelly,

Appellant,

v.

Roger D. Cox, Cox Millwork
& Supply, Inc., Waterside
Drive Boat Ramp, LLC, and
Cox Properties, LLC

Respondents.

INITIAL BRIEF OF RESPONDENT

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STATEMENT OF ISSUES ON APPEAL

1. DID THE CIRCUIT COURT PROPERLY GRANT SUMMARY JUDGMENT AS TO RESPONDENT BUSINESSES WHERE APPELLANT FAILED TO ESTABLISH A PRIMA FACIE CASE AS TO EACH CAUSE OF ACTION?
2. DID THE CIRCUIT COURT PROPERLY GRANT SUMMARY JUDGMENT AS TO RESPONDENT COX WHERE APPELLANT FAILED TO ESTABLISH A PRIMA FACIE CASE AS TO EACH CAUSE OF ACTION?

STATEMENT OF THE CASE

On October 30, 2020, Appellant brought a complaint against Respondents alleging Intentional Infliction of Emotional Distress, Negligence per se, and violations of South Carolina law against Roger D. Cox (“Respondent Cox”); and Negligent Retention and Supervision and Negligence by Respondeat Superior against Respondents Cox Millwork & Supply, Inc., Waterside Drive Boat Ramp, LLC, and Cox Properties, LLC (“Respondent Businesses”). Respondents answered, denying the allegations brought against them. On August 17, 2022, two years later and after substantial discovery, Respondents moved for Summary Judgment. Respondents’ motion was heard on November 29, 2022, by the Honorable Judge Curtis. On December 29, 2022, the Court of Common Pleas for the 15th Judicial Circuit (“circuit court”) issued an Order granting Respondents’ motion and entering final judgment on their behalf, ending the case with prejudice. In the Order, Judge Curtis noted she had considered the motion, reply, pleadings, discovery, depositions on file, and the oral arguments of counsel. Judge Curtis held substantial discovery had been completed and the facts did not support the causes of actions against the Respondents. Appellant filed his Motion to Reconsider on January 5, 2023. On February 3, 2023, the circuit court issued a Form 4 Order denying his motion. This appeal follows.

STANDARD OF REVIEW

In reviewing a motion for summary judgment, the Court of Appeals applies the same standard applied by the trial court under Rule 56(c), SCRCP. *Fleming v. Rose*, 350 S.C. 488, 494, 567 S.E.2d 857, 860 (2002). Summary judgment is appropriate when it is clear that there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. *Id.* While the Court must view all reasonable inferences in the light most favorable to the non-moving party, where “plain, palpable, and indisputable facts exist on which reasonable minds cannot differ, summary judgment should be granted.” *Ellis v. Davidson*, 358 S.C. 509, 517–18, 595 S.E.2d 817, 822 (Ct. App. 2004).

ARGUMENTS

I. THE CIRCUIT COURT PROPERLY GRANTED SUMMARY JUDGMENT AS TO APPELLANT'S RESPONDEAT SUPERIOR CLAIM AGAINST RESPONDENT BUSINESSES.

A. APPELLANT CANNOT SHOW ADDITIONAL DISCOVERY WOULD PRODUCE A GENUINE ISSUE OF ANY MATERIAL FACT AS TO RESPONDENT BUSINESSES.

The nonmoving party has the burden to show that additional discovery will not merely be a fishing expedition. *Dawkins v. Fields*, 354 S.C. 58, 69, 580 S.E.2d 433, 439 (2003). "A party claiming summary judgment is premature because they have not been provided a full and fair opportunity to conduct discovery must advance a good reason why the time was insufficient under the facts of the case, and why further discovery would uncover additional relevant evidence and create a genuine issue of material fact." *Guinan v. Tenet Healthsystems of Hilton Head, Inc.*, 383 S.C. 48, 54–55, 677 S.E.2d 32, 36 (Ct. App. 2009).

When Respondents moved for summary judgment, substantial discovery had been conducted. A total of seven depositions had been taken—the depositions of Appellant, Appellant's biological father, Appellant's mother, Appellant's ex-girlfriend, and three individuals associated with Appellant's church.¹ See Deposition of App. Vol. I; Deposition of App. Vol. II; Deposition of Dawn Sarte. Respondents and Appellant had undergone substantial discovery.² Appellant had not noticed the depositions of Respondent Cox or any 30(b)(6), SCRCF, depositions of any of the Respondent Businesses by the November 29, 2022, hearing, nor had Appellant indicated any desire to actually

¹ Only the depositions of Appellant and Dawn Sarte are properly in the record before this Court.

² Respondents had answered Appellant's discovery and supplemented their discovery responses, Appellant had answered Respondents' discovery, Respondents had answered requests to admit, and seven depositions had been taken.

do so.

Appellant is correct in his assertion that the Amended Consent Scheduling Order held discovery open through April 30, 2023. *See* Ex. A, August 31, 2022, Amended Consent Scheduling Order. However, the mere fact that there was additional time to complete discovery does not, on its own, provide *any* evidence that further discovery was anything more than a fishing expedition. *See Dawkins*, 354 S.C. at 69, 580 S.E.2d at 439 (holding the nonmoving party has the burden of showing additional discovery will not merely be a fishing expedition); *Guinan*, 383 S.C. at 54–55, 677 S.E.2d at 36 (holding the party claiming summary judgment was premature because they had not been provided a full and fair opportunity to conduct discovery must advance a *good reason* why the time was insufficient under the facts of the case, and why further discovery would uncover additional relevant evidence and create a genuine issue of material fact). Appellant contended that he needed to depose Respondents; however, Appellant had from October 30, 2020, when the case was originally filed, to November 28, 2022, to take the deposition(s) of *any* of the Respondents. *See Guinan*, 383 S.C. at 54–55, 677 S.E.2d at 36. However, Appellant chose not to. *See id.*

Appellant claimed he was unable to notice the deposition of any Respondents until he received Respondent Cox’s tax information. However, Appellant could have taken the depositions of Respondents prior to the production of the tax information and re-noticed depositions as necessary following the production of the tax information. Furthermore, Appellant, by his own admission, had over thirty days to take the depositions of any of the Respondents following his receipt of Respondent Cox’s tax information prior to the hearing. *See Guinan*, 383 S.C. at 54–55, 677 S.E.2d at 36. Instead, Appellant chose to not notice any depositions for two years and now wants this Court to use his failure to participate in discovery as a shield from summary judgment. *See id.*

Should this Court overlook Appellant's failure to notice depositions, further discovery still would not be likely to produce any genuine issues of any material fact. *See Dawkins*, 354 S.C. at 69, 580 S.E.2d at 439. Appellant argued that he needed to take the depositions of Respondents; however, their depositions are not likely to produce any evidence that would create a genuine issue of material fact because the actions Respondent Cox is alleged to have taken are not, in any way, related to the furtherance of any of Respondent Businesses and, at best, served some independent purpose—even if true. *See James v. Kelly Trucking Co.*, 377 S.C. 628, 631, 661 S.E.2d 329, 330 (2008) (holding an employer can be liable for the tortious acts of his employees that occur within the course and scope of the employee's employment); *Dawkins*, 354 S.C. at 69, 580 S.E.2d at 439 (holding the nonmoving party has the burden to show that additional discovery will not merely be a fishing expedition); *Kase v. Ebert*, 392 S.C. 57, 61, 707 S.E.2d 456, 458 (Ct. App. 2011) (holding for an employee to be acting with the course and scope of his employment, he must be doing some act in furtherance of the master's business).

B. APPELLANT CANNOT PRODUCE ANY EVIDENCE THAT RESPONDENT COX'S ACTIONS WERE WITHIN THE COURSE AND SCOPE OF RESPONDENT COX'S EMPLOYMENT AT OR OWNERSHIP OF ANY BUSINESSES.

Under the doctrine of respondeat superior, an employer can be held liable for the tortious acts of his employee when those acts occur in the course and scope of the employee's employment. *James*, 377 S.C. at 631, 661 S.E.2d at 330. To be acting within the scope of employment, the employee must be doing some act in furtherance of the master's business. *Kase*, 392 S.C. at 61, 707 S.E.2d at 458. If the servant acts for some independent purpose, wholly disconnected with the furtherance of his master's business, his conduct then falls outside of the scope of his employment.

Id. at 61, 707 S.E.2d at 458. The master is not liable for the acts of his employee occurring when the employee steps aside from the master’s business—no matter how short the time is. *Id.*

In Appellant’s deposition, Appellant testified that Respondent Cox Millwork & Supply, Inc., is a “woodworking company.” Deposition of App. Vol. I at p.64, lines 3–5. Appellant testified that he believed Respondent Waterside Drive Boat Ramp, LLC, conducted business related to the ownership of a boat ramp. *See* Deposition of App. Vol. I at p.67, lines 3–13. Appellant also testified he had no specific evidence that Respondent Cox did anything to him as the owner or employee of Respondent Waterside Drive Boat Ramp, LLC. *See* Deposition of App. Vol. I at p.67, lines 3–13. Likewise, Appellant was not aware of Respondent Cox Properties, LLC’s involvement with the allegations. *See* Deposition of App. at Vol. I at p.67, lines 14–17.

At the hearing, Appellant argued Respondent Cox was both “master and servant” of Respondent Businesses. Rev. Tr. p.15, lines 18–21. Appellant *could not state* how what Respondent Cox allegedly did was within the scope of his employment. *See* Rev. Tr. p.15, lines 22–25. Appellant argued the boat ramp is located next to Respondent Cox’s residence and Appellant needed Respondent Cox’s deposition to determine whether he walked from the property to the boat ramp when he threw the shoes into the water, or if he threw the shoes from Respondent’s property. *See* Rev. Tr. p.16, lines 3–11. The circuit court correctly noted that, even if Respondent Cox did throw them from the boat ramp, this is not evidence that his actions were within the course and scope of his employment. *See* Rev. Tr. p.16, lines 12–17. Appellant again asserted that because Respondent Cox owned the business, if he threw the shoes from the ramp, Respondent Waterside Drive Boat Ramp, LLC, should be liable. *See* Rev. Tr. pp.16–17. The circuit court still rejected Appellant’s argument, noting that “[it] sound[ed] like a complete fishing expedition.” Rev. Tr. p.17, lines 16–17.

Appellant argued Respondent Cox is the “master and servant” of a business, and as such he is “constantly working.” Rev. Tr. p.17, lines 22–24. The circuit court asked Appellant what evidence he had that would show Cox Millwork & Supply was open and doing business that was in any way connected with the alleged actions of Respondent Cox. *See* Rev. Tr. p.18, lines 11–14. Appellant stated he did not know and was “hoping he could prove [his] point” with the depositions of Respondents. Rev. Tr. p.18, lines 15–21.

Respondent Cox is the master of Respondent Businesses and cannot also be the servant of Respondent Businesses. Even if it can be construed that he is both master and servant, Appellant cannot produce any evidence that the alleged actions of Respondent Cox occurred within the course and scope of his employment. *See James*, 377 S.C. at 631, 661 S.E.2d at 330 (holding an employer can be liable for the tortious acts of his employees that occur within the course and scope of the employee’s employment); *Kase*, 392 S.C. at 61, 707 S.E.2d at 458 (holding for an employee to be acting within the course and scope of his employment, he must be doing some act in furtherance of the master’s business). Appellant cannot show that he will obtain any testimony from the Respondents that would create any genuine issue as to any material fact. *See James*, 377 S.C. at 631, 661 S.E.2d at 330; *Kase*, 392 S.C. at 61, 707 S.E.2d at 458. Assuming *arguendo* that *all* actions alleged to have occurred actually happened, there is absolutely no evidence that would suggest *any* action was undertaken within the course and scope of Respondent Cox’s ownership of any of the Respondent Businesses. *See id.* Even if Respondent Cox threw Appellant’s shoes from the boat ramp; this action is blatantly not within the course and scope of his employment or ownership of a company that owns and/or operates a boat ramp, presumably for profit; a business entity that holds property, presumably for profit; or a business that performs woodworking services, presumably for profit. *See*

James, 377 S.C. at 631, 661 S.E.2d at 330. Allegedly throwing shoes into a waterway is, without any doubt, acting for some independent purpose wholly disconnected with the furtherance of the business. *See Kase*, 392 S.C. at 61–62, 707 S.E.2d at 458. Likewise, any alleged actions related to the toothbrush or 2005 BMW are still blatantly an act for some independent purpose that was wholly disconnected with the furtherance of *any* of Respondent Businesses. *See James*, 377 S.C. at 631, 661 S.E.2d at 330; *Kase*, 392 S.C. at 61–62, 707 S.E.2d at 458. Therefore, the circuit court properly granted summary judgment as to Respondent Businesses, and this Court should affirm the ruling of the circuit court.

II. THE CIRCUIT COURT PROPERLY GRANTED SUMMARY JUDGMENT AS TO APPELLANT’S NEGLIGENT RETENTION AND SUPERVISION CLAIM AGAINST RESPONDENT BUSINESSES.

An employer may be liable for the intentional tort of an employee where the employee is on the premises of the employer or is using a chattel of the employee; the employer knows or has reason to know that the employer has the ability to control his employee; and the employer knows or should know of the necessity and opportunity for exercising such control. *Degenhart v. Knights of Columbus*, 309 S.C. 114, 116–117, 420 S.E.2d 495, 496 (1992).

Appellant’s claim fails as a matter of law because Respondent Cox is the master of the businesses; he is the employer—he cannot negligently retain and supervise himself. *See Degenhart*, 309 S.C. at 117, 420 S.E.2d at 497. Thus, Appellant cannot meet his burden of showing additional discovery would be anything other than a fishing expedition—further discovery cannot reveal any evidence that would create any genuine issues as to any material facts. *See Dawkins*, 354 S.C. at 69, 580 S.E.2d at 439 (holding the nonmoving party has the burden of showing additional discovery will not merely be a fishing expedition); *Guinan*, 383 S.C. at 54–55, 677 S.E.2d at 36 (holding the party

claiming summary judgment was premature because they had not been provided a full and fair opportunity to conduct discovery must advance a *good reason* why the time was insufficient under the facts of the case, and why further discovery would uncover additional relevant evidence and create a genuine issue of material fact). Therefore, this Court should affirm the ruling of the circuit court.

III. THE CIRCUIT COURT PROPERLY GRANTED SUMMARY JUDGEMENT AS TO APPELLANT’S NEGLIGENCE PER SE CLAIM AGAINST RESPONDENT COX.

To prove negligence per se, the plaintiff must show that the defendant owed them a duty of care arising from a statute. *Norton v. Opening Break of Aiken, Inc.*, 313 S.C. 508, 511, 443 S.E.2d 406, 408 (Ct. App. 1994). A plaintiff must show the essential purpose of the statute was to protect from the kind of harm plaintiff suffered and that plaintiff is a member of the class of persons the statute was intended to protect. *Id.* S.C. Code Ann. § 44-29-145 makes it a felony to knowingly expose others to HIV in certain circumstances. Under the statute, a person cannot: knowingly engage in sexual intercourse without first informing that person of his infection; knowingly commit an act of prostitution with another person; knowingly sell or donate blood, blood products, semen, tissue, organs, or other bodily fluids; forcibly engage in sexual intercourse without the consent of the other person; or knowingly share a hypodermic needle or syringe with another person without informing that person of their infection. S.C. Code Ann. § 44-29-145.

Appellant alleged Respondent Cox violated S.C. Code Ann. § 44-29-145 by knowingly exposing Appellant to HIV. *See* Compl. at ¶¶ 43–47. Appellant testified he had no evidence Respondent Cox had HIV or any other sexually transmitted disease. *See* Deposition of App. Vol. I at p.67, lines 18–22; p.68, lines 6–10. Appellant also testified he has *never* had any sexually transmitted disease (“STD”) test even though he is sexually active. *See* Deposition of App. Vol. I at

p.67, line 23–p.68, line 5. Ms. Sarte testified she was sexually active with Respondent Cox and was not aware of Respondent Cox having HIV or any other STD. *See* Deposition of Dawn Sarte at p.51, lines 10–p.52, line 4. Dawn testified she has not had any STD testing following her marriage with Respondent Cox, has no idea whether Appellant, her son, ever had any STD testing done, and had no knowledge of Respondent Cox having any STD. *See* Deposition of Dawn Sarte at p.52, lines 5–24.

At the motion hearing, the circuit court asked Appellant what evidence he had to support the allegation that Respondent Cox exposed him to HIV. *See* Rev. Tr. at p.18, lines 22–23. The only evidence Appellant offered was the fact that Respondent Cox allegedly put a toothbrush into an orifice. *See* Rev. Tr. at p.18, line 24–p.19, line 7. The court clarified, stating “[s]o you have no information, no knowledge, nothing” to which Appellant stated “[n]o, Your Honor.” Rev. Tr. p.19, lines 8–16.

Appellant does not have HIV—thus Appellant failed to prove a prima facie case for negligence per se. *See Norton*, 313 S.C. at 511, 443 S.E.2d at 408 (setting forth the requirements to prove negligence per se). A plaintiff must show the essential purpose of the statute was to protect from the kind of harm plaintiff suffered and that plaintiff is a member of the class of persons the statute was intended to protect. *Id.* Appellant cannot show that further discovery would be anything other than a fishing expedition, and, as detailed above, Appellant could have noticed Respondent Cox’s deposition in the two years that the case was pending prior to Respondents’ motion for summary judgment. *See Dawkins*, 354 S.C. at 69, 580 S.E.2d at 439 (holding the nonmoving party has the burden to show that further discovery will not be a fishing expedition); *Guinan*, 383 S.C. at 54–55, 677 S.E.2d at 36 (holding a party claiming summary judgment is premature because they

have not been provided a full and fair opportunity to conduct discovery must advance a good reason the time was not sufficient). Furthermore, regardless of the above, Appellant's claim fails as a matter of law. Appellant and his mother both testified they have no evidence to even suggest that Respondent Cox has *any* STD, let alone HIV. *See* S.C. Code Ann. § 44-29-145. Neither Appellant, following the actions alleged to have occurred to his toothbrush, nor his mother, following her sexually intimate relationship with Respondent Cox, felt the need to *even be tested for HIV or any other STD*. Appellant had no basis to believe that Respondent Cox had or currently has HIV and, as such, his allegations were completely baseless and defamatory. *See Dawkins*, 354 S.C. at 69, 580 S.E.2d at 439; *Guinan*, 383 S.C. at 54–55, 677 S.E.2d at 36.

Furthermore, under the plain language of the statute, Respondent Cox could not have violated S.C. Code Ann. § 44-29-145. The statute *requires* the person accused *to know that he is infected* with HIV. *See* S.C. Code Ann. § 44-29-145. Respondent Cox does not have HIV and therefore *could not meet the requirement that he knew he was infected*. *See* S.C. Code Ann. § 44-29-145; *Norton*, 313 S.C. at 511, 443 S.E.2d at 408. Respondent Cox also did not engage in any act prohibited by the statute—he did not have sexual intercourse with Appellant; did not commit an act of prostitution with Appellant; did not sell or donate blood or any other fluid; did not forcibly engage in sexual intercourse with Appellant; and did not share a hypodermic needle or syringe with Appellant. *See* S.C. Code Ann. § 44-29-145; *Norton*, 313 S.C. at 511, 443 S.E.2d at 408. Therefore, Respondent Cox could not have violated the statute. *See* S.C. Code Ann. § 44-29-145; *Norton*, 313 S.C. at 511, 443 S.E.2d at 408. Appellant is requesting that this Court allow him to go on a fishing expedition to get access to Respondent Cox's medical records, even though Appellant has *absolutely no reason to believe he has HIV or any other STD resulting from any alleged conduct*. *See Dawkins*, 354 S.C. at

69, 580 S.E.2d at 439 (holding the nonmoving party has the burden of showing additional discovery will not merely be a fishing expedition); *Guinan*, 383 S.C. at 54–55, 677 S.E.2d at 36 (holding the party claiming summary judgment was premature because they had not been provided a full and fair opportunity to conduct discovery must advance a *good reason* why the time was insufficient under the facts of the case, and why further discovery would uncover additional relevant evidence and create a genuine issue of material fact). Thus, Appellant cannot meet his burden of showing additional discovery would be anything other than a fishing expedition undertaken only to harass, defame, or otherwise embarrass Respondent Cox—further discovery *will not and cannot* reveal any evidence that would create any genuine issues as to any material facts. *See Dawkins*, 354 S.C. at 69, 580 S.E.2d at 439; *Guinan*, 383 S.C. at 54–55, 677 S.E.2d at 36. Therefore, this Court should affirm the ruling of the circuit court.

IV. THE CIRCUIT COURT PROPERLY GRANTED SUMMARY JUDGMENT AS TO APPELLANT’S CLAIM AGAINST RESPONDENT COX UNDER S.C. CODE ANN. § 20-7-490.³

Section 20-7-490, now Section 63-7-20, defines “child abuse or neglect” or “harm” when a parent, guardian, or other person responsible for the welfare of a child inflicts mental injury to the child, or engages in acts or omission which present a substantial risk of mental injury to the child. S.C. Code Ann. § 63-7-20(6). However, corporal punishment or physical discipline which is administered by a parent or person *in loco parentis*; perpetrated for the sole purpose of restraining or correcting the child; is reasonable in manner and moderate in degree; has not brought about permanent or lasting damage to the child; and is not reckless or grossly negligent behavior by the

³ Appellant’s Complaint alleges a violation of S.C. Code Ann. § 20-7-490; however, Section 20-7-490 was repealed and replaced by S.C. Code Ann. § 63-7-20.

parents is excluded from the definition. S.C. Code Ann. § 63-7-20(6). Mental injury is defined as the “injury to the intellectual, emotional, or psychological capacity or function of a child as evidenced by a discernable and substantial impairment of the child’s ability to function when the existence of that impairment is supported by the opinion of a mental health professional or medical professional.” S.C. Code Ann. § 63-7-20(17).

This section does not create a private cause of action for Appellant. *See* S.C. Code Ann. § 63-7-20. Chapter 7 of the South Carolina Code, the South Carolina Children’s Code, details intervention by the State into family life on behalf of children. *See* S.C. Code Ann. § 63-7-10(A). The stated purposes of the chapter are to acknowledge the different intervention needs of families; establish an effective system of services throughout the State to safeguard the well-being and development of endangered children and to preserve and stabilize their family lives; ensure permanency on a timely basis for children who have been removed from their homes; establish fair and equitable procedures following due process of law for intervention in family life with proper regard for the safety and well-being of all family members; and to establish an effective system of protection of children. *See* S.C. Code Ann. § 63-7-10(B). Section 63-7-20 sets forth definitions of various terms to be used in the chapter. *See* S.C. Code Ann. § 63-7-20. Neither the applicable section, nor chapter as a whole, set forth a private cause of action actionable by Appellant. *See* S.C. Code Ann. §§ 63-7-10 to 2790. Thus, Appellant *cannot* meet his burden of showing additional discovery would create any genuine issues as to any material facts as to this cause of action. *See Dawkins*, 354 S.C. at 69, 580 S.E.2d at 439; *Guinan*, 383 S.C. at 54–55, 677 S.E.2d at 36. Therefore, this Court should affirm the ruling of the circuit court.

V. THE CIRCUIT COURT PROPERLY GRANTED SUMMARY JUDGMENT AS TO APPELLANT’S CLAIM FOR INTENTIONAL INFLICTION OF EMOTIONAL

DISTRESS AGAINST RESPONDENT COX.

To prove outrage, otherwise known as the intentional infliction of emotional distress, the plaintiff must prove that the defendant intentionally or recklessly inflicted severe emotional distress or was certain or substantially certain that such distress would result from his conduct; the conduct was so “extreme and outrageous” it exceeded “all possible bounds of decency” and must be regarded as “atrocious and utterly intolerable in a civilized community;” the actions of the defendant caused the plaintiff’s emotional distress; and the emotional distress suffered by Plaintiff was so severe that “no reasonable man could be expected to endure it.” *Hansson v. Scalise Builders of S.C.*, 374 S.C. 352, 356, 650 S.E.2d 68, 70 (2007). Indeed, the plaintiff must show that the defendant’s conduct was both “extreme and outrageous” and that the conduct caused distress of an “extreme or severe nature.” *Id.* at 356, 650 S.E.2d at 70. A party cannot establish a prima facie claim for damages with “mere bald assertions,” and the plaintiff must establish a prima facie case for each element of the tort. *Id.* at 358, 650 S.E.2d at 72. The court plays a significant role in preventing claims for intentional infliction of emotional distress from turning into a remedy for hurt feelings by acting as a gatekeeper. *Id.*

Appellant claimed that Respondent Cox instituted a campaign of actions designed to intentionally inflict emotional distress on Appellant. *See* Compl. Appellant ultimately relied on four different actions allegedly done by Respondent Cox: throwing Appellant’s shoes into the waterway, scratching Appellant’s 2005 BMW, wiping his buttocks with Appellant’s toothbrush, and putting soap on Appellant’s toothbrush. *See* Compl. at ¶ 8; ¶ 13; ¶ 15; and ¶ 16; App. Br. at p.5. Specifically, the alleged damage to the 2005 BMW was to the headlights and body of the BMW. *See* Deposition of Dawn Sarte at p.23, lines 15–22. These actions were alleged to have occurred while Appellant

was in high school, in or around 2016.⁴ *See* Deposition of App. Vol. II at p.108, line 24–p.109, line 5, Deposition of App. Vol. I at pg.24, lines 2–4.

In high school, Appellant worked as a busboy. *See* Deposition of App. Vol. II at p.11, lines 19–20. Appellant did not miss any time from work as a result of any of the actions alleged to have occurred. *See* Deposition of App. Vol II at p.11, lines 21–24. Appellant testified that he spoke to a guidance counselor while in high school due to the alleged actions of Respondents but did not seek any treatment of any medical professional. *See* Deposition of App. Vol II. at p.90, line 22–p.91, line 3. Appellant did not testify as to any interpersonal relationships that were affected by the alleged conduct of Respondent Cox. *See* Deposition of App. Vol. I; Deposition of App. Vol. II. Furthermore, the only reason Appellant believed Respondent Cox damaged the 2005 BMW was because his parents told him; however, neither he, nor his parents actually witnessed the alleged conduct. *See* Deposition of App. Vol. I at p.25, lines 14–22.

After high school, Appellant attended Wofford College, studying biology on the pre-med track. *See* Deposition of App. Vol. I at p.8, lines 8–13. Appellant obtained scholarships from Wofford College with grade-point average (“GPA”) requirements and has maintained these scholarships through the date of his depositions.⁵ *See* Deposition of App. Vol. II at p.83, lines 18–19; p.85, line 8–p.86, line 3. Appellant was also active in Greek life, as a member of the Sigma Nu fraternity.⁶ *See*

⁴ Appellant did not bring this lawsuit until he was in college, approximately 5 years after the alleged conduct occurred.

⁵ Appellant was a junior at Wofford at the time of his first deposition on November 22, 2021, and still maintained the scholarships through the second day of his deposition on April 4, 2022. *See* Deposition of App. Vol. II at p.84, line 20–p.86, line 3.

⁶ Appellant left the Sigma Nu fraternity because of issues unrelated to any of Respondents’ alleged actions or any alleged emotional or mental injuries resulting from the alleged actions. *See* Deposition of App. Vol. II at p.88, line 16–p.90, line 14.

Deposition of App. Vol. II at p.86, lines 10–11. Appellant never failed to meet Sigma Nu’s GPA requirements. *See* Deposition of App. Vol. II at p.86, lines 15–17. Appellant was involved with his church and remained involved throughout high school and college. *See* Deposition of App. Vol. II at p.100, line 14–p.102, line 9. Appellant testified that none of the alleged actions by Respondent affected his pursuit or acceptance of any job opportunities. *See* Deposition of App. Vol. II at p.106, line 23–p.107, line 1. Appellant was unable to articulate how the alleged actions affected his social activities with any specificity. *See* Deposition of App. Vol. II at p.107, lines 2–8. Appellant testified that he attends counseling approximately every two weeks at Wofford but did not attend any therapy while on summer break. *See* Deposition of App. Vol. II at p.102, lines 10–11; p.103, lines 4–8. Appellant was not prescribed any medication and has sought no other treatment for his alleged emotional and mental damages. *See* Deposition of App. Vol. I at p.17, lines 11–24; Deposition of App. Vol. II at p. 91, lines 4–14; p.102, lines 10–21; p.103, lines 13–17. Appellant claims he suffers from trouble sleeping due to the alleged actions of Respondents, but offered no testimony on how the lack of sleep impacts his life. *See* Deposition of App. Vol. II at p.103, lines 18–19.

Appellant’s mother, Dawn Sarte Cox, moved in with Respondent Cox in 2012, before marrying him in 2016. *See* Deposition of Dawn Sarte at p.8, lines 12–14; p.18, lines 13–18. Dawn testified that either she or Appellant’s biological father owned the BMW that was allegedly damaged. *See* Deposition of Dawn Sarte at p.24, lines 3–11. Dawn testified that she did not see Respondent Cox damage the BMW. *See* Deposition of Dawn Sarte at p.21, lines 5–24; p.23, lines 1–10. Furthermore, Dawn testified that the repairs to Appellant’s BMW were paid for by Respondent Cox, and while she did not like the repairs once completed, she agreed with the scope of repairs as described to her by the body shop who performed the work. *See* Deposition of Dawn Sarte at p.24,

lines 14–18; p.25, lines 11–14. Dawn also testified that she did not ask Respondent to make any additional repairs to the BMW and could not recall if she even alerted Respondent that she was unsatisfied with the repairs. *See* Deposition of Dawn Sarte at p.27, lines 15–24. Dawn further testified that Appellant no longer drove the BMW; rather, his biological father had purchased a Toyota 4Runner for him, which Appellant now drove. *See* Deposition of Dawn Sarte at p.27, lines 1–10.

Dawn testified that neither she, nor Appellant, witnessed Respondent throwing Appellant's shoes into the waterway. *See* Deposition of Dawn Sarte at p.28, lines 12–18. Dawn also testified that Appellant received new shoes and that Appellant was unaware of any of Respondent's alleged actions related to his toothbrush until after the lawsuit was filed because Dawn purposefully kept this information from him. *See* Deposition of Dawn Sarte at p.28, line 25–p.29, line 2; p.33, lines 12–23.

Dawn testified she never took Appellant to a psychologist, never took Appellant to seek any counseling, and never took him to any other medical professional to seek help for any issues resulting from Respondent's alleged actions. *See* Deposition of Dawn Sarte at p.30, lines 20–21; p.31, lines 1–4; p.53, lines 10–16); p.55, lines 16–18. In fact, Dawn testified she did not think she had a reason to take him to counseling. *See* Deposition of Dawn Sarte at p.31, lines 5–7; p.32, lines 18–20. Dawn also never took Appellant to the doctor when he complained of feeling bad from his toothbrush. *See* Deposition of Dawn Sarte at p.37, lines 1–24.

Appellant failed to establish a prima facie case that any emotional distress he allegedly suffered was so severe that no reasonable man could be expected to endure it. *See Hansson*, 374 S.C. at 356, 650 S.E.2d at 70 (examining the damages suffered by the plaintiff to determine whether the emotional distress suffered reached the required threshold). In *Hansson*, the South Carolina Supreme Court held that the plaintiff failed to establish a prima facie claim of intentional infliction of

emotional distress. *Hansson*, 374 S.C. at 360, 650 S.E.2d at 72. Hansson was a construction worker who worked for Scalise Builders. *Id.* at 345, 650 S.E.2d at 69. Hansson alleged that his coworkers and supervisor derided him with callous and vulgar remarks and gestures related to homosexuality. *Id.* Hansson filed suit, alleging intentional infliction of emotional distress and other causes of action. *Id.* The circuit court granted defendant's motion for summary judgment as to intentional infliction of emotional distress, and this was reversed by the court of appeals. *Id.* The Supreme Court of South Carolina held that the plaintiff failed to meet the damages element required, noting that plaintiff's alleged emotional damages were that he "lost sleep at night," "visited a dentist who told him he appeared to be grinding his teeth in his sleep," spent a "couple hundred dollars" for fillings and a tooth cap related to the condition, but admitted he had not received treatment or medication from any other physician or counselor. *Id.* Furthermore, Hansson admitted that the conduct did not cause him to lose any time from work, did not alter his relationship with his wife, and did not affect his ability to perform his job. *Id.* In fact, Hansson noted that he was generally satisfied with his job and reciprocated with sexually oriented jokes of his own. *Id.* The Court concluded even in the light most favorable to Hansson, Hansson failed to provide legally sufficient evidence that his emotional distress was "severe" and Hansson's passing references to "fairly ordinary symptoms" were insufficient to create a jury question as to damages for the intentional infliction of emotional distress. *Id.* at 360, 650 S.E.2d at 72.

Appellant's bald assertions fail to provide any damages that would, even in the light most favorable to Appellant, create a question for a jury. *See Hansson*, 374 S.C. at 359–60, 650 S.E.2d at 72 (holding a party must establish a prima facie case for every element of intentional infliction of emotional distress and bald assertions are not sufficient evidence). At best, the alleged "damages" in

the present case are almost the exact same as the damages the Court held were insufficient in *Hansson*. *See id.* at 359–60, 650 S.E.2d at 72. Even if Appellant’s argument is read as to argue that his damages are lost shoes, a scratched car, a new toothbrush, and counseling sessions at his college, these do not meet the standard set forth by the Court in *Hansson*. *See id.* at 359–60, 650 S.E.2d at 72. Here, Appellant has failed to provide any evidence that he suffered any expense or cost as a result of any alleged conduct. *See id.* at 359–60, 650 S.E.2d at 72. Appellant did not pay to have his vehicle repaired, did not pay for a new toothbrush, did not pay for new shoes, and did not pay for any counseling—all of these items were paid for by someone other than Appellant.⁷ *See Hansson*, at 359, 650 S.E.2d at 72. Appellant also spoke with a high school guidance counsellor, church members, and the counselors employed by Wofford College for students; however, these too fail to show the required “severity.” *See id.* Appellant paid no money for his counseling sessions. *See id.* Appellant’s counseling at Wofford consists of sessions every two weeks, but Appellant testified he did not continue the sessions when home for the summer. *See id.* Appellant has not sought treatment from psychiatrists or other medical professionals related to the severe emotional distress he has allegedly incurred. *See id.*

Appellant has also failed to articulate, with any level of specificity, how the alleged severe emotional distress has impacted his life. *See Hansson*, at 359–60, 650 S.E.2d at 72. Appellant is only able to articulate that he had trouble sleeping and it has, in some inarticulable way, affected his social life. *See id.* Appellant testified the alleged conduct of Respondent Cox had no impact on Appellant’s seeking or maintaining employment. *See id.* Appellant went to Wofford College and has maintained

⁷ Appellant’s counseling sessions are provided by the school and there are no costs associated with them. *See* Deposition of App. Vol. I at p.13, lines 11– 21.

his scholarships while studying biology on the pre-med track. *See id.* Appellant has not been prescribed any medication and has not sought treatment from other physicians. *See id.* Finally, even Appellant’s mother testified that she had no reason to believe he needed treatment from a counselor or other medical professional. *See id.*

Appellant’s own testimony shows almost exactly what the Supreme Court of South Carolina ruled was insufficient in *Hansson*—Appellant presented passing references to “fairly ordinary symptoms.” *See id.* at 360, 650 S.E.2d at 72 (“Hansson’s passing references to fairly ordinary symptoms are nonetheless insufficient to create a jury question on the damages element of his claim for intentional infliction of emotional distress.”). Appellant, exactly like Hansson, has a vague “trouble sleeping.” *See id.* at 359, 650 S.E.2d at 72. Appellant, exactly like Hansson, has visited a professional a handful of times and has incurred no or, at best, *de minimis* cost. *See id.* Even in the light most favorable to Appellant, examining all facts in his favor, he failed to establish a prima facie case for each of the required elements of intentional infliction of emotional distress. *See id.* at 360, 650 S.E.2d at 72.

Appellant argues “Respondent Cox confessed to the outrageous conduct” in a letter. App. Br. at p.5. This was not established in the circuit court and is a mischaracterization of the status of that document. *See* Rev. Tr. at p.3, lines 10–14; p.20, lines 8–19. Respondents *specifically contested the authenticity of the document* at oral arguments on their motion for summary judgment. *See* Rev. Tr. p.20, lines 8–19. However, the discussion within this brief has shown that *even if* the allegations against Respondent Cox were true, Appellant’s claims against both Respondent Cox and Respondent Businesses fail as a matter of law, and the circuit court did not err in granting Respondents’ motion for summary judgment.

There are no genuine issues as to any material fact, and Respondent was entitled to judgment as a matter of law. *See Fleming*, 350 S.C. at 493, 567 S.E.2d at 860 (holding summary judgment is appropriate where there are no genuine issues of material fact and the movant is entitled to judgment as a matter of law); *id.* at 360, 650 S.E.2d at 73; *Ellis*, 358 S.C. at 518, 595 S.E.2d at 822 (where “plain, palpable, and indisputable facts exist on which reasonable minds cannot differ, summary judgment should be granted.”). Therefore, this Court should affirm the ruling of the circuit court. *Fleming*, 350 S.C. at 493, 567 S.E.2d at 860; *Hansson*, at 360, 650 S.E.2d at 72; *Ellis*, 358 S.C. at 518, 595 S.E.2d at 822.

CONCLUSION

For the reasons stated, this Court should affirm the judgment of the circuit court.

Respectfully submitted,

June 23, 2023

/s/ Brenten H. DeShields
Jeffrey A. Ross, Bar No.: 74254
Philip P. Cristaldi, III, Bar No.: 102219
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Attorneys for Respondents

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Honorable Kristi F. Curtis, Circuit Court Judge

Case No. 2020-CP-26-06286
Appellate Case No. 2023-000289

Jack Kelly,

Appellant,

v.

Roger D. Cox, Cox Millwork
& Supply, Inc., Waterside
Drive Boat Ramp, LLC, and
Cox Properties, LLC

Respondents.

Exhibit A

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

Jack Kelly,

Plaintiff,

v.

Roger D. Cox, Cox Millwork & Supply, Inc.,
Waterside Drive Boat Ramp, LLC, and Cox
Properties, LLC,

Defendants.

IN THE COURT OF COMMON PLEAS
FOR THE FIFTEENTH JUDICIAL CIRCUIT

Case No. 2020-CP-26-06286

**AMENDED CONSENT SCHEDULING
ORDER**

THE UNDERSIGNED, counsel for the parties herein, have consented to the dates set forth herein, and the Court has determined that good cause exists to approve the dates set forth herein;

It is therefore, ORDERED, ADJUDGED AND DECREED that the above-captioned matter is hereby subject to the following scheduling:

1. Discovery, including depositions of the parties, shall be completed on or before **April 30, 2023**. Said deadline shall not affect the obligation of the parties to supplement their discovery responses through the time of trial, nor the right to compel additional discovery pursuant to an appropriate motion.
2. Motions shall be completed on or before **May 31, 2023**.
3. The case shall not be called to trial prior to **June 1, 2023**.

IT IS SO ORDERED.

The Honorable Letitia H. Verdin
Judge Thirteenth Judicial Circuit

CONSENT SIGNATURES ON FOLLOWING PAGE

Case No. 2020-CP-26-06286
2022.08.26 Amended Consent Scheduling Order

WE CONSENT:

WRIGHT, WORLEY, POPE, EKSTER & MOSS, PLLC
Attorneys for Plaintiffs

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Kenneth R. Moss (SC Bar No. 15520)
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Ross & Cristaldi, LLC
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Horry Common Pleas

Case Caption: Jack Kelly VS Roger D Cox , defendant, et al

Case Number: 2020CP2606286

Type: Order/Scheduling Order

So Ordered

s/Letitia H. Verdin, SC Judge 2162

THE STATE OF SOUTH CAROLINA
In The Court of
Appeals

RECEIVED
Jun 23 2023
SC Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Honorable Kristi F. Curtis, Circuit Court Judge

Case No. 2020-CP-26-06286
Appellate Case No. 2023-000289

Jack Kelly,

Appellant,

v.

Roger D. Cox, Cox Millwork
& Supply, Inc., Waterside
Drive Boat Ramp, LLC, and
Cox Properties, LLC

Respondents.

CERTIFICATE OF SERVICE

I certify that I have served **Respondents' Initial Brief and Designation of Matter on Appeal and Exhibit A**, by personally serving the same pursuant to Rule 262 (c)(3), SCACR, and S.C. Supreme Ct. Order dated August 25, 2021 on the following counsel of record using the primary email address listed in the Attorney Information System (if applicable):

George N. Spirakis, Esquire
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628A Sea Mountain Highway
North Myrtle Beach, South Carolina 29582
georgespisakis@wwpemplaw.com

-AND-

Richard L. Snyder, Esquire
The Snyder Law Group
2510 Barrett Street
Columbia, South Carolina 29201
rl@snyderlawgroupsc.com

A copy of the sent email is enclosed with this Certificate of Service.

s/ Brenten H. DeShields
Jeffrey A. Ross, Bar No.: 74254
Philip P. Cristaldi, III, Bar No.: 102219
Emily C. Sheets, Bar No.: 78768
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Attorneys for Respondents

Mt. Pleasant, South Carolina
June 23, 2023

ROSS & CRISTALDI^{LLC}

ATTORNEYS AT LAW

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June 23, 2023

VIA E-MAIL (ctappfilings@sccourts.org)

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals

Re: Jack Kelly v. Roger D. Cox, et al.
Appellate Case No.: 2023-000289

Dear Ms. Kitchings:

I am writing to advise the Court that the undersigned, Brenten H. DeShields, is appearing as additional counsel of record for Respondents Roger D. Cox, Cox Millwork & Supply, Inc., Waterside Drive Boat Ramp, LLC, and Cox Properties, LLC in the above-referenced appeal. I would request that my name be added as counsel for Roger D. Cox, Cox Millwork & Supply, Inc., Waterside Drive Boat Ramp, LLC, and Cox Properties, LLC, and that I be copied on future documents and correspondence regarding this appeal. I would further request that all counsel of record also copy me on future documents and correspondence.

Thank you very much for your attention to the above.

Very truly yours,

s/ Brenten H. DeShields

Brenten H. DeShields

BHD/kdn

Enclosures

Cc: George Spirakis (georgespirakis@wwpemplaw.com)
Richard Snyder (rl@snyderlawgroupsc.com)
Jeff Ross (jross@rclawsc.com)
Philip Cristaldi (pcristaldi@rclawsc.com)
Emily Sheets (esheets@rclawsc.com)

RECEIVED

Jun 23 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Honorable Kristi F. Curtis, Circuit Court Judge

Case No.: 2020-CP-26-06286
Appellate Case No.: 2023-000289

Jack Kelly,

Appellant,

v.

Roger D. Cox, Cox Millwork & Supply, Cox Properties, LLC, and Waterside Drive Boat Ramp,
LLC,

Respondents.

**RESPONDENTS' RETURN TO APPELLANT'S MOTION SEEKING CLARIFICATION
OF RESPONDENTS' DESIGNATION OF MATTER**

EXHIBIT C

From: Brenten DeShields
Sent: Tuesday, June 27, 2023 2:38 PM
To: George N. Spirakis; Court Of Appeals Filings; Kaylee Negrin
Cc: Peggy Weeks; rl@snyderlawgroupsc.com; Jeff Ross; Philip Cristaldi; Emily Sheets; Emerald Brown
Subject: RE: Appellate case number 2023-000289 - Respondents' Initial Brief, Designation of Matter, and Proof of Service

Dear Counsel:

Thank you for your communication. Pursuant to Rule 209(b), SCACR, we intended for the entirety of each document listed within our proposed designation of matter to be included in the record on appeal. We believe these designations concur with the evidence that was properly before and considered by the circuit court. If you feel that any of our designations were not before the circuit court or are not otherwise able to be properly included in the record on appeal, please let us know.

Sincerely,
Brenten H. DeShields
Associate Attorney
Ross & Cristaldi, LLC
O: (843) 329-4040 | bdeshields@rclawsc.com

From: George N. Spirakis <GeorgeSpirakis@wwpemlaw.com>
Sent: Tuesday, June 27, 2023 2:23 PM
To: Court Of Appeals Filings <ctappfilings@sccourts.org>; Kaylee Negrin <knegrin@rclawsc.com>
Cc: Peggy Weeks <PeggyWeeks@wwpemlaw.com>; rl@snyderlawgroupsc.com; Jeff Ross <jross@rclawsc.com>; Philip Cristaldi <pcristaldi@rclawsc.com>; Emily Sheets <esheets@rclawsc.com>; Brenten DeShields <bdeshields@rclawsc.com>; Emerald Brown <ebrown@rclawsc.com>
Subject: RE: Appellate case number 2023-000289 - Respondents' Initial Brief, Designation of Matter, and Proof of Service

Dear Counsel:

Before filing a Motion Seeking Clarification of Respondents' Designation of Matter, I am writing to request that you file an Amended Designation. Pursuant to Rules 209(a) and (b), SCACR, a copy of which is set forth below, parties must clearly identify, and set forth with specificity, only the pages or portions of the Transcript of Record and deposition transcripts you would like to be included in the Record on Appeal. Please review all documents you have designated to be included and state with specificity any Exhibits (if any) to the documents you would also propose to be included. I would greatly appreciate a prompt response as how to you would like this matter to be handled.

Best regards,

RULE 209

DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL

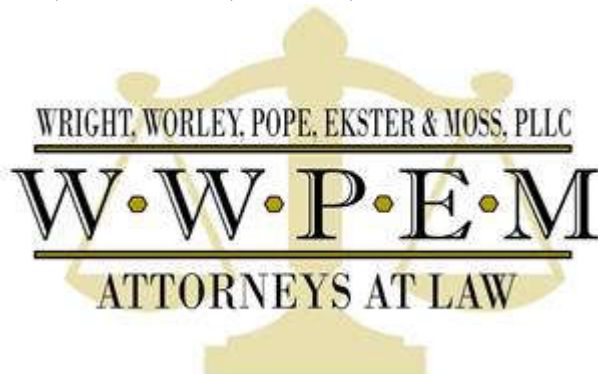
(a) Time to Serve and File. At the same time a party serves his initial brief(s) under Rule 208, to include a reply brief, he shall also serve on all parties to the appeal a Designation of Matter to be Included in the Record on Appeal which shall set forth with specificity those parts of the transcript, pleadings, orders, exhibits, or other materials which he proposes to include in the record on appeal. One copy of this Designation with proof of service shall immediately be filed with the clerk of the appellate court.

(b) Content. The Designation must clearly identify what the party desires to have included in the Record on Appeal, and the Designation may only propose to include portions of the transcript, pleadings, orders, exhibits, or other materials which may be properly included in the Record on Appeal [See Rule 210(c)]. A party shall not include any matter in his Designation which is not relevant to the appeal.

GEORGE N. SPIRAKIS

ATTORNEY AT LAW

WRIGHT, WORLEY, POPE, EKSTER & MOSS, PLLC



Our full service legal team serves Horry, Georgetown, Marion, Dillon, Columbus, Brunswick, Bladen, New Hanover, Pender, Robeson, and surrounding counties

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Tabor City, North Carolina

Wilmington, North Carolina

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Please consider the environment before printing this email.

From: Court Of Appeals Filings <ctappfilings@sccourts.org>
Sent: Friday, June 23, 2023 1:57 PM
To: Kaylee Negrin <knegrin@rclawsc.com>; Court Of Appeals Filings <ctappfilings@sccourts.org>
Cc: George N. Spirakis <GeorgeSpirakis@wwpemplaw.com>; Peggy Weeks <PeggyWeeks@wwpemplaw.com>;
rl@snyderlawgroupsc.com; Jeff Ross <jross@rclawsc.com>; Philip Cristaldi <pcristaldi@rclawsc.com>; Emily Sheets
<esheets@rclawsc.com>; Brenten DeShields <bdeshields@rclawsc.com>; Emerald Brown <ebrown@rclawsc.com>
Subject: RE: Appellate case number 2023-000289 - Respondents' Initial Brief, Designation of Matter, and Proof of Service

Dear Counsel:

The Court has received your filing. A stamped copy is attached for your records.

Thank you.

From: Kaylee Negrin <knegrin@rclawsc.com>
Sent: Friday, June 23, 2023 12:38 PM
To: Court Of Appeals Filings <ctappfilings@sccourts.org>
Cc: George Spirakis <georgespirakis@wwpemplaw.com>; Peggy Weeks <peggyweeks@wwpemplaw.com>;
rl@snyderlawgroupsc.com; Jeff Ross <jross@rclawsc.com>; Philip Cristaldi <pcristaldi@rclawsc.com>; Emily Sheets
<esheets@rclawsc.com>; Brenten DeShields <bdeshields@rclawsc.com>; Emerald Brown <ebrown@rclawsc.com>
Subject: Appellate case number 2023-000289 - Respondents' Initial Brief, Designation of Matter, and Proof of Service

***** EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. ***

Dear Ms. Kitchings,

Enclosed for filing please find the following:

1. Brenten DeShield's Notice of Appearance for Respondents;
2. Respondents' Initial Brief with Exhibit A;
3. Designation of Matter with Exhibit A; and
4. Proof of Service for the same.

Thank you and have a great weekend!



Kaylee Negrin, Paralegal
Ross & Cristaldi, LLC
863 Coleman Boulevard, Suite B
Mt. Pleasant, South Carolina 29464
T: (843) 329-4040
E: knegrin@rclawsc.com

Please note: our firm is paperless. Please advise if a hard copy is desired.

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THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM HORRY COUNTY  
Court of Common Pleas

Honorable Kristi F. Curtis, Circuit Court Judge

---

Case No.: 2020-CP-26-06286  
Appellate Case No.: 2023-000289

---

Jack Kelly,

Appellant,

v.

Roger D. Cox, Cox Millwork & Supply, Cox Properties, LLC, and Waterside Drive Boat Ramp,  
LLC,

Respondents.

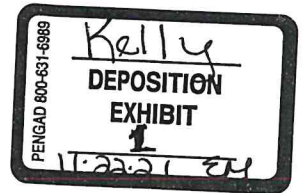
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**RESPONDENTS' RETURN TO APPELLANT'S MOTION SEEKING CLARIFICATION  
OF RESPONDENTS' DESIGNATION OF MATTER**

**EXHIBIT D**

---

ROSS & CRISTALDI<sup>LLC</sup>  
ATTORNEYS AT LAW



Jeffrey A. Ross  
Philip P. Cristaldi, III  
Scott H. Winograd  
Daniel A. Beck  
Kirkley G. White

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[kwhite@rclawsc.com](mailto:kwhite@rclawsc.com)  
(843) 329-4040

April 9, 2021

**Via Certified Mail - Return Receipt Requested**

Beach Ford Lincoln  
851 Jason Blvd.  
Myrtle Beach, SC 29577

Re: Kelly v. Roger D. Cox, et al.  
Case No.: 2020-CP-26-06286

Dear Sir or Madam:

This firm represents Roger D. Cox and Cox Millwork & Supply Inc. in the above-referenced matter. Enclosed for service upon you is a subpoena for you to produce all records of whatever kind, electronic, paper or otherwise in your possession related to a 2005 BMW X5 brought in for repairs by Jack Kelly, Dawn Sarte, or Brian Kelly.

Please provide a copy of these documents to my office via U.S. mail or other means by April 30, 2021. If the charges for copying the requested documents will exceed \$100.00, please contact my office prior to reproduction.

Thank you for your attention to this matter. Should you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,

ROSS & CRISTALDI, LLC

A handwritten signature in blue ink, appearing to read "Kirkley G. White".

Kirkley G. White

KGW/tc

Enclosures

cc: All counsel of record (*via email only, with enclosures*)

CELL: 843-458-2353

164154

ERIK

133191

MZE6

10/18/17

FOCB527424

DEREK COX

100,000 /

344 WATERSIDE DR  
MYRTLE BEACH, SC 29577

05/BMW SAV/X5-SERIES/4DR SAV

5 U X F A 1 3 5 1 5 L Y 2 1 7 3 2

10/04/17

MO: 100000

JOB# 1 CHARGES-----

|             |          |                                     |  |         |
|-------------|----------|-------------------------------------|--|---------|
| LABOR-----  |          |                                     |  |         |
| J# 1 12FOZ  | BODY     | TECH(S):153413                      |  | 1284.80 |
| SUBLET----- | PO#----- | VEND INV#-INV.DATE-DESCRIPTION----- |  |         |
|             | 197158   | 335140 10/13/17 MOULDING            |  | 67.59   |
|             | 197158   | 335140 10/13/17 EMBLEM              |  | 34.10   |
|             | 197158   | 335140 10/13/17 EMBLEM              |  | 34.10   |
|             |          | TOTAL - SUBLET                      |  | 135.79  |

|                    |        |         |
|--------------------|--------|---------|
| JOB# 1 TOTALS----- |        |         |
|                    | LABOR  | 1284.80 |
|                    | SUBLET | 135.79  |

|                     |                       |      |              |         |
|---------------------|-----------------------|------|--------------|---------|
| JOB# 2 CHARGES----- | JOB# 1 JOURNAL PREFIX | FOCB | JOB# 1 TOTAL | 1420.59 |
|---------------------|-----------------------|------|--------------|---------|

|              |                    |                      |  |        |
|--------------|--------------------|----------------------|--|--------|
| LABOR-----   |                    |                      |  |        |
| J# 2 12FOZ*4 | PAINT/REFINISH     | TECH(S):152142 88316 |  | 633.60 |
|              | REFINISH           |                      |  |        |
|              | REFINISH COMPLETED |                      |  |        |

|           |           |                         |                 |        |
|-----------|-----------|-------------------------|-----------------|--------|
| MISC----- | CODE----- | DESCRIPTION-----        | CONTROL NO----- |        |
|           |           | MAT BODY SHOP MATERIALS |                 | 519.27 |
|           |           | TOTAL - MISC            |                 | 519.27 |

|                    |       |        |
|--------------------|-------|--------|
| JOB# 2 TOTALS----- |       |        |
|                    | LABOR | 633.60 |
|                    | MISC  | 519.27 |

|                       |      |              |         |
|-----------------------|------|--------------|---------|
| JOB# 2 JOURNAL PREFIX | FOCB | JOB# 2 TOTAL | 1152.87 |
|-----------------------|------|--------------|---------|

ESTIMATE-----

CUSTOMER HEREBY ACKNOWLEDGES RECEIVING  
ORIGINAL ESTIMATE OF \$0.00 (+TAX)

COMMENTS-----

CUSTOMER PAY  
SEE ESTIMATE - DAMAGE PER CUSTOMER

CELL: 843-458-2353

164154

ERIK

133191

MZE6

10/18/17

FOCB527424

DEREK COX

100,000 /

344 WATERSIDE DR  
MYRTLE BEACH, SC 29577

05/BMW SAV/X5-SERIES/4DR SAV

5 U X F A 1 3 5 1 5 L Y 2 1 7 3 2

10/04/17

MO: 100000

TOTALS-----

\*\*\*\*\*  
\* NEXT RECOMMENDED SERVICE: \*  
\* 10/04/2017 / 100000 MI 03FOZTRANSER PREMIUM TRANS SER \*  
\*\*\*\*\*

CASH[ ] CHECK[ ] CHARGE[ ] CREDIT CARD[ ]

THANK YOU FOR CHOOSING BEACH AUTOMOTIVE GROUP  
ALL NEW FORD/LINCOLN PARTS & LABOR: WARRANTY 24 MONTHS  
WITH UNLIMITED MILEAGE. MAZDA WARRANTY PARTS & LABOR  
12 MONTHS OR 12,000 MILES, WHICHEVER COMES FIRST. ALL USED  
PARTS WARRANTY IS 30 DAYS OR 3,000 MILES, WHICHEVER COMES  
FIRST. NO WARRANTY ON LABOR TO INSTALL USED PARTS. WE  
WANT YOU TO BE OUR CUSTOMER FOR LIFE! PLEASE CALL  
DOMINIC MASON AT 843-626-3666 OR 1-800-948-0632 IF YOU  
SHOULD HAVE ANY QUESTIONS CONCERNING OUR SERVICE DEPT.  
CALL OUR BODYSHOP MANAGER, JIMMY KEENAN AT 843-839-8133  
WITH QUESTIONS CONCERNING OUR BODY SHOP.

|                         |                |
|-------------------------|----------------|
| TOTAL LABOR....         | 1918.40        |
| TOTAL PARTS....         | 0.00           |
| TOTAL SUBLET...         | 135.79         |
| TOTAL G.O.G....         | 0.00           |
| TOTAL MISC CHG.         | 519.27         |
| TOTAL MISC DISC         | 0.00           |
| TOTAL TAX.....          | 10.86          |
| <b>TOTAL INVOICE \$</b> | <b>2584.32</b> |

CUSTOMER SIGNATURE

\*\*\*\*\*

D U P L I C A T E I N V O I C E

\*\*\*\*\*

**CAROLINAS COLLISION CENTERS AT  
BEACH FORD**

Workfile ID: 4a8e8703  
PartsShare: 4Kybhf  
Federal ID: 56-1898951

For repair status updates online visit  
[www.myrepairsupdate.com](http://www.myrepairsupdate.com) use your telephone  
number to access your claim status  
851 Jason Blvd., P.O. Box 3609, MYRTLE BEACH,  
SC 29578

Phone: (843) 839-8133  
FAX: (843) 946-7221

**Preliminary Supplement 2 with Summary**

**RO Number: 527424**

Written By: Erik Kulick

Insured: COX, DEREK  
Type of Loss:  
Point of Impact: 02 Right Front Pillar (Right  
Side)

Policy #:  
Date of Loss:

Claim #:  
Days to Repair: 9

**Owner:**  
COX, DEREK  
  
344 WATERSIDE DR  
MYRTLE BEACH, SC 29577  
(843) 458-2353 Cell

**Inspection Location:**  
CAROLINAS COLLISION CENTERS AT  
BEACH FORD  
851 Jason Blvd.  
P.O. Box 3609  
MYRTLE BEACH, SC 29578  
Repair Facility  
(843) 839-8133 Business

**Insurance Company:**  
CUSTOMER PAY

**VEHICLE**

2005 BMW X5 AWD 4D UTV 6-3.0L Gasoline EFI WHITE

|                        |                         |                     |                         |
|------------------------|-------------------------|---------------------|-------------------------|
| VIN: SUXFA13515LY21732 | Interior Color: GRAY    | Mileage In: 100,000 | Vehicle Out: 10/18/2017 |
| License: MZE668        | Exterior Color: WHITE   | Mileage Out:        |                         |
| State: SC              | Production Date: 8/2005 | Condition: Good     | Job #: CS               |

**TRANSMISSION**

Overdrive  
6 Speed Transmission  
4 Wheel Drive

**POWER**

Power Steering  
Power Brakes  
Power Windows  
Power Locks  
Power Mirrors  
Heated Mirrors  
Power Driver Seat  
Power Passenger Seat

Dual Mirrors

Console/Storage  
Wood Interior Trim

**CONVENIENCE**

Air Conditioning  
Intermittent Wipers  
Tilt Wheel  
Cruise Control  
Rear Defogger  
Keyless Entry  
Alarm  
Message Center  
Steering Wheel Touch Controls

Home Link

**RADIO**

AM Radio  
FM Radio  
Stereo  
Search/Seek  
CD Player

**SAFETY**

Drivers Side Air Bag  
Passenger Air Bag  
Anti-Lock Brakes (4)  
4 Wheel Disc Brakes  
Traction Control

Head/Curtain Air Bags

**ROOF**

Luggage/Roof Rack

**SEATS**

Bucket Seats  
Leather Seats

**WHEELS**

Aluminum/Alloy Wheels

**PAINT**

Clear Coat Paint

**OTHER**

Fog Lamps

**TRUCK**

Get live updates at [www.carwise.com/e/3hVJBa](http://www.carwise.com/e/3hVJBa)

## Preliminary Supplement 2 with Summary

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**RO Number: 527424**

2005 BMW X5 AWD 4D UTV 6-3.0L Gasoline EFI WHITE

Memory Package  
**DECOR**

Rear Window Wiper  
Telescopic Wheel

Stability Control  
Front Side Impact Air Bags

Power Trunk/Liftgate

# Preliminary Supplement 2 with Summary

RO Number: 527424

2005 BMW X5 AWD 4D UTV 6-3.0L Gasoline EFI WHITE

| Line | Oper | Description                                                                           | Part Number | Qty | Extended Price \$ | Labor | Paint |
|------|------|---------------------------------------------------------------------------------------|-------------|-----|-------------------|-------|-------|
| 1    |      | <b>FRONT BUMPER</b>                                                                   |             |     |                   |       |       |
| 2    | *    | R&I <u>Partial R&amp;I bumper assy- Drop Cover to Paint Fender</u>                    |             |     |                   | 0.5   |       |
| 3    |      | <b>FRONT LAMPS</b>                                                                    |             |     |                   |       |       |
| 4    |      | R&I RT Signal lamp w/yellow bulb                                                      |             |     |                   | 0.3   |       |
| 5    |      | R&I LT Signal lamp w/yellow bulb                                                      |             |     |                   | 0.3   |       |
| 6    | *    | S02 Rpr <u>RT Headlamp assy w/yellow turn signal - clean and buff</u>                 |             |     |                   | 1.0   |       |
|      |      | Note: customer stating she will go with cleaning lights first to see how it comes out |             |     |                   |       |       |
| 7    | *    | S02 Rpr <u>LT Headlamp assy w/yellow turn signal - clean and buff</u>                 |             |     |                   | 1.0   |       |
|      |      | Note: customer stating she will go with cleaning lights first to see how it comes out |             |     |                   |       |       |
| 8    |      | <b>HOOD &amp; GRILLE</b>                                                              |             |     |                   |       |       |
| 9    | *    | Rpr Hood                                                                              |             |     |                   | 2.5   | 3.0   |
| 10   |      | R&I Emblem                                                                            |             |     |                   | 0.2   |       |
| 11   |      | R&I RT Grille w/o titan                                                               |             |     |                   | 0.3   |       |
| 12   |      | R&I LT Grille w/o titan                                                               |             |     |                   | 0.3   |       |
| 13   |      | <b>FENDER</b>                                                                         |             |     |                   |       |       |
| 14   | *    | Rpr RT Fender assy                                                                    |             |     |                   | 3.0   | 2.0   |
| 15   |      | Overlap Major Adj. Panel                                                              |             |     |                   |       | -0.4  |
| 16   |      | Blnd LT Fender assy                                                                   |             |     |                   |       | 1.0   |
| 17   |      | Repl RT Nameplate 3.0i                                                                | 51147008539 | 1   | 34.10             | 0.3   |       |
| 18   |      | Repl LT Nameplate 3.0i                                                                | 51147008538 | 1   | 34.10             | 0.3   |       |
| 19   |      | <b>FRONT DOOR</b>                                                                     |             |     |                   |       |       |
| 20   | *    | Rpr RT Door shell                                                                     |             |     |                   | 4.0   | 2.1   |
| 21   |      | Overlap Major Adj. Panel                                                              |             |     |                   |       | -0.4  |
| 22   |      | S02 Repl RT Body side mldg                                                            | 51138402650 | 1   | 67.59             | 0.3   |       |
| 23   |      | R&I RT Belt w/strip matte black                                                       |             |     |                   | 0.3   |       |
| 24   |      | R&I RT Mirror base w/o heated w/o power folding w/o auto dim                          |             |     |                   | 1.0   |       |
| 25   |      | R&I RT Handle, outside primed                                                         |             |     |                   | 0.4   |       |
| 26   |      | R&I RT R&I trim panel                                                                 |             |     |                   | 0.8   |       |
| 27   |      | <b>REAR DOOR</b>                                                                      |             |     |                   |       |       |
| 28   | *    | Rpr RT Door shell                                                                     |             |     |                   | 4.0   | 2.0   |
| 29   |      | Overlap Major Adj. Panel                                                              |             |     |                   |       | -0.4  |
| 30   |      | R&I RT Belt w/strip matte black                                                       |             |     |                   | 0.3   |       |
| 31   | *    | R&I RT Body side mldg                                                                 |             |     |                   | 0.3   |       |
| 32   |      | R&I RT Handle, outside primed                                                         |             |     |                   | 0.4   |       |
| 33   |      | R&I RT R&I trim panel                                                                 |             |     |                   | 0.8   |       |
| 34   |      | <b>QUARTER PANEL</b>                                                                  |             |     |                   |       |       |
| 35   | *    | Rpr RT Quarter panel                                                                  |             |     |                   | 2.0   | 2.6   |
| 36   |      | Overlap Major Adj. Panel                                                              |             |     |                   |       | -0.4  |
| 37   |      | Clear Coat                                                                            |             |     |                   |       | 2.5   |

## Preliminary Supplement 2 with Summary

**RO Number: 527424**

2005 BMW X5 AWD 4D UTV 6-3.0L Gasoline EFI WHITE

|    |                    |      |                                             |                          |   |               |             |
|----|--------------------|------|---------------------------------------------|--------------------------|---|---------------|-------------|
| 38 | #                  | Refn | Clear Undamaged Roof Rail - No Break In Qtr |                          |   |               | 0.6         |
| 39 |                    | R&I  | Fuel door                                   |                          |   | 0.5           |             |
| 40 |                    | Blnd | Fuel door                                   |                          |   |               | 0.2         |
| 41 | #                  | R&I  | Drip Molding Roof - RT side                 |                          |   | 0.2           |             |
| 42 |                    | R&I  | RT Wheel flare w/running board              |                          |   | 0.5           |             |
| 43 |                    | R&I  | RT Quarter glass BMW standard               |                          |   | 2.4           |             |
| 44 | *                  | R&I  | RT Upper molding matte black                |                          |   | Incl.         |             |
| 45 |                    | R&I  | RT Lower molding matte black                |                          |   | Incl.         |             |
| 46 | <b>REAR LAMPS</b>  |      |                                             |                          |   |               |             |
| 47 |                    | R&I  | RT Tail lamp assy w/white signal            |                          |   | 0.5           |             |
| 48 | <b>REAR BUMPER</b> |      |                                             |                          |   |               |             |
| 49 | *                  | R&I  | Partial R&I - Drop Cover to paint Qtr       |                          |   | 0.5           |             |
| 50 | #                  | S02  | Subl                                        | HAZARDOUS WASTE DISPOSAL | 1 | 2.00          |             |
| 51 | #                  | S02  |                                             | COVER CAR                | 1 | 2.00          |             |
| 52 | #                  | S02  | Subl                                        | CORROSION PROTECTION     | 1 | 4.43          |             |
|    |                    |      |                                             | <b>SUBTOTALS</b>         |   | <b>144.22</b> | <b>29.2</b> |
|    |                    |      |                                             |                          |   |               | <b>14.4</b> |

### NOTES

Prior Damage Notes:  
NORMAL WEAR

### ESTIMATE TOTALS

| Category           | Basis       | Rate         | Cost \$         |
|--------------------|-------------|--------------|-----------------|
| Parts              |             |              | 144.22          |
| Body Labor         | 29.2 hrs @  | \$ 45.00 /hr | 1,314.00        |
| Paint Labor        | 14.4 hrs @  | \$ 45.00 /hr | 648.00          |
| Paint Supplies     | 14.4 hrs @  | \$ 30.00 /hr | 432.00          |
| Subtotal           |             |              | 2,538.22        |
| Sales Tax          | \$ 576.22 @ | 8.0000 %     | 46.10           |
| <b>Grand Total</b> |             |              | <b>2,584.32</b> |

## Preliminary Supplement 2 with Summary

**RO Number: 527424**

2005 BMW X5 AWD 4D UTV 6-3.0L Gasoline EFI WHITE

### SUPPLEMENT SUMMARY

| Line                 | Oper | Description                                                                           | Part Number | Qty | Extended Price \$ | Labor      | Paint      |
|----------------------|------|---------------------------------------------------------------------------------------|-------------|-----|-------------------|------------|------------|
| <b>Changed Items</b> |      |                                                                                       |             |     |                   |            |            |
| 47                   | #    | Subl HAZARDOUS WASTE DISPOSAL                                                         |             | 1   | -3.00             |            |            |
| 50                   | #    | S02 Subl HAZARDOUS WASTE DISPOSAL                                                     |             | 1   | 2.00              |            |            |
| 48                   | #    | COVER CAR                                                                             |             | 1   | -5.00             |            |            |
| 51                   | #    | S02 COVER CAR                                                                         |             | 1   | 2.00              |            |            |
| 49                   | #    | Subl CORROSION PROTECTION                                                             |             | 1   | -7.00             |            |            |
| 52                   | #    | S02 Subl CORROSION PROTECTION                                                         |             | 1   | 4.43              |            |            |
| <b>Deleted Items</b> |      |                                                                                       |             |     |                   |            |            |
| 21                   | *    | R&I RT Body side mldg                                                                 |             |     |                   | -0.3       |            |
| <b>Added Items</b>   |      |                                                                                       |             |     |                   |            |            |
| 6                    | *    | S02 Rpr <u>RT Headlamp assy w/yellow turn signal - clean and buff</u>                 |             |     |                   | 1.0        |            |
|                      |      | NOTE: customer stating she will go with cleaning lights first to see how it comes out |             |     |                   |            |            |
| 7                    | *    | S02 Rpr <u>LT Headlamp assy w/yellow turn signal - clean and buff</u>                 |             |     |                   | 1.0        |            |
|                      |      | NOTE: customer stating she will go with cleaning lights first to see how it comes out |             |     |                   |            |            |
| 22                   |      | S02 Repl RT Body side mldg                                                            | 51138402650 | 1   | 67.59             | 0.3        |            |
| <b>SUBTOTALS</b>     |      |                                                                                       |             |     | <b>61.02</b>      | <b>2.0</b> | <b>0.0</b> |

### RATE CHANGES

|                |       |            |              |         |    |           |        |
|----------------|-------|------------|--------------|---------|----|-----------|--------|
| Body Labor     | (Est) | 27.2 hrs @ | \$ -3.00 /hr | ( 48.00 | to | 45.00 ) = | -81.60 |
| Paint Labor    | (Est) | 14.4 hrs @ | \$ -3.00 /hr | ( 48.00 | to | 45.00 ) = | -43.20 |
| Paint Supplies | (Est) | 14.4 hrs @ | \$ -2.00 /hr | ( 32.00 | to | 30.00 ) = | -28.80 |

### TOTALS SUMMARY

| Category                                 | Basis      | Rate         | Cost \$ |
|------------------------------------------|------------|--------------|---------|
| Parts                                    |            |              | 61.02   |
| Body Labor                               | 2.0 hrs @  | \$ 45.00 /hr | 90.00   |
| Additional Supplement Labor              |            |              | -124.80 |
| Additional Supplement Materials/Supplies |            |              | -28.80  |
| Subtotal                                 |            |              | -2.58   |
| Sales Tax                                | \$ 32.22 @ | 8.0000 %     | 2.58    |

## Preliminary Supplement 2 with Summary

**RO Number: 527424**

2005 BMW X5 AWD 4D UTV 6-3.0L Gasoline EFI WHITE

### CUMULATIVE EFFECTS OF SUPPLEMENT(S)

|                   |                    |             |
|-------------------|--------------------|-------------|
| Estimate          | 4,608.08           | Erik Kulick |
| Supplement S01    | -2,023.76          | Erik Kulick |
| Supplement S02    | 0.00               | Erik Kulick |
| <b>Job Total:</b> | <b>\$ 2,584.32</b> |             |

THIS IS AN ESTIMATE BASED ON THE DAMAGE THAT WAS VISIBLE  
WHEN IT WAS WRITTEN. IT IS NOT A FIRM QUOTAION AND MAY  
CHANGE DURING THE REPAIR PROCESS DUE TO ADDITIONAL  
DAMAGE--PARTS PRICE CHANGES AND OTHER FACTORS

## Preliminary Supplement 2 with Summary

**RO Number: 527424**

2005 BMW X5 AWD 4D UTV 6-3.0L Gasoline EFI WHITE

Estimate based on MOTOR CRASH ESTIMATING GUIDE and potentially other third party sources of data. Unless otherwise noted, (a) all items are derived from the Guide EEE1955, CCC Data Date 04/09/2021, and potentially other third party sources of data; and (b) the parts presented are OEM-parts. OEM parts are manufactured by or for the vehicle's Original Equipment Manufacturer (OEM) according to OEM's specifications for U.S. distribution. OEM parts are available at OE/Vehicle dealerships or the specified supplier. OPT OEM (Optional OEM) or ALT OEM (Alternative OEM) parts are OEM parts that may be provided by or through alternate sources other than the OEM vehicle dealerships with discounted pricing. Asterisk (\*) or Double Asterisk (\*\*) indicates that the parts and/or labor data provided by third party sources of data may have been modified or may have come from an alternate data source. Tilde sign (~) items indicate MOTOR Not-Included Labor operations. The symbol (<>) indicates the refinish operation WILL NOT be performed as a separate procedure from the other panels in the estimate. Non-Original Equipment Manufacturer aftermarket parts are described as Non OEM, A/M or NAGS. Used parts are described as LKQ, RCY, or USED. Reconditioned parts are described as Recond. Recored parts are described as Recore. NAGS Part Numbers and Benchmark Prices are provided by National Auto Glass Specifications. Labor operation times listed on the line with the NAGS information are MOTOR suggested labor operation times. NAGS labor operation times are not included. Pound sign (#) items indicate manual entries.

Some 2021 vehicles contain minor changes from the previous year. For those vehicles, prior to receiving updated data from the vehicle manufacturer, labor and parts data from the previous year may be used. The CCC ONE estimator has a list of applicable vehicles. Parts numbers and prices should be confirmed with the local dealership.

The following is a list of additional abbreviations or symbols that may be used to describe work to be done or parts to be repaired or replaced:

### SYMBOLS FOLLOWING PART PRICE:

m=MOTOR Mechanical component. s=MOTOR Structural component. T=Miscellaneous Taxed charge category. X=Miscellaneous Non-Taxed charge category.

### SYMBOLS FOLLOWING LABOR:

D=Diagnostic labor category. E=Electrical labor category. F=Frame labor category. G=Glass labor category. M=Mechanical labor category. S=Structural labor category. (numbers) 1 through 4=User Defined Labor Categories.

### OTHER SYMBOLS AND ABBREVIATIONS:

Adj.=Adjacent. Algn.=Align. ALU=Aluminum. A/M=Aftermarket part. Bind=Blend. BOR=Boron steel. CAPA=Certified Automotive Parts Association. D&R=Disconnect and Reconnect. HSS=High Strength Steel. HYD=Hydroformed Steel. Incl.=Included. LKQ=Like Kind and Quality. LT=Left. MAG=Magnesium. Non-Adj.=Non Adjacent. NSF=NSF International Certified Part. O/H=Overhaul. Qty=Quantity. Refn=Refinish. Repl=Replace. R&I=Remove and Install. R&R=Remove and Replace. Rpr=Repair. RT=Right. SAS=Sandwiched Steel. Sect=Section. Subl=Sublet. UHS=Ultra High Strength Steel. N=Note(s) associated with the estimate line.

CCC ONE Estimating - A product of CCC Information Services Inc.

The following is a list of abbreviations that may be used in CCC ONE Estimating that are not part of the MOTOR CRASH ESTIMATING GUIDE:

BAR=Bureau of Automotive Repair. EPA=Environmental Protection Agency. NHTSA= National Highway Transportation and Safety Administration. PDR=Paintless Dent Repair. VIN=Vehicle Identification Number.

## Preliminary Supplement 2 with Summary

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**RO Number: 527424**

2005 BMW X5 AWD 4D UTV 6-3.0L Gasoline EFI WHITE

### RECALL INFO

2005 BMW X5 AWD 4D UTV 6-3.0L Gasoline EFI WHITE

|          |                   |                  |        |              |         |              |            |
|----------|-------------------|------------------|--------|--------------|---------|--------------|------------|
| VIN:     | 5UXFA13515LY21732 | Interior Color:  | GRAY   | Mileage In:  | 100,000 | Vehicle Out: | 10/18/2017 |
| License: | MZE668            | Exterior Color:  | WHITE  | Mileage Out: |         |              |            |
| State:   | SC                | Production Date: | 8/2005 | Condition:   | Good    | Job #:       | CS         |

---

# CAROLINAS COLLISION CENTERS AT BEACH FORD

RO Number: 527424

|              |              |             |                   |                 |        |
|--------------|--------------|-------------|-------------------|-----------------|--------|
| Owner:       | COX, DEREK   | Year:       | 2005              | Exterior Color: | WHITE  |
| Vehicle In:  | 10/9/2017    | Make:       | BMW               | Paint Code:     |        |
| Vehicle Out: | 10/18/2017   | Model:      | X5 AWD            | License:        | MZE668 |
| Estimator:   | Erik Kulick  | Body Style: | 4D UTV            | Mileage In:     | 100000 |
| Insurance:   | CUSTOMER PAY | VIN:        | SUXFA13515LY21732 | Job Number:     | CS     |

## Work Order - CHAD SCHEUER

| Line | Inc | Operation        | Qty | Part Number | Description                                              | Labor Type | Part Type | Assigned Hours | Tech Initials |
|------|-----|------------------|-----|-------------|----------------------------------------------------------|------------|-----------|----------------|---------------|
| 1    |     |                  |     |             | FRONT BUMPER                                             |            |           |                |               |
| 2    |     | Remove / Install | 0   | 51117129294 | Partial R&I bumper assy- Drop Cover to Paint Fender      | Body       |           | 0.5            |               |
| 3    |     |                  |     |             | FRONT LAMPS                                              |            |           |                |               |
| 4    |     | Remove / Install | 0   | 63137164490 | RT Signal lamp w/yellow bulb                             | Body       |           | 0.3            |               |
| 5    |     | Remove / Install | 0   | 63137164489 | LT Signal lamp w/yellow bulb                             | Body       |           | 0.3            |               |
| 6    |     | Repair           | 0   | 63127164424 | RT Headlamp assy w/yellow turn signal - clean and buff   | Body       |           | 1.0            |               |
| 7    |     | Repair           | 0   | 63127164423 | LT Headlamp assy w/yellow turn signal - clean and buff   | Body       |           | 1.0            |               |
| 8    |     |                  |     |             | HOOD & GRILLE                                            |            |           |                |               |
| 9    |     | Repair           | 0   | 41617121102 | Hood                                                     | Body       |           | 2.5            |               |
| 10   |     | Remove / Install | 0   | 51148132375 | Emblem                                                   | Body       |           | 0.2            |               |
| 11   |     | Remove / Install | 0   | 51137113734 | RT Grille w/o titan                                      | Body       |           | 0.3            |               |
| 12   |     | Remove / Install | 0   | 51137113733 | LT Grille w/o titan                                      | Body       |           | 0.3            |               |
| 13   |     |                  |     |             | FENDER                                                   |            |           |                |               |
| 14   |     | Repair           | 0   | 41357121008 | RT Fender assy                                           | Body       |           | 3.0            |               |
| 17   |     | Remove / Replace | 1   | 51147008539 | RT Nameplate 3.0i                                        | Body       | OEM       | 0.3            |               |
| 18   |     | Remove / Replace | 1   | 51147008538 | LT Nameplate 3.0i                                        | Body       | OEM       | 0.3            |               |
| 19   |     |                  |     |             | FRONT DOOR                                               |            |           |                |               |
| 20   |     | Repair           | 0   | 41518256824 | RT Door shell                                            | Body       |           | 4.0            |               |
| 22   |     | Remove / Replace | 1   | 51138402650 | RT Body side mldg                                        | Body       | OEM       | 0.3            |               |
| 23   |     | Remove / Install | 0   | 51328251592 | RT Belt w/strip matte black                              | Body       |           | 0.3            |               |
| 24   |     | Remove / Install | 0   | 51167039898 | RT Mirror base w/o heated w/o power folding w/o auto dim | Body       |           | 1.0            |               |
| 25   |     | Remove / Install | 0   | 51218257738 | RT Handle, outside primed                                | Body       |           | 0.4            |               |
| 26   |     | Remove / Install | 0   | 51417079848 | RT R&I trim panel                                        | Body       |           | 0.8            |               |
| 27   |     |                  |     |             | REAR DOOR                                                |            |           |                |               |
| 28   |     | Repair           | 0   | 41528256828 | RT Door shell                                            | Body       |           | 4.0            |               |
| 30   |     | Remove / Install | 0   | 51348251596 | RT Belt w/strip matte black                              | Body       |           | 0.3            |               |
| 31   |     | Remove / Install | 0   | 51138402654 | RT Body side mldg                                        | Body       |           | 0.3            |               |
| 32   |     | Remove / Install | 0   | 51218257738 | RT Handle, outside primed                                | Body       |           | 0.4            |               |
| 33   |     | Remove / Install | 0   | 51427079688 | RT R&I trim panel                                        | Body       |           | 0.8            |               |
| 34   |     |                  |     |             | QUARTER PANEL                                            |            |           |                |               |
| 35   |     | Repair           | 0   | 41217129094 | RT Quarter panel                                         | Body       |           | 2.0            |               |
| 39   |     | Remove / Install | 0   | 51177001027 | Fuel door                                                | Body       |           | 0.5            |               |
| 41   |     | Remove / Install | 0   |             | Drip Molding Roof - RT side                              | Body       |           | 0.2            |               |
| 42   |     | Remove / Install | 0   | 51718402338 | RT Wheel flare w/running board                           | Body       |           | 0.5            |               |

# CAROLINAS COLLISION CENTERS AT BEACH FORD

RO Number: 527424

|              |              |             |                   |                 |        |
|--------------|--------------|-------------|-------------------|-----------------|--------|
| Owner:       | COX, DEREK   | Year:       | 2005              | Exterior Color: | WHITE  |
| Vehicle In:  | 10/9/2017    | Make:       | BMW               | Paint Code:     |        |
| Vehicle Out: | 10/18/2017   | Model:      | X5 AWD            | License:        | MZE668 |
| Estimator:   | Erik Kulick  | Body Style: | 4D UTV            | Mileage In:     | 100000 |
| Insurance:   | CUSTOMER PAY | VIN:        | 5UXFA13515LY21732 | Job Number:     | CS     |

|                     |                      |               |                                       |      |      |  |
|---------------------|----------------------|---------------|---------------------------------------|------|------|--|
| 43                  | Remove / Install     | 0 51368402620 | RT Quarter glass BMW standard         | Body | 2.4  |  |
| 44                  | INC Remove / Install | 0 51368408318 | RT Upper molding matte black          | Body | 0.0  |  |
| 45                  | INC Remove / Install | 0 51368402588 | RT Lower molding matte black          | Body | 0.0  |  |
| 46                  |                      |               | REAR LAMPS                            |      |      |  |
| 47                  | Remove / Install     | 0 63217164474 | RT Tail lamp assy w/white signal      | Body | 0.5  |  |
| 48                  |                      |               | REAR BUMPER                           |      |      |  |
| 49                  | Remove / Install     | 0 51127027046 | Partial R&I - Drop Cover to paint Qtr | Body | 0.5  |  |
| <b>Subtotals:</b>   |                      |               |                                       | Body | 29.2 |  |
| <b>Grand Total:</b> |                      |               |                                       |      | 29.2 |  |

| SUBLET |                          |                 |             |     |
|--------|--------------------------|-----------------|-------------|-----|
| Line   | Description              | Part Type       | Part Number | Qty |
| 48     | REAR BUMPER              |                 |             |     |
| 50     | HAZARDOUS WASTE DISPOSAL | HAZARDOUS WASTE |             | 1   |
| 52     | CORROSION PROTECTION     | Paint Materials |             | 1   |

# CAROLINAS COLLISION CENTERS AT BEACH FORD

RO Number: 527424

|              |              |             |                   |                 |        |
|--------------|--------------|-------------|-------------------|-----------------|--------|
| Owner:       | COX, DEREK   | Year:       | 2005              | Exterior Color: | WHITE  |
| Vehicle In:  | 10/9/2017    | Make:       | BMW               | Paint Code:     |        |
| Vehicle Out: | 10/18/2017   | Model:      | X5 AWD            | License:        | MZE668 |
| Estimator:   | Erik Kulick  | Body Style: | 4D UTV            | Mileage In:     | 100000 |
| Insurance:   | CUSTOMER PAY | VIN:        | SUXFA13515LY21732 | Job Number:     | CS     |

## Work Order - MIKE SHEPHEARD

| Line                | Inc | Operation | Qty | Part Number | Description                                 | Labor Type       | Part Type | Assigned Hours | Tech Initials |
|---------------------|-----|-----------|-----|-------------|---------------------------------------------|------------------|-----------|----------------|---------------|
| 8                   |     |           |     |             | HOOD & GRILLE                               |                  |           |                |               |
| 9                   |     | Repair    | 0   | 41617121102 | Hood                                        | Refinish / Paint |           | 1.5            |               |
| 13                  |     |           |     |             | FENDER                                      |                  |           |                |               |
| 14                  |     | Repair    | 0   | 41357121008 | RT Fender assy                              | Refinish / Paint |           | 1.0            |               |
| 15                  |     |           | 0   |             | Overlap Major Adj. Panel                    | Refinish / Paint |           | -0.2           |               |
| 16                  |     | Blend     | 0   | 41357121007 | LT Fender assy                              | Refinish / Paint |           | 0.4            |               |
| 19                  |     |           |     |             | FRONT DOOR                                  |                  |           |                |               |
| 20                  |     | Repair    | 0   | 41518256824 | RT Door shell                               | Refinish / Paint |           | 1.1            |               |
| 21                  |     |           | 0   |             | Overlap Major Adj. Panel                    | Refinish / Paint |           | -0.2           |               |
| 27                  |     |           |     |             | REAR DOOR                                   |                  |           |                |               |
| 28                  |     | Repair    | 0   | 41528256828 | RT Door shell                               | Refinish / Paint |           | 1.0            |               |
| 29                  |     |           | 0   |             | Overlap Major Adj. Panel                    | Refinish / Paint |           | -0.2           |               |
| 34                  |     |           |     |             | QUARTER PANEL                               |                  |           |                |               |
| 35                  |     | Repair    | 0   | 41217129094 | RT Quarter panel                            | Refinish / Paint |           | 1.3            |               |
| 36                  |     |           | 0   |             | Overlap Major Adj. Panel                    | Refinish / Paint |           | -0.2           |               |
| 37                  |     |           | 0   |             | Clear Coat                                  | Refinish / Paint |           | 1.3            |               |
| 38                  |     | Refinish  | 0   |             | Clear Undamaged Roof Rail - No Break In Qtr | Refinish / Paint |           | 0.3            |               |
| 40                  |     | Blend     | 0   | 51177001027 | Fuel door                                   | Refinish / Paint |           | 0.1            |               |
| <b>Subtotals:</b>   |     |           |     |             |                                             | Refinish / Paint |           | 7.2            |               |
| <b>Grand Total:</b> |     |           |     |             |                                             |                  |           | 7.2            |               |

## SUBLET

| Line | Description              | Part Type       | Part Number | Qty |
|------|--------------------------|-----------------|-------------|-----|
| 48   | REAR BUMPER              |                 |             |     |
| 50   | HAZARDOUS WASTE DISPOSAL | HAZARDOUS WASTE |             | 1   |
| 52   | CORROSION PROTECTION     | Paint Materials |             | 1   |

# CAROLINAS COLLISION CENTERS AT BEACH FORD

RO Number: 527424

|              |              |             |                   |                 |        |
|--------------|--------------|-------------|-------------------|-----------------|--------|
| Owner:       | COX, DEREK   | Year:       | 2005              | Exterior Color: | WHITE  |
| Vehicle In:  | 10/9/2017    | Make:       | BMW               | Paint Code:     |        |
| Vehicle Out: | 10/18/2017   | Model:      | X5 AWD            | License:        | MZE668 |
| Estimator:   | Erik Kulick  | Body Style: | 4D UTV            | Mileage In:     | 100000 |
| Insurance:   | CUSTOMER PAY | VIN:        | SUXFA13515LY21732 | Job Number:     | CS     |

## Work Order - ANGELA UPHAM

| Line         | Inc | Operation | Qty | Part Number | Description                                 | Labor Type       | Part Type | Assigned Hours | Tech Initials |
|--------------|-----|-----------|-----|-------------|---------------------------------------------|------------------|-----------|----------------|---------------|
| 8            |     |           |     |             | HOOD & GRILLE                               |                  |           |                |               |
| 9            |     | Repair    | 0   | 41617121102 | Hood                                        | Refinish / Paint |           | 1.5            |               |
| 13           |     |           |     |             | FENDER                                      |                  |           |                |               |
| 14           |     | Repair    | 0   | 41357121008 | RT Fender assy                              | Refinish / Paint |           | 1.0            |               |
| 15           |     |           | 0   |             | Overlap Major Adj. Panel                    | Refinish / Paint |           | -0.2           |               |
| 16           |     | Blend     | 0   | 41357121007 | LT Fender assy                              | Refinish / Paint |           | 0.6            |               |
| 19           |     |           |     |             | FRONT DOOR                                  |                  |           |                |               |
| 20           |     | Repair    | 0   | 41518256824 | RT Door shell                               | Refinish / Paint |           | 1.0            |               |
| 21           |     |           | 0   |             | Overlap Major Adj. Panel                    | Refinish / Paint |           | -0.2           |               |
| 27           |     |           |     |             | REAR DOOR                                   |                  |           |                |               |
| 28           |     | Repair    | 0   | 41528256828 | RT Door shell                               | Refinish / Paint |           | 1.0            |               |
| 29           |     |           | 0   |             | Overlap Major Adj. Panel                    | Refinish / Paint |           | -0.2           |               |
| 34           |     |           |     |             | QUARTER PANEL                               |                  |           |                |               |
| 35           |     | Repair    | 0   | 41217129094 | RT Quarter panel                            | Refinish / Paint |           | 1.3            |               |
| 36           |     |           | 0   |             | Overlap Major Adj. Panel                    | Refinish / Paint |           | -0.2           |               |
| 37           |     |           | 0   |             | Clear Coat                                  | Refinish / Paint |           | 1.2            |               |
| 38           |     | Refinish  | 0   |             | Clear Undamaged Roof Rail - No Break In Qtr | Refinish / Paint |           | 0.3            |               |
| 40           |     | Blend     | 0   | 51177001027 | Fuel door                                   | Refinish / Paint |           | 0.1            |               |
| Subtotals:   |     |           |     |             |                                             | Refinish / Paint |           | 7.2            |               |
| Grand Total: |     |           |     |             |                                             |                  |           | 7.2            |               |

## SUBLET

| Line | Description              | Part Type       | Part Number | Qty |
|------|--------------------------|-----------------|-------------|-----|
| 48   | REAR BUMPER              |                 |             |     |
| 50   | HAZARDOUS WASTE DISPOSAL | HAZARDOUS WASTE |             | 1   |
| 52   | CORROSION PROTECTION     | Paint Materials |             | 1   |

## BEACH FORD

|            |            |               |                 |                |                   |                  |            |
|------------|------------|---------------|-----------------|----------------|-------------------|------------------|------------|
| Owner:     | COX, DEREK | Insurance:    | CUSTOMER PAY    | Estimator:     | Erik Kulick       | Vehicle Out:     | 10/18/2017 |
| RO Number: | 527424     | Claim Number: |                 |                |                   |                  |            |
| Year:      | 2005       | Color:        | WHITE           | License Plate: | MZE668            | Production Date: | 8/2005     |
| Make:      | BMW        | Body Style:   | 4D UTV          | State:         | SC                | Mileage In:      | 100,000    |
| Model:     | X5 AWD     | Engine:       | 6-3.0L Gasoline | VIN:           | 5UXFA13515LY21732 | Condition:       | Good       |

### Notes - All Notes

|           |                               |       |                      |         |                    |       |                              |           |  |
|-----------|-------------------------------|-------|----------------------|---------|--------------------|-------|------------------------------|-----------|--|
| Category: | <b>Customer Communication</b> | Type: | <b>Call, general</b> | Author: | <b>Erik Kulick</b> | Date: | <b>10/18/2017 2:25:35 PM</b> | Critical: |  |
|-----------|-------------------------------|-------|----------------------|---------|--------------------|-------|------------------------------|-----------|--|

CUSTOMER CAME BY AND PAID FOR VEHICLE - SON PICKING UP A LITTLE LATER THIS AFTERNOON

|           |                               |       |                             |         |                    |       |                              |           |  |
|-----------|-------------------------------|-------|-----------------------------|---------|--------------------|-------|------------------------------|-----------|--|
| Category: | <b>Customer Communication</b> | Type: | <b>Call, repair delayed</b> | Author: | <b>Erik Kulick</b> | Date: | <b>10/11/2017 1:38:55 PM</b> | Critical: |  |
|-----------|-------------------------------|-------|-----------------------------|---------|--------------------|-------|------------------------------|-----------|--|

Dawn Sarte called back and advised she is the owner of the vehicle. she stated that she is fine with all repairs written as is and just wants the paint to match good and wants to add cleaning/buffing to the headlights. i added this on the estimate and sent her a copy via email that what is on the estimate now is exactly what we are doing unless she wants to add anything else - she understood - assigned tech - repairs underway

|           |  |       |                               |         |  |       |  |           |  |
|-----------|--|-------|-------------------------------|---------|--|-------|--|-----------|--|
| Category: |  | Type: | <b>Estimate Line - Line 6</b> | Author: |  | Date: |  | Critical: |  |
|-----------|--|-------|-------------------------------|---------|--|-------|--|-----------|--|

RT Headlamp assy w/yellow turn signal - clean and buff  
customer stating she will go with cleaning lights first to see how it comes out

|           |  |       |                               |         |  |       |  |           |  |
|-----------|--|-------|-------------------------------|---------|--|-------|--|-----------|--|
| Category: |  | Type: | <b>Estimate Line - Line 7</b> | Author: |  | Date: |  | Critical: |  |
|-----------|--|-------|-------------------------------|---------|--|-------|--|-----------|--|

LT Headlamp assy w/yellow turn signal - clean and buff  
customer stating she will go with cleaning lights first to see how it comes out

|           |  |       |                 |         |  |       |  |           |  |
|-----------|--|-------|-----------------|---------|--|-------|--|-----------|--|
| Category: |  | Type: | <b>Estimate</b> | Author: |  | Date: |  | Critical: |  |
|-----------|--|-------|-----------------|---------|--|-------|--|-----------|--|

|           |  |       |                         |         |  |       |  |           |  |
|-----------|--|-------|-------------------------|---------|--|-------|--|-----------|--|
| Category: |  | Type: | <b>Towing Worksheet</b> | Author: |  | Date: |  | Critical: |  |
|-----------|--|-------|-------------------------|---------|--|-------|--|-----------|--|

|           |  |       |                        |         |  |       |  |           |  |
|-----------|--|-------|------------------------|---------|--|-------|--|-----------|--|
| Category: |  | Type: | <b>Damage - Impact</b> | Author: |  | Date: |  | Critical: |  |
|-----------|--|-------|------------------------|---------|--|-------|--|-----------|--|

RT PS DAMAGE - SCRATCHES - PAINT PEELING  
HOOD PAINT PEELING  
BOTH HEADLIGHTS  
REPLACING BOTH HOOD VENTS DUE TO DAMAGE TO RT HOOD VENT

|           |  |       |                       |         |  |       |  |           |  |
|-----------|--|-------|-----------------------|---------|--|-------|--|-----------|--|
| Category: |  | Type: | <b>Damage - Prior</b> | Author: |  | Date: |  | Critical: |  |
|-----------|--|-------|-----------------------|---------|--|-------|--|-----------|--|

NORMAL WEAR

|           |  |       |                                   |         |  |       |  |           |  |
|-----------|--|-------|-----------------------------------|---------|--|-------|--|-----------|--|
| Category: |  | Type: | <b>Vehicle Owner - COX, DEREK</b> | Author: |  | Date: |  | Critical: |  |
|-----------|--|-------|-----------------------------------|---------|--|-------|--|-----------|--|

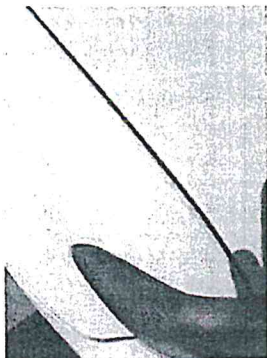
## CAROLINAS COLLISION CENTERS AT BEACH FORD

851 Jason Blvd., P.O. Box 3609, MYRTLE BEACH, SC 29578

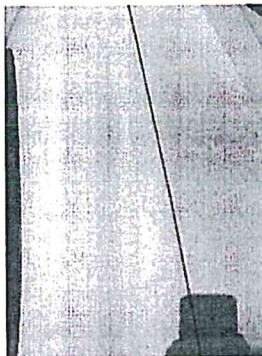
Phone: (843) 839-8133, Fax: (843) 946-7221

### Image Report

|            |            |               |                     |                |                   |                  |           |
|------------|------------|---------------|---------------------|----------------|-------------------|------------------|-----------|
| Owner:     | COX, DEREK | Insurance:    | CUSTOMER PAY        | Estimator:     | Erik Kulick       | Vehicle Out:     | 10/18/201 |
| RO Number: | 527424     | Claim Number: |                     |                |                   |                  |           |
| Year:      | 2005       | Color:        | WHITE               | License Plate: | MZE668            | Production Date: | 8/2005    |
| Make:      | BMW        | Body Style:   | 4D UTV              | State:         | SC                | Mileage In:      | 100,000   |
| Model:     | X5 AWD     | Engine:       | 6-3.0L Gasoline EFI | VIN:           | 5UXFA13515LY21732 | Condition:       | Good      |



9/14/2017 E01  
Comments:



9/14/2017 E01  
Comments:



9/14/2017 E01  
Comments:



9/14/2017 E01  
Comments:



9/14/2017 E01  
Comments:



9/14/2017 E01  
Comments:

## CAROLINAS COLLISION CENTERS AT BEACH FORD

851 Jason Blvd., P.O. Box 3609, MYRTLE BEACH, SC 29578

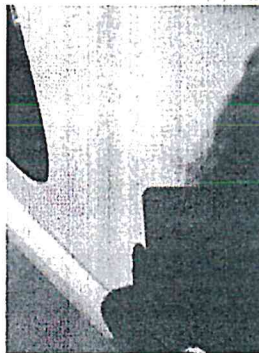
Phone: (843) 839-8133, Fax: (843) 946-7221

### Image Report

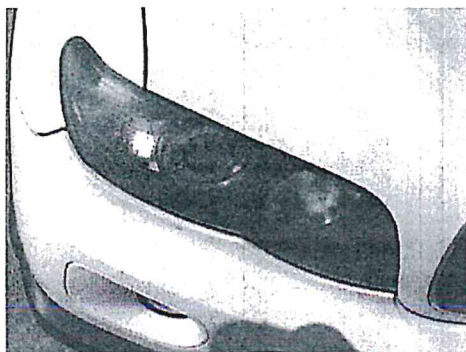
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|------------|------------|---------------|---------------------|----------------|-------------------|------------------|-----------|
| Owner:     | COX, DEREK | Insurance:    | CUSTOMER PAY        | Estimator:     | Erik Kulick       | Vehicle Out:     | 10/18/201 |
| RO Number: | 527424     | Claim Number: |                     |                |                   |                  |           |
| Year:      | 2005       | Color:        | WHITE               | License Plate: | MZE668            | Production Date: | 8/2005    |
| Make:      | BMW        | Body Style:   | 4D UTV              | State:         | SC                | Mileage In:      | 100,000   |
| Model:     | X5 AWD     | Engine:       | 6-3.0L Gasoline EFI | VIN:           | 5UXFA13515LY21732 | Condition:       | Good      |



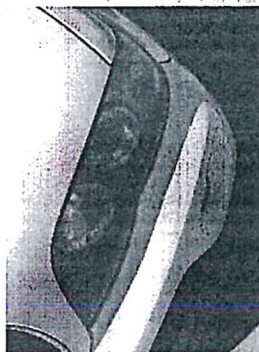
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Comments:



9/14/2017 E01  
Comments:



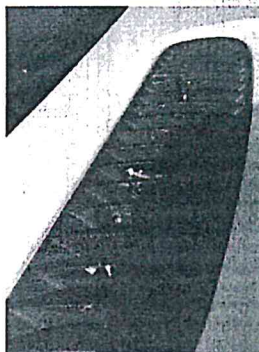
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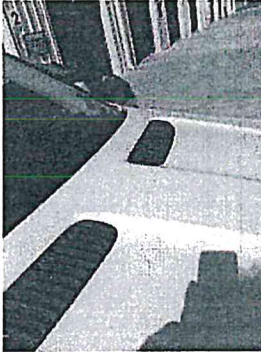
## CAROLINAS COLLISION CENTERS AT BEACH FORD

851 Jason Blvd., P.O. Box 3609, MYRTLE BEACH, SC 29578

Phone: (843) 839-8133, Fax: (843) 946-7221

### Image Report

|            |            |               |                     |                |                   |                  |           |
|------------|------------|---------------|---------------------|----------------|-------------------|------------------|-----------|
| Owner:     | COX, DEREK | Insurance:    | CUSTOMER PAY        | Estimator:     | Erik Kulick       | Vehicle Out:     | 10/18/201 |
| RO Number: | 527424     | Claim Number: |                     |                |                   |                  |           |
| Year:      | 2005       | Color:        | WHITE               | License Plate: | MZE668            | Production Date: | 8/2005    |
| Make:      | BMW        | Body Style:   | 4D UTV              | State:         | SC                | Mileage In:      | 100,000   |
| Model:     | X5 AWD     | Engine:       | 6-3.0L Gasoline EFI | VIN:           | 5UXFA13515LY21732 | Condition:       | Good      |



9/14/2017 E01  
Comments:



9/14/2017 E01  
Comments:



9/14/2017 E01  
Comments:



9/14/2017 E01  
Comments:



9/14/2017 E01  
Comments:



9/14/2017 E01  
Comments:

## CAROLINAS COLLISION CENTERS AT BEACH FORD

851 Jason Blvd., P.O. Box 3609, MYRTLE BEACH, SC 29578

Phone: (843) 839-8133, Fax: (843) 946-7221

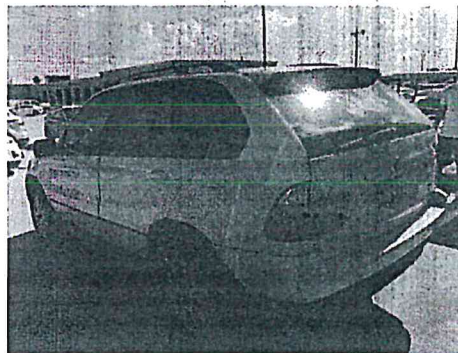
### Image Report

|            |            |               |                     |                |                   |                  |           |
|------------|------------|---------------|---------------------|----------------|-------------------|------------------|-----------|
| Owner:     | COX, DEREK | Insurance:    | CUSTOMER PAY        | Estimator:     | Erik Kulick       | Vehicle Out:     | 10/18/201 |
| RO Number: | 527424     | Claim Number: |                     |                |                   |                  |           |
| Year:      | 2005       | Color:        | WHITE               | License Plate: | MZE668            | Production Date: | 8/2005    |
| Make:      | BMW        | Body Style:   | 4D UTV              | State:         | SC                | Mileage In:      | 100,000   |
| Model:     | X5 AWD     | Engine:       | 6-3.0L Gasoline EFI | VIN:           | 5UXFA13515LY21732 | Condition:       | Good      |



9/14/2017 E01

Comments:

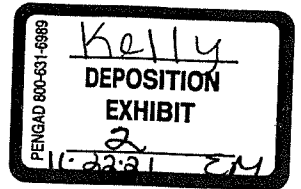


9/14/2017 E01

Comments:

Done

1 of 11

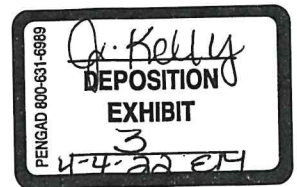


# LETTER OF OMISSION

7/17/15

- I threw away Jack's shoes into waterway.
- I wiped my ~~butt~~ butt w/ Jack's toothbrush
- I scratched Jack's Car Headlights
- I put soap on Jack's toothbrush
- I will make ~~one~~ payments on the CLS 550 till paid off
- At payoff I will sign over title

A handwritten signature in black ink, appearing to read 'Nancy'.



**From:** [Henson, Perry V](#)  
**To:** [Michaels, Pamela L](#)  
**Cc:** [CounselingServices](#)  
**Subject:** FW: Counseling Records Release Form  
**Date:** Thursday, March 3, 2022 9:39:34 AM

Pam,

This student has clarified that he wants counseling progress notes released. Can you pull those and send? Let me know if you need further information.

Thank you!

Perry

**From:** "system@wofford.edu" <system@wofford.edu>  
**Date:** Thursday, February 17, 2022 at 2:52 PM  
**To:** "Kelly, Jack A" <kellyja@wofford.edu>, CounselingServices <CounselingServices@wofford.edu>  
**Subject:** Counseling Records Release Form

|                                           |                                                                           |
|-------------------------------------------|---------------------------------------------------------------------------|
| <b>Name:</b>                              | Mr. Jack Kelly                                                            |
| <b>Date of Birth:</b>                     | 08/21/2001                                                                |
| <b>Email:</b>                             | kellyja@wofford.edu                                                       |
| <b>Wofford ID:</b>                        | W00303542                                                                 |
| <b>Cell Number:</b>                       | (843) 655-1842                                                            |
| <b>Current Student:</b>                   | Yes                                                                       |
| <b>Starting Year</b>                      | 2019                                                                      |
| <b>Full name while attending Wofford:</b> | Jack Austin Kelly                                                         |
| <b>Request Type:</b>                      | release to: attorney's paralegal                                          |
| <b>Contact Details:</b>                   | Kaylee Negrin 863 Coleman Blvd Ste. B 843-329-4040                        |
| <b>Records Released:</b>                  | Progress Notes                                                            |
| <b>Exclusions:</b>                        | All that was asked for                                                    |
| <b>Authorization:</b>                     | This authorization will remain in effect until this request is processed. |

**Name:** Jack A Kelly (Jack) **DOB:** 8/21/2001 **Student ID:** W00303542  
(M)

**Diagnosis:**

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**Wofford Wellness Center - Counseling**  
**429 N. Church St. Wellness Center**  
**Spartanburg, SC 29303**  
**(864)597-4370**

Jack A Kelly (M) [7149]  
Pt. Phone: (843)655-1842

Note Date: 11/10/2020 10:19 AM  
DOB: 08/21/2001 (Age 19)

**Summary of note:** Diagnosis Is Deferred.

**Allergies:** No known drug allergies -

**Current Medications:** multivitamins, tylenol

**Session:**

## Student Completed Intake Form

### Patient Info

|                   |                                                                        |                                                     |            |
|-------------------|------------------------------------------------------------------------|-----------------------------------------------------|------------|
| Preferred Name    | Jack Kelly                                                             | Cell Phone                                          | 8436551842 |
| Gender            | Male                                                                   | Is it okay to call this number and leave a message? | Yes        |
| Housing Situation | On Campus (Please specify residence hall and room number) Carlisle 109 |                                                     |            |

|                                                            |                        |
|------------------------------------------------------------|------------------------|
| Who referred you to our office? (If possible, specify who) | Self                   |
| Relationship Status                                        | Committed Relationship |
| Sexual Orientation                                         | Straight               |
| What is your country of origin?                            | USA                    |
| Are you an international student?                          | No                     |

|                                                                |    |
|----------------------------------------------------------------|----|
| Do you have a documented disability? (if yes, please indicate) | No |
|----------------------------------------------------------------|----|

### Emergency Contact Information

|                                     |                 |
|-------------------------------------|-----------------|
| Name of emergency contact:          | will hammontree |
| Emergency contact telephone number: | 8643547896      |
| Emergency Contact Relationship      | roommate        |

### Military Affiliation

|                                                                                                                   |    |
|-------------------------------------------------------------------------------------------------------------------|----|
| Are you a member of ROTC?                                                                                         | No |
| Have you been, or are you currently enlisted in any branch of the US military?                                    | No |
| Did your military experiences include any traumatic or highly stressful experiences which continue to bother you? | No |

**Name:** Jack A Kelly (Jack) **DOB:** 8/21/2001 **Student ID:** W00303542  
(M)

**Diagnosis:**

## Work / Participation

|                                                                                                                                   |                                   |
|-----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|
| Do you participate on an athletic team that competes with other colleges or universities?                                         | No                                |
| Please indicate your level of involvement in organized extra-curricular activities (e.g. sports, clubs, student government, etc.) | Two regularly attended activities |
| Please estimate the number of hours per week you are actively involved in organized extra-curricular activities.                  | 3-5                               |
| What is the average number of hours per week you work during the school year (paid employment)?                                   | 0                                 |
| Do you consider yourself to be spiritual or religious?                                                                            | Yes                               |
| Do you affiliate yourself with an organized religion?                                                                             | Yes RUF                           |
| To what extent does your spirituality play an important role in your life?                                                        | Very Important                    |

## Academic

|                                                                |           |
|----------------------------------------------------------------|-----------|
| Are you the first generation in your family to attend college? | Yes       |
| Are you currently on academic warning?                         | No        |
| Have you been on academic warning in the past?                 | No        |
| Are you currently on academic probation?                       | No        |
| Have you been on academic probation in the past?               | No        |
| Academic Status                                                | Sophomore |
| Major:                                                         | Biology   |

## Current Concerns

|                                                                                                                                                                                         |                                                                                                 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|
| Please indicate your current concerns (check all that apply)                                                                                                                            |                                                                                                 |
| Family                                                                                                                                                                                  |                                                                                                 |
| Please briefly describe the reason for your visit to the Counseling Center today.                                                                                                       |                                                                                                 |
| I am about to go through a court case involving a past experience that put me through a bad time and I am hoping counseling will reduce the depression that this experience will bring. |                                                                                                 |
| Is this visit required/mandated?                                                                                                                                                        | No                                                                                              |
| What are your goals for therapy?                                                                                                                                                        | to talk out my feelings so I do not compartmentalize my emotions. Trying to find peace with it. |
| Have you attended counseling for mental health concerns in the past?                                                                                                                    | Yes (please specify where) Wellness Center                                                      |

## Hospitalization/Medications

|                                                                           |    |
|---------------------------------------------------------------------------|----|
| Have you taken prescribed medication for mental health concerns?          | No |
| Please list ALL current medications, vitamins and herbs you may be taking |    |
| vitamin c                                                                 |    |
| Have you ever been hospitalized?                                          | No |

## Alcohol / Drug Use

|                                                                 |       |
|-----------------------------------------------------------------|-------|
| Have you ever felt the need to reduce your alcohol or drug use? | Never |
| When was the last time you felt the need to reduce your alcohol | Never |

**Name:** Jack A Kelly (Jack) **DOB:** 8/21/2001 **Student ID:** W00303542  
(M)

**Diagnosis:**

|                                                                                          |                                              |
|------------------------------------------------------------------------------------------|----------------------------------------------|
| or drug use?                                                                             |                                              |
| Have others expressed concern about your alcohol or drug use?                            | Never                                        |
| Have you ever received treatment for alcohol or drug use?                                | No                                           |
| Do you have a family member with a history of mental health concerns?                    | Yes (Please specify) moms side of the family |
| Have you experienced any type of abuse/assault? (please check all that apply)            | Emotional abuse (when) stepdad               |
| Do you have a family member with a history of alcohol or other drug use concerns?        | No                                           |
| Are you currently having suicidal thoughts?                                              | No                                           |
| Have you ever seriously considered attempting suicide?                                   | No                                           |
| Have you ever purposely hurt yourself without the intention of committing suicide?       | No                                           |
| Have you seriously considered physically harming another person                          | Yes (please specify when) stepdad            |
| Please indicate how much you agree with the following statements:                        |                                              |
| I get the emotional help and support I need from my family                               | Somewhat agree                               |
| I get the emotional support I need from my social network (friends, acquaintances, etc.) | Somewhat agree                               |

|                                                                                                                                     |
|-------------------------------------------------------------------------------------------------------------------------------------|
| Please specify all members of your immediate family (specify name, relationship, age, occupation and year deceased [if applicable]) |
| dawn sarte, mom, 53, loan officer.                                                                                                  |
| brian kelly, dad, 56, manager.                                                                                                      |
| If there is any other important information that you would like to provide, please do so in the space below.                        |

**Counseling Session Notes**

**Appointment Date:** November 10, 2020

**Type:**

Type: individual

**Treatment/Interventions:**

Treatment/Interventions: information gathering/history

**Progress since last session:**

**Content:**

Content: Therapist went over confidentiality policies for the Wellness Center. Jack explored his feelings about his upcoming court case and processed the events that led up to the court case. Jack explored how these events impact his day to day life and his ability to function. Jack also explored concerns for how the court case could impact his mental health moving forward and he reported wanting to find ways to prevent or cope with these feelings.

**Assessment:**

Assessment: Based on issues Jack reported in his intake he could benefit from counseling services to assist in processing his emotions and improving his coping skills. He denies any

**Name:** Jack A Kelly (Jack) **DOB:** 8/21/2001 **Student ID:** W00303542  
(M)

**Diagnosis:**

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current thoughts, plan or intent to harm himself or others.

**Overall:**

Overall: maintaining

**Appearance:**

Appearance: appropriate

**Attention and Concentration:**

Attention and Concentration: excellent

**Interpersonal:**

Interpersonal: cooperative

**Psychomotor:**

Psychomotor: within normal limits

**Suicide risk:**

Suicide risk: Client was asked and denies thought, plan or intent to self-harm

**Mood:**

**Affect:**

Affect: congruent with mood and thought

**Thought process:**

Thought process: normal

**Judgment:**

Judgment: good

**Insight:**

Insight: adequate

**Reaction to session:**

Reaction to session: cooperative

**Homework given/Plan**

**Additional Comments**

**Focus/Reason for Therapy:**

1)Diagnosis Is Deferred. -

**Plan:**

**Name:** Jack A Kelly (Jack) **DOB:** 8/21/2001 **Student ID:** W00303542  
(M)  
**Diagnosis:**

---

PSYCHOTHERAPY PATIENT &/ FAMILY 45 MINUTES ()

Signed by: Tiara Woney, LMFT-A on Jan/06/2022 08:59 AM

***Locked by: Tiara Woney, LMFT-A on Jan/06/2022 08:59 AM***

**Name:** Jack A Kelly (Jack) **DOB:** 8/21/2001 **Student ID:** W00303542  
(M)

**Diagnosis:**

---

**Wofford Wellness Center - Counseling**  
**429 N. Church St. Wellness Center**  
**Spartanburg, SC 29303**  
**(864)597-4370**

Jack A Kelly (M) [7149]  
Pt. Phone: (843)655-1842

Note Date: 02/18/2021 08:33 AM  
DOB: 08/21/2001 (Age 19)

**Summary of note:** Diagnosis Is Deferred.

**Allergies:** No known drug allergies -

**Current Medications:** multivitamins, tylenol

**Session:**

**Date of Appointment:** February 18, 2021

**Case Type:** Individual

**Focus of session:** Processing emotions

**Topics/themes/critical incidents:** Family of Origin, Process, Other

**Details:** Jack identified that keeping himself busy is a coping skill. He reported that he went home and processed how that made him feel. He processed feelings about the lawsuit. Jack reported that talking about it makes him feel worse but he is realizing it will get worse before it gets better. Jack and therapist explored him trying to find peace. Jack reflected on his reported trauma and struggling with having to go home on breaks. He reported that Wofford is his new home and going home is a constant reminder of what happened. He reported that he is avoiding places that reminds him of everything that happened and that he is unable to be happy when going home to visit his parents. Jack stated "Knowing that I have to go through the lawsuit and I'm worried about it becoming a normal part of my time at Wofford". Therapist and Jack processed him not wanting this to impact how he feels at Wofford. Jack explored his frustrated with the process and working on trying to forgive. Jack reported that he copes by finding ways to have control, going through the days and counting wins, not showing emotions so others do not see his hurt. Jack also processed how he is focused on what caused the situation and needing to have an understanding of why his step dad did what he did. Jack processed having unanswered questions "why me? what did I do?". Jack reported wanting to get to a place where "good days can just be good days and he is able to talk about bad days". He also reported wanting to be in a place where he can reduce the pain of what happened.

**Modes of intervention/treatment:** Emotion Regulation, Exploration, Motivational Interviewing, Support

**Impressions of Client:** Jack reported he is sleeping better than he was last semester. He will figure out how to be able to manage only wanting to control what he can and not being emotionally triggered when visiting certain places. Next session plan to identify specific locations that cause emotional and physical distress and working on coping skills. Continue sessions every two weeks as needed.

**Name:** Jack A Kelly (Jack) **DOB:** 8/21/2001 **Student ID:** W00303542  
(M)  
**Diagnosis:**

---

**Focus/Reason for Therapy:**

1)Diagnosis Is Deferred. -

**Plan:**

PSYCHOTHERAPY PATIENT &/ FAMILY 45 MINUTES ()

Signed by: Tiara Woney, LMFT-A on Jan/07/2022 12:05 PM

*Locked by: Tiara Woney, LMFT-A on Jan/07/2022 12:05 PM*

**Name:** Jack A Kelly (Jack) **DOB:** 8/21/2001 **Student ID:** W00303542  
(M)

**Diagnosis:**

---

**Wofford Wellness Center - Counseling**  
**429 N. Church St. Wellness Center**  
**Spartanburg, SC 29303**  
**(864)597-4370**

Jack A Kelly (M) [7149]  
Pt. Phone: (843)655-1842

Note Date: 03/04/2021 08:41 AM  
DOB: 08/21/2001 (Age 19)

**Summary of note:** Post-traumatic stress disorder, unspecified

**Allergies:** No known drug allergies -

**Current Medications:** multivitamins, tylenol

**Session:**

### **Counseling Check In**

What state are you currently in? SC

What is your location? Carlisle 109

Are you in a private location with no one else present in the room? Yes

What number can you be reached at if we become disconnected? 8436551842

How has your sleep been since your last visit? Decreased, Problems falling asleep

How would you describe your mood since your last appointment? Other

How would you describe your appetite? Usual

How are you doing academically? Struggling

How are things going in your relationships/social life? okay

### **Medication:**

Please list any medications you are currently taking for a mental health condition (include dosage and frequency).

Have you had any changes in medication? No

If yes, what changes to medication were made?

### **Safety/Risk:**

Are there concerns for your safety? (Ex. urge to self harm, suicidal thoughts, relationship violence) If yes, please tell your therapist at the beginning of the session. You may simply say "safety concerns". No

If there are safety concerns, what are they?

### **Therapeutic Focus:**

What symptoms have you been experiencing that you would like to work on today?

In what areas do you feel like you have made progress since your last session?

What you like to focus on today? continuation from last week

What do you hope to get from your session today? Problem solve

**Date of Appointment:** March 04, 2021

**Case Type:** Individual

**Focus of session:** Processing trauma

**Name:** Jack A Kelly (Jack) **DOB:** 8/21/2001 **Student ID:** W00303542  
(M)  
**Diagnosis:**

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**Topics/themes/critical incidents:** Process

**Details:** Jack and therapist worked on identifying places that cause him distress when at home. He identified "the bypass in Myrtle beach and driving past the intersection that would lead to my old house" and he reported that if he is at the mall he becomes "concerned of being close to the place where it all happened". On a scale of 1 to 10 he reported having a level 7 of distress when passing it and level 4 or 5 when in an area close to it. He reported having flashbacks of what happened and the pain it has caused him. He reported that he hides emotions from his mom. Jack reported being more vocal with his girlfriend about the situation and explored having her as a support. Jack identified and processed feelings of anger related to some of the events that occurred. Therapist and Jack explored theme of him needing to know why his stepdad did the things he did and how not being able to identify a clear cause and effect is impacting him. He reported feeling like if he had answers he could let go of some of the pain. He reported "half of the mental struggle is how and why". Jack explored feeling like he lost childhood memories from blocking things out during that time in his life. Jack acknowledges that he can not change what happened but has some control over the future. Therapist and Jack explored the possibility that there was not a why? or cause.

**Modes of intervention/treatment:** Emotion Regulation, Exploration, Problem Solving, Support

**Impressions of Client:** Jack is doing better with expressing his feelings. Jack will continue processing feelings of distress when passing the intersection to his old home. Continue sessions every two weeks.

**Focus/Reason for Therapy:**

1) Post-traumatic stress disorder, unspecified - F43.10, 47505003

**Plan:**

PSYCHOTHERAPY PATIENT &/ FAMILY 45 MINUTES (F43.10)

Signed by: Tiara Woney, LMFT-A on Jan/07/2022 12:09 PM

***Locked by: Tiara Woney, LMFT-A on Jan/07/2022 12:09 PM***

**Name:** Jack A Kelly (Jack) (M) **DOB:** 8/21/2001 **Student ID:** W00303542

**Diagnosis:**

---

**Wofford Wellness Center - Counseling**  
**429 N. Church St. Wellness Center**  
**Spartanburg, SC 29303**  
**(864)597-4370**

Jack A Kelly (M) [7149]  
Pt. Phone: (843)655-1842

Note Date: 03/18/2021 08:33 AM  
DOB: 08/21/2001 (Age 19)

**Summary of note:** Post-traumatic stress disorder, unspecified

**Allergies:** No known drug allergies -

**Current Medications:** multivitamins, tylenol

**Session:**

**Date of Appointment:** March 18, 2021

**Case Type:** Individual

**Focus of session:** Processing trauma

**Topics/themes/critical incidents:** Academics, Process, Relationships, Other

**Details:** Jack processed his feelings of being ready for the semester to be over. He reported that he has not been sleeping well the past 3 days and uses that time awake to think about if he would be able to move on if he was unable to get answer to why his step dad did what he did. He explore consciously working toward finding peace with situation. He processed thinking about an toothbrush incident while brushing his teeth and how he will then inspect his toothbrush and take "unnecessary precaution" to make sure it is clean. Therapist and Jack explored how home is supposed to be your safe place and identifying Wofford now as his home and not wanting that to be tainted by his step dad coming here. Jack acknowledges that it is an irrational fear of his step dad showing up but he is worried that he could be unpredictable. Jack reported feeling like his step dad "did everything he did because he wanted me to fail". He explored how that causes him to push himself because he knows that there was someone who wanted him to fail and he has to prove them wrong. He processed how that contributes to his need to keep himself busy because of how he wants people to view him and make it look easy to balance everything. Jack also processed how this effects his need for control over things in his life. Jack identified needing to do better with managing time and balancing time to relax. Therapist and Jack explored the concept of forgiveness. Jack then processed a situation where he was able to show emotions and was able to be open up some and not be guarded. He identified this as one layer of opening up but still has some guard up with letting people in emotionally. He identified that this is deep stuff to hold from everyone including his mom, girlfriend and roommate.

**Modes of intervention/treatment:** Emotion Regulation, Exploration, Motivational Interviewing, Support

**Impressions of Client:** Next session we will explore Jack's identified need for outside validation. Continue sessions every two weeks.

**Name:** Jack A.Kelly (Jack) **DOB:** 8/21/2001 **Student ID:** W00303542  
(M)  
**Diagnosis:**

---

**Focus/Reason for Therapy:**

1)Post-traumatic stress disorder, unspecified - F43.10, 47505003

**Plan:**

PSYCHOTHERAPY PATIENT &/ FAMILY 45 MINUTES (F43.10)

Signed by: Tiara Woney, LMFT-A on Jan/07/2022 12:11 PM

***Locked by: Tiara Woney, LMFT-A on Jan/07/2022 12:11 PM***

**Name:** Jack A Kelly (Jack) (M) **DOB:** 8/21/2001 **Student ID:** W00303542

**Diagnosis:**

---

**Wofford Wellness Center - Counseling**  
**429 N. Church St. Wellness Center**  
**Spartanburg, SC 29303**  
**(864)597-4370**

Jack A Kelly (M) [7149]  
Pt. Phone: (843)655-1842

Note Date: 04/01/2021 08:43 AM  
DOB: 08/21/2001 (Age 19)

**Summary of note:** Post-traumatic stress disorder, unspecified

**Allergies:** No known drug allergies -

**Current Medications:** multivitamins, tylenol

**Session:**

**Date of Appointment:** April 01, 2021

**Case Type:** Individual

**Focus of session:** Processing trauma

**Topics/themes/critical incidents:** Process, Other

**Details:** Jack reported that he had a flashback to a trauma event last Saturday and that it ruined his mood. He reported that he was able to talk himself down and rationalize the feelings. He explored how he struggled with his feelings and that kept him up an hour longer than he usually would have taken. Jack reflected on being able to process the trauma on his own instead of it lingering and causing him distress. Therapist and Jack explored preparing for going home to visit his mom and dad over spring break. He reported that he feels more confident that he will be able to work through any triggers that may be present at home. Therapist and Jack processed feelings about purposely exposing himself to one of his triggers in order to regain his control of his emotions. Jack processed a memory of a particular event that could of started the events that occurred to lead up to issues with his step dad.

**Modes of intervention/treatment:** Emotion Regulation, Exploration, Homework Assignment, Motivational Interviewing, Problem Solving, Support, Validation

**Impressions of Client:** Next session Jack will process how being home is impacting his feelings over spring break. He is to look over coping skills list to identify new ones he would like to try. Continue sessions at current frequency.

**Focus/Reason for Therapy:**

1)Post-traumatic stress disorder, unspecified - F43.10, 47505003

**Name:** Jack A Kelly (Jack) **DOB:** 8/21/2001 **Student ID:** W00303542  
(M)

**Diagnosis:**

---

**Plan:**  
PSYCHOTHERAPY PATIENT &/ FAMILY 45 MINUTES (F43.10)

Signed by: Tiara Woney, LMFT-A on Jan/07/2022 12:13 PM

*Locked by: Tiara Woney, LMFT-A on Jan/07/2022 12:13 PM*

**Name:** Jack A Kelly (Jack) **DOB:** 8/21/2001 **Student ID:** W00303542  
(M)

**Diagnosis:**

---

**Wofford Wellness Center - Counseling**  
**429 N. Church St. Wellness Center**  
**Spartanburg, SC 29303**  
**(864)597-4370**

Jack A Kelly (M) [7149]  
Pt. Phone: (843)655-1842

Note Date: 09/15/2021 01:04 PM  
DOB: 08/21/2001 (Age 20)

**Summary of note:** Post-traumatic stress disorder, unspecified

**Allergies:** No known drug allergies -

**Current Medications:** multivitamins, tylenol

**Session:**

**Date of Appointment:** September 15, 2021

**Case Type:** Individual

**Focus of session:** Managing current trauma symptoms

**Topics/themes/critical incidents:** Academics, Process

**Details:** Jack reported on what he did over the summer to keep himself occupied. Jack acknowledged that he used food to cope in the spring and that he spent time working on his physical self over the summer. Jack reported that he feels better physically when doing day to day stuff but still has trouble emotionally. Jack reported wanting to create healthier habits to start addressing his issues better. Therapist and Jack explored his feelings about having to continue to deal with the lawsuit. Therapist used motivational interviewing to explore Jack's concept of "finding peace".

**Modes of intervention/treatment:** Exploration, Support

**Impressions of Client:** Jack has implemented some new coping skills over the summer and would like to work on increasing his coping mechanism. He wants to continue sessions every two weeks. Homework to create a list of the moments in life where he has felt genuinely happy in his life.

**Focus/Reason for Therapy:**

1) Post-traumatic stress disorder, unspecified - F43.10, 47505003

**Plan:**

PSYCHOTHERAPY PATIENT &/ FAMILY 45 MINUTES (F43.10)

**Name:** Jack A Kelly (Jack) **DOB:** 8/21/2001 **Student ID:** W00303542  
(M)  
**Diagnosis:**

---

Signed by: Tiara Woney, LMFT-A on Jan/07/2022 12:14 PM

*Locked by: Tiara Woney, LMFT-A on Jan/07/2022 12:14 PM*

**Name:** Jack A Kelly (Jack) **DOB:** 8/21/2001 **Student ID:** W00303542  
(M)

**Diagnosis:**

---

**Wofford Wellness Center - Counseling**  
**429 N. Church St. Wellness Center**  
**Spartanburg, SC 29303**  
**(864)597-4370**

Jack A Kelly (M) [7149]  
Pt. Phone: (843)655-1842

Note Date: 10/08/2021 11:30 AM  
DOB: 08/21/2001 (Age 20)

**Summary of note:** Post-traumatic stress disorder, unspecified

**Allergies:** No known drug allergies -

**Current Medications:** multivitamins, tylenol

**Session:**

**Date of Appointment:** October 08, 2021

**Case Type:** Individual

**Focus of session:** Processing trauma

**Topics/themes/critical incidents:** Academics, Process, Other

**Details:** Jack discussing the events in his life that have genuinely made him happy. He defined joy as being able to see the tangible efforts of time he has put into something. Therapist and Jack continued exploring Jack's idea of "finding peace". Jack explored his feelings about "the unknowns of when this would all be over". Jack reported he could be more optimistic about outcome if he had an idea of an end date. Jack identified competing in the Mr. Wofford competition soon as an activity that it will bring him genuine happiness in the future.

**Modes of intervention/treatment:** Emotion Regulation, Exploration, Motivational Interviewing, Support

**Impressions of Client:** Jack is still struggling some but has made improvement in being able to identify and process his emotions. He should continue sessions as needed.

**Focus/Reason for Therapy:**

1) Post-traumatic stress disorder, unspecified - F43.10, 47505003

**Plan:**

PSYCHOTHERAPY PATIENT &/ FAMILY 45 MINUTES (F43.10)

Signed by: Tiara Woney, LMFT-A on Jan/07/2022 12:19 PM

**Name:** Jack A Kelly (Jack) **DOB:** 8/21/2001 **Student ID:** W00303542  
(M)

**Diagnosis:**

---

*Locked by: Tiara Woney, LMFT-A on Jan/07/2022 12:19 PM*

**Name:** Jack A Kelly (Jack) (M) **DOB:** 8/21/2001 **Student ID:** W00303542

**Diagnosis:**

---

**Wofford Wellness Center - Counseling**  
**429 N. Church St. Wellness Center**  
**Spartanburg, SC 29303**  
**(864)597-4370**

Jack A Kelly (M) [7149]  
Pt. Phone: (843)655-1842

Note Date: 02/23/2022 02:01 PM  
DOB: 08/21/2001 (Age 20)

**Summary of note:** Post-traumatic stress disorder, unspecified

**Allergies:** No known drug allergies -

**Current Medications:** oseltamivir 75 mg capsule [Tamiflu], multivitamins, tylenol

**Session:**

### **Counseling Check In**

How has your sleep been since your last visit? Decreased less sleep, Waking early not sure

How would you describe your mood since your last appointment? Sad, Irritable

How would you describe your appetite? Decreased

How are you doing academically? Okay

How are things going in your relationships/social life? okay

#### **Medication:**

Please list any medications you are currently taking for a mental health condition (include dosage and frequency).

Have you had any changes in medication? No

If yes, what changes to medication were made?

#### **Safety/Risk:**

Are there concerns for your safety? (Ex. urge to self harm, suicidal thoughts, relationship violence) If yes, please tell your therapist at the beginning of the session. You may simply say "safety concerns". **No**

If there are safety concerns, what are they?

#### **Therapeutic Focus:**

What symptoms have you been experiencing that you would like to work on today?

In what areas do you feel like you have made progress since your last session?

What you like to focus on today? just talking through deposition

What do you hope to get from your session today? Make sense of some things, Feel heard

**Date of Appointment:** February 23, 2022

**Case Type:** Individual

**Focus of session:** Processing trauma

**Topics/themes/critical incidents:** Process

**Name:** Jack A Kelly (Jack) **DOB:** 8/21/2001 **Student ID:** W00303542  
(M)

**Diagnosis:**

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**Details:** Jack processed feelings about his recent deposition and having to talk about the events that caused his trauma. He also reported feelings of increased anxiety before, during and after the deposition. Jack reported recognizing that he is physically, mentally and emotionally more impacted by his trauma than he realized before. Therapist and Jack explored feelings of anger, sadness and fear related to the current process. Jack identified issues with trust especially with male figures since the traumatic events occurred. Therapist and Jack explored his avoidance of dealing with his emotions. Jack reported new feelings of self-doubt in all areas of his life since the deposition. Therapist explored her approach to counseling services and the effectiveness with helping him deal with his trauma. Therapist discussed with Jack using brain spotting to help with processing and healing from trauma in future session.

**Modes of intervention/treatment:** Emotion Regulation, Exploration, Motivational Interviewing, Support

**Impressions of Client:** Jack is struggling with managing his moods and reports an increase in symptoms since completing part of his deposition in December. Jack will resume biweekly counseling sessions.

**Focus/Reason for Therapy:**

1) Post-traumatic stress disorder, unspecified - F43.10, 47505003

**Plan:**

PSYCHOTHERAPY PATIENT &/ FAMILY 45 MINUTES (F43.10)

Signed by: Tiara Woney, LMFT-A on Feb/23/2022 03:11 PM

**Locked by:** *Tiara Woney, LMFT-A on Feb/23/2022 03:11 PM*

Figures

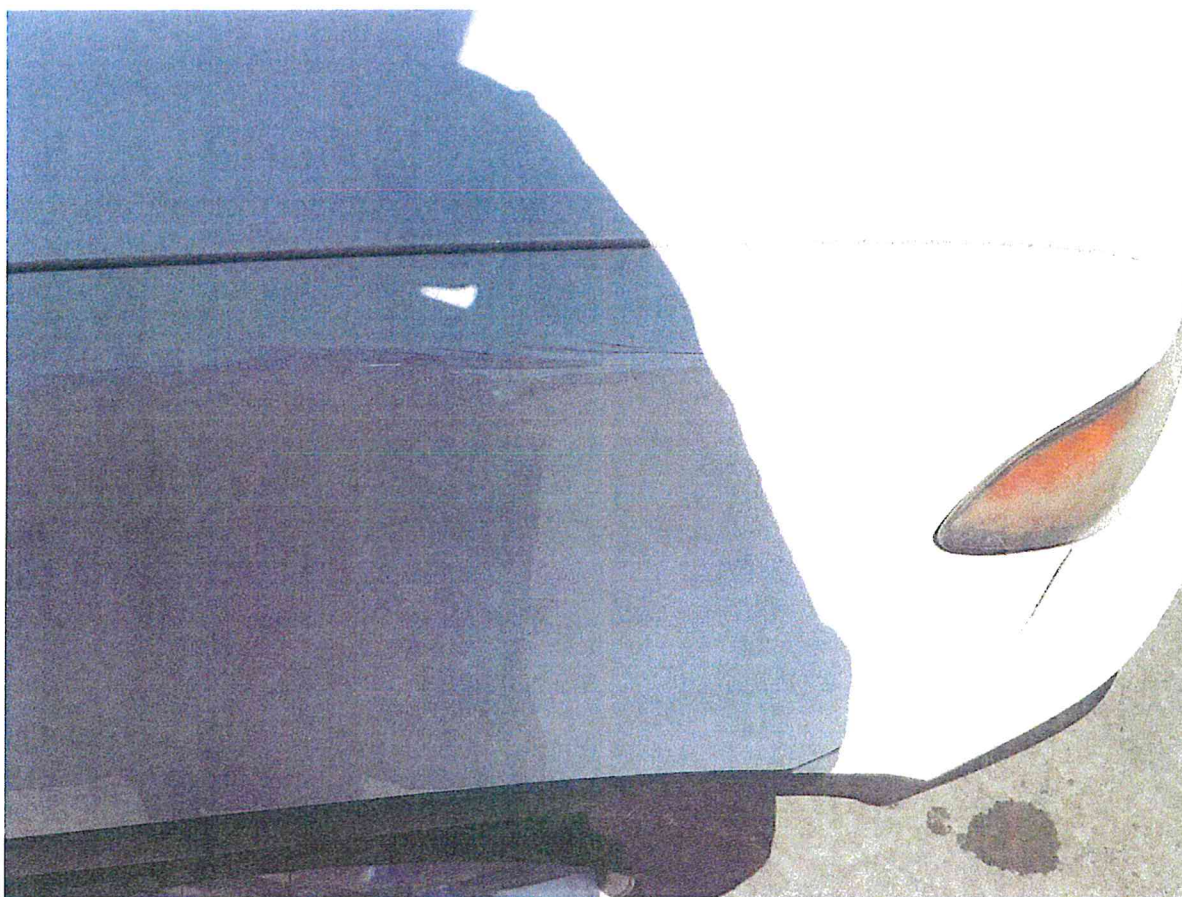


Figure 1



Figure 2

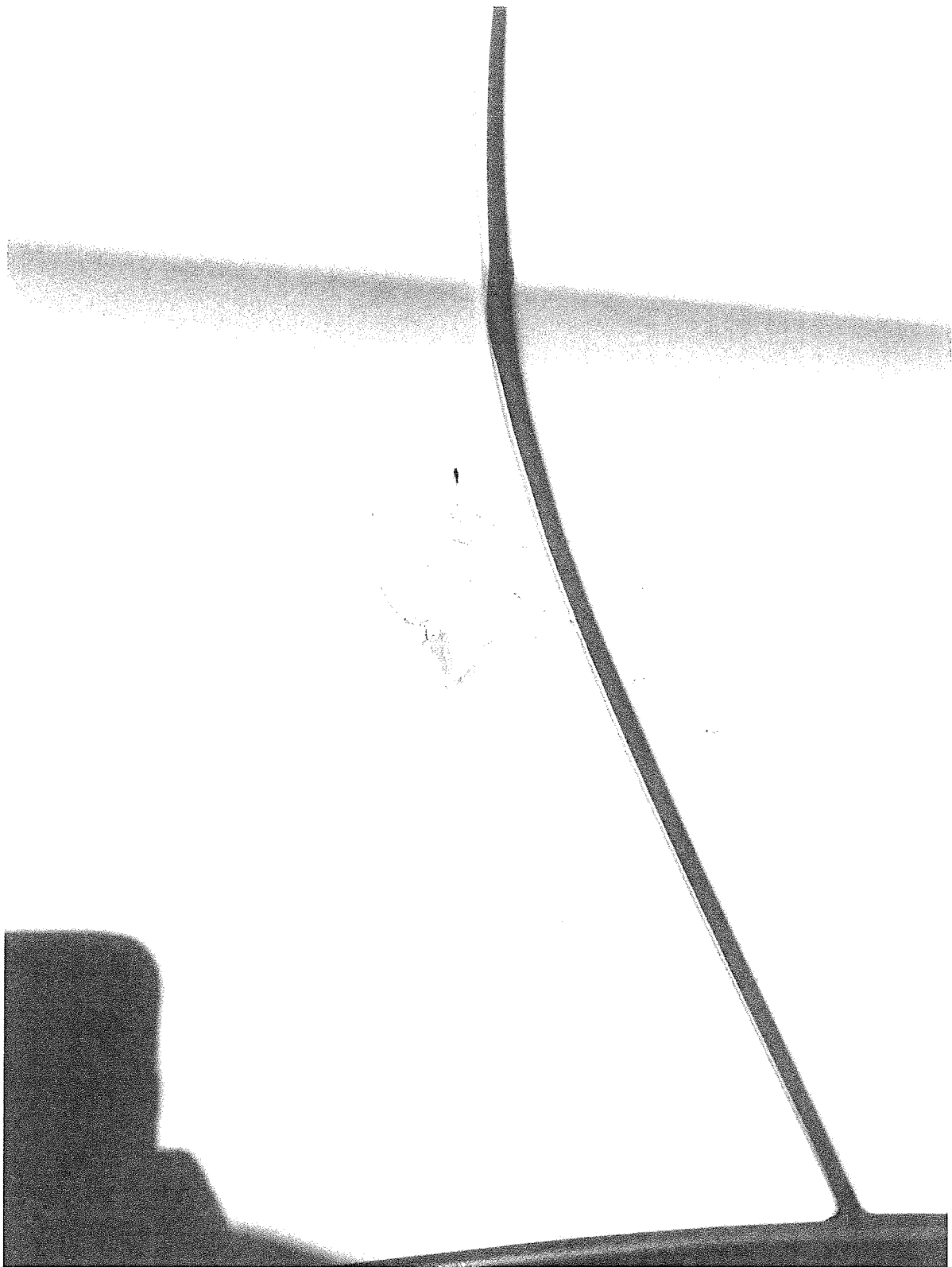


Figure 3



Figure 4

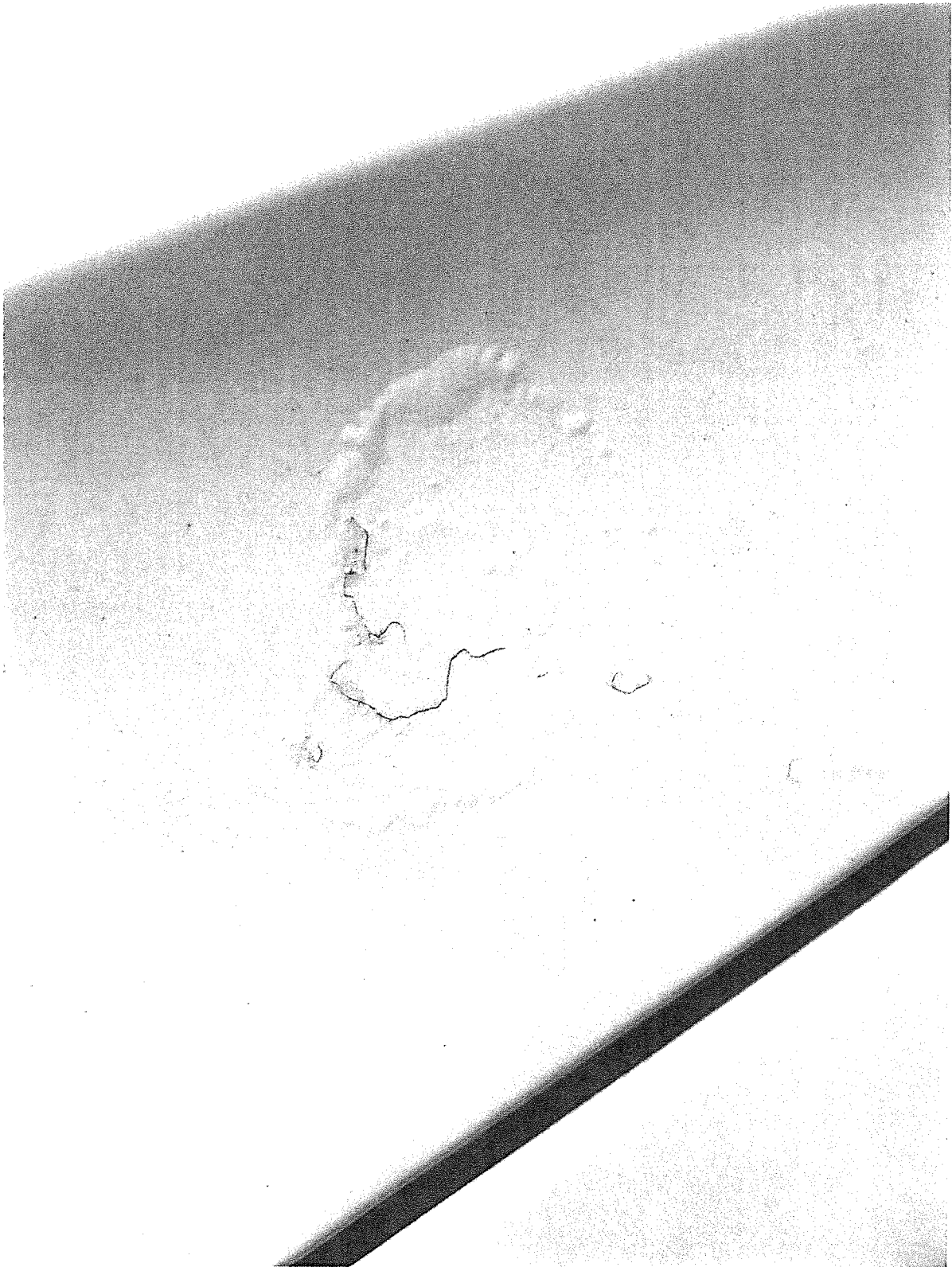


Figure 5

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM Horry COUNTY  
Court of Common Pleas

Honorable Kristi F. Curtis, Circuit Court Judge

---

Case No.: 2020-CP-26-06286  
Appellate Case No.: 2023-000289

---

Jack Kelly,

Appellant,

v.

Roger D. Cox, Cox Millwork & Supply, Cox Properties, LLC, and Waterside Drive Boat Ramp,  
LLC,

Respondents.

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**RESPONDENTS' RETURN TO APPELLANT'S MOTION SEEKING CLARIFICATION  
OF RESPONDENTS' DESIGNATION OF MATTER**

**EXHIBIT E**

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Nov 6, 2019, 8:24 AM



**Dawn Sarte**



Yesterday at 7:05 AM · 

1 month ago today my marriage to Derek Cox came to an end. It has been a whirlwind of emotions for me. Yet, I think about the outreach of love and prayers. For those inquiring, it took a year, it was August of 2017 when Derek confessed to PART 1 of his actions. But until you know the whole story I ask that you keep your opinions to yourself and keep Jack in prayer. This is far from over. And if you are wondering please come to me. I have lots of video footage. Derek is NOT what he portrays. In a town of good ole boys, be careful. Because a vow to God didn't stop him.

Cox 0003

   101

135 Comments



**Brian Kelly**

Sometimes you have to remove their mask to see the true demon that lies underneath.



19h Like Reply



1



**Dawn Sarte**

this is Derek out on Halloween!  
This IS who he truly is. Make no  
mistake, I will not stop! You may  
have been able to turn your other  
wives lives upside down but  
Derek Cox.... I will see you in hell

Cox 0004

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM HORRY COUNTY  
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---

Jack Kelly,

Appellant,

v.

Roger D. Cox, Cox Millwork & Supply, Cox Properties, LLC, and Waterside Drive Boat Ramp,  
LLC,

Respondents.

---

**CERTIFICATE OF SERVICE**

---

**RECEIVED**

**Jul 11 2023**

**SC Court of Appeals**

I certify that I have served **Respondents' Return to Appellant's Motion Seeking Clarification of Respondents' Designation of Matter and Exhibits A, B, C, D, and E** by personally serving the same pursuant to Rule 262 (c)(3), SCACR, and S.C. Supreme Ct. Order dated August 25, 2021 on the following counsel of record using the primary email address listed in the Attorney Information System (if applicable):

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A copy of the sent email is enclosed with this Certificate of Service.

s/ Brenten H. DeShields  
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***Attorneys for Respondents***

Mt. Pleasant, South Carolina  
July 11, 2023