



actions that this Court finds to be gross civility and professionalism violations. Having been disqualified as counsel because he was a material witness in *Thompson*, Megna continued to serve discovery under his signature in that case in violation of this Court's Order, which this Court had to quash; thereafter, Megna again served similar and additional discovery, this time under the auspices of the *Anasti* case in Richland, a case that had nothing to do with the discovery requests, and which by that time was concluded as to his client. Moreover, the discovery was not meritorious as to any case-related issues, but propounded solely to vex the recipients.

### FINDINGS OF FACT<sup>3</sup>

1. This Richland case was filed by Plaintiff James A. Anasti (Anasti), through his counsel Truslow, to declare Anasti's ownership of real property at 2325 Two Notch Road in Columbia, and for an accounting for money allegedly due to Anasti from Defendant Gina Anasti Lee (Lee) and other defendants. Megna appeared as counsel for Lee in this action.
2. Summary judgment on the merits was granted to Anasti on October 26, 2007, with a damages hearing against Lee and others to follow. That damages hearing has yet to be held. Instead, Megna began a series of appeals that has lasted four (4) years (with two remands to the circuit court) in both the South Carolina Court of Appeals and Supreme Court. These appeals finally concluded with the Supreme Court's denial of Megna's petition for certiorari on October 28, 2011.

<sup>3</sup> The findings of fact are made from this Court's detailed review of the Clerk of Court's files in both this case and the Darlington county case. Both files were made available to this Court prior to a motions hearing held in this matter on May 15, 2012.

3. Neither of the appellate courts addressed the merits of this action. The appeals were dismissed because of Megna's repeated failures to comply with deadlines set forth in both the South Carolina Rules of Civil Procedure (SCRCP) and the appellate court rules (SCACR).
4. Prior to Megna's first appeal, Truslow filed a Rule 11 sanctions motion against Lee and Megna on November 7, 2007. That motion has not been heard and is not addressed in this Order; however, the pendency of that additional sanctions motion is relevant, as discussed later herein.
5. By the time the appellate proceedings in this case concluded, Lee had been discharged in bankruptcy<sup>4</sup> and, consequently, absolved from any risk of a money judgment in this suit. After that time, any and all pleadings filed or discovery served by Megna, ostensibly on Lee's behalf, were undertaken solely by Megna for his own benefit, to defend Truslow's pending Rule 11 sanctions motion.
6. During the appellate proceedings, the case was remanded by the Court of Appeals to Circuit Judge L. Casey Manning on two (2) occasions to determine whether Megna's representations regarding the timeliness of his filings and receipt of notice by him were credible and accurate.
7. On both remands, Judge Manning found that Megna's various explanations to the courts as to when he received documents and when he received notice were "not

<sup>4</sup> *In re: Gina Anasti Lee*, Case No. 09-02854-jw (United States Bankruptcy Court, District of South Carolina). An order was issued by United States Bankruptcy Judge John Waites on November 9, 2009 for the purpose of lifting the stay to allow these state court proceedings to continue. Judge Waites' order was based, at least in part, on Anasti's representation that he would not seek any financial recovery against Lee. *Id.* (Docket No. 34 at page 6). Thus, it was clear as early as November 9, 2009 that the only issue which remained pending as to these parties was Anasti's November 7, 2007 motion for Rule 11 sanctions. Because of Lee's bankruptcy, Anasti's Motion for Rule 11 sanctions was pending only against Megna and not his client Lee. Lee was discharged in bankruptcy on April 16, 2010.

credible” and that he had made material misrepresentations of fact to the courts. Order dated April 3, 2008.”*Id.* at ¶ 13; Order date-stamped April 1, 2009.

8. Following the conclusion of the state court appellate proceedings, Truslow requested a status conference so that, *inter alia*, Anasti’s Rule 11 motion against Megna could be scheduled. A status conference was held on the record on January 18, 2012. At the status conference, Megna acknowledged and confirmed that Lee’s involvement in the case had ended and Rule 11 sanctions were being sought against him only<sup>5</sup>.
9. In February of 2012, under the caption of this case but indicating issuance from Darlington County, Megna served<sup>6</sup> a subpoena on Truslow to take his deposition and that of attorney Steve Licata (who represented Anasti in the bankruptcy matters) as well as Truslow’s assistant, Amanda Hilley. He also served discovery requests upon Truslow which asked for a broad range of materials related to Truslow’s communication with a number of lawyers<sup>7</sup> in the State, none of which have anything to do with this case.
10. Like the earlier subpoena served on attorney Desa Ballard (Ballard) in the Darlington county case (see separate sanctions order issued simultaneously in Darlington Case No. 2010-CP-16-0332 for additional sanctions arising from this conduct), the

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<sup>5</sup> On February 24, 2012, the Richland County Clerk of Court set Anasti’s damages hearing against other defendants for March 12, 2012. That hearing was apparently not held, presumably because this sanctions motion was pending, although the two issues (damages against other defendants and sanctions against Megna) are unrelated.

<sup>6</sup> “Service” was made by email to Mr. Truslow, with a mailed copy sent to Mr. Truslow at 944 Richland Street, Suite 4, Columbia, which is not now nor ever has been Mr. Truslow’s address. It appears that throughout this litigation, in both the circuit and appellate courts, Mr. Megna has forwarded mail to Mr. Truslow at incorrect or non-existent addresses, causing great confusion in the progress of the case.

<sup>7</sup> Jay James, J. René Josey, Kenneth Woodington, Steve Licata, Andy Savage, Caroline Streater, Celeste Jones, Ashley Stratton, any lawyers in the McNair Law Firm or their agents, any lawyers in Turner Padgett Law Firm or their agents, Thomas Earle, and Curtis Dowling.

discovery sought production of communications between Truslow and lawyers who Megna believed to be adverse to him in matters unrelated to this case.

11. Megna's former client in this case, Lee, has submitted an affidavit indicating she did not authorize the discovery by Megna, was not aware of it, and did not approve it. She indicated that Megna was no longer her lawyer at the time the discovery was served on Truslow.

12. By the time Megna served the subpoenas and propounded discovery to Truslow, the merits of this matter had been long decided (summary judgment had been granted to Anasti in October, 2007). Anasti had waived any damages or sanctions claims against Lee. All that remained to be adjudicated in this matter (as far as Megna was concerned) was Anasti's Rule 11 motion against Megna. As indicated above, Megna had also been disqualified as counsel in the Darlington case.

13. On March 9, 2012, Truslow filed the pending Motion to Quash and for other relief, including sanctions against Megna, in connection with the discovery.

14. Megna e-mailed this Court an unsolicited letter and 54-page "Synopsis" on March 19, 2012. The "Synopsis" contained the caption of this case, as well as the Darlington county case.

15. In the "Synopsis," Megna asserted that the Court of Appeals had previously and "unanimously denied" Truslow's March 9, 2012 motion. In addition, Megna leveled a number of claims of professional misconduct on the part of a number of attorneys, including Ballard, whose own motion for sanctions was pending in the Darlington action.

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16. Truslow provided the Court with voluminous evidence refuting the allegations contained in Megna's "synopsis." This included Truslow's affidavit with detailed time records, the affidavit of former client Gina Lee, an affidavit of a legal assistant in Truslow's office, an affidavit of Ballard verifying that the fees sought by Truslow were reasonable in light of the issues raised by Megna, memoranda, and other documents.
17. Truslow asked that the Court take judicial notice of the Clerk of Court's files in the Thompson case in Darlington and relevant appeals; the "Florence cases" (Lake City Community Hospital, et al. v. Tony Megna, Benjamin R. Matthews, et al., 2008-CP-21-706); Matthews, Megna, et al. v. Celeste Jones, Leroy Nettles, et al., 2011-CP-21-841); the "companion" cases; and, Lee's bankruptcy case.
18. Megna neither objected, nor filed any counter-affidavits at the hearing on both motions, and his counsel handed up a memorandum with numerous attachments.
19. This Court has taken judicial notice of and considered the various records on file with the respective Clerks of Court, and has considered the other voluminous documentation referenced.
20. Much of the materials and argument asserted by Megna, to which Truslow necessarily responded and which this Court reviewed and considered, is completely irrelevant to the issues of the pending motion for sanctions. The Court has had to sift through mountains of materials as a result of Megna's efforts to dissuade this Court from looking at the merits of the issue actually presented. Unfortunately, the irrelevance could not be determined by the Court until all of the material was

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reviewed. An immense amount of judicial time has been required to review these matters, only to discover that most of it was unnecessary.

21. The arguments in Megna's "Synopsis" are fragmented and illogical, but fervently presented; however, they are wholly without merit. The Court of Appeals has never considered sanctions with respect to Megna's service of discovery upon Truslow. Megna's other arguments can be summed up as follows: Megna does not like Truslow and/or Anasti and has hurled multiple accusations against them in an effort to deflect the Court from Megna's own misconduct. None of Megna's accusations have merit.
22. The Court notes that Megna has not heeded previous admonitions about his conduct. In his Orders on remand (April 3, 2008 and April 1, 2009) in this case, Judge Manning found that Megna had made "repeated and gross misrepresentations" to the Court, and he had made "unwarranted, unjustified and untrue attacks on opposing counsel." That has continued. This Court intends to stop it now.
23. Megna has willfully, deliberately, and unapologetically attempted to misuse the legal process through both this case and the Darlington case (as more specifically described in the order issued this date in *Thompson*). He has engaged in such misconduct for ulterior purposes in seeking to defend his own personal interests in this case.
24. Megna's conduct is willful and deliberate. In both his "Synopsis" and the memorandum, he continued to hurl fabricated allegations of misconduct upon Ballard, Truslow, and multiple others he considers to be adverse to him.
25. A substantial component of Megna's conduct is his uncompromised assertion that everyone else is wrong, everyone else is unethical, and he is blameless. This Court

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would be faced with an entirely different scenario if Megna had at any time admitted his misconduct and shown remorse to any degree, or had he apologized for his continuous affronts upon the Court and his colleagues.

26. The lack of respect Megna has shown for this Court, the legal process, and the purposes of these legal proceedings is unprecedented for this Court.

27. Even viewed separately from Megna's conduct in the Darlington County case, Megna's conduct is ill-conceived, vitriolic, and abusive. When the evidence from both cases is viewed together, Megna's conduct is alarming and disturbing. He has engaged in a concerted effort to abuse the legal process in both cases for his own purposes, abusing this Court, his colleagues, and adverse parties in the process.

28. Megna's conduct in this case cannot be justified, nor condoned. The Court has both actual and inherent authority to address these matters, to preserve the integrity of the court system, to ensure respect for Court Orders and Court rules; and to protect litigants and counsel from further abusive conduct. Megna's conduct clearly violates the SCRPC, and Rule 11 provides ample authority for the Court to impose sanctions. *Ex Parte: Bon Secours and St. Francis Xavier Hospital Inc.*, 393 S.C. 590, 713 S.E.2d 624 (2011).

30. Truslow has requested, by way of Rule 11 sanctions, an award for the time and expenses he incurred in responding to Megna's efforts at improper discovery. I find and conclude that Truslow did in fact expend the amount of time set forth in his fee and cost affidavit. The hours of legal time expended were both reasonable and necessary under the circumstances, given Megna's conduct.

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31. The matter before this Court was made exceedingly difficult and contentious by Megna. His claims were convoluted and, though without any merit, were serious and have been time-consuming to address. The time expended by Truslow, as well as the basis for its expenditure, was well documented and confirmed independently.

32. Truslow's requested fees are reasonable, designed merely to compensate, and are justified. No loadstar multiplier has been utilized by this Court. Truslow is entitled to an award of fees and costs against Megna in the amount of \$31,547.25, plus \$295.14 in costs (for a total of \$31,842.39), as set forth in his detailed affidavit and time sheets.

33. The award of fees and costs herein are a sanction (and hence considered to be non-dischargeable except by payment), as well as a civil money judgment so as to carry interest at the legal judgment rate. Thus, the Clerk of Court is instructed to enroll this sum as a civil judgment against Megna in favor of Truslow.

34. It is an unfortunate circumstance when the Court must induce someone to be civil, but it is an entirely different matter when a licensed professional such as Megna so seriously misuses the procedural processes and legal mechanisms of this Court in such an abusive manner, with an ulterior motive, and repeatedly in violation of previous Court Order(s).

**CRIMINAL CONTEMPT CITATION AGAINST MR. MEGNA, SUA SPONTE**

35. In presiding over these matters, this Court has undertaken a full review of the pleadings, discovery, previous Court Orders, correspondence, memoranda, and emails from Attorney Megna in both cases, together with review of applicable attorney oaths and disciplinary rules, as well as an analysis of prevailing law and Supreme Court decisions involving attorney

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conduct. As indicated in the language of this Order, this Court is concerned that the conduct of Attorney Megna reveals a continuous pattern of violations of the civility and professionalism requirements of South Carolina's attorney oath with respect to members of the Bar, consistently uses language that is accusatory and demeaning directed at opposing counsel, includes inappropriate references to the judiciary, and contains unwarranted criticisms of other professionals, parties, and witnesses. Moreover, this Court finds that Attorney Megna's actions have resulted in the tremendous unnecessary consumption of attorney time, excessive and unnecessary costs to litigants, and the significant waste of judicial resources and public funds required to operate the Court system.

Because of the willful misconduct set forth throughout the body of the factual findings herein and the factual findings in the Darlington County case set forth by Order issued this same date, the Court has determined to conduct a hearing to require Mr. Megna to show cause why he should not be held in criminal contempt of this Court for intentionally and willfully violating a Court Order. Mr. Megna is hereby advised that he has the right to counsel during such hearing, and shall be given an opportunity to present arguments to the Court. Mr. Megna is hereby specifically advised that a finding of criminal contempt by this Court may subject him up to six (6) months' imprisonment therefor, in addition to other sanctions. This Show Cause and Sanctions hearing is hereby set for March 18, 2013, beginning at 2:00 p.m., after the call of the regular non-jury roster for that day, in the fifth floor courtroom of the Darlington County Courthouse. Service of this Order upon Attorney Megna and his counsel shall constitute service of the Notice of Contempt hearing upon Mr. Megna.

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**SERVICE OF ORDERS ON OFFICE OF DISCIPLINARY COUNSEL,**

**SUA SPONTE**

36. Under these circumstances, the reasons required for Megna to self-report this Order are self-evident. Megna is and shall be required to report (service by certified mail) this Order and the concomitant sanctions to Lesley M. Coggiola, Director of Office of Disciplinary Counsel (Post Office Box 12159, Columbia, South Carolina, 29211); together with an explanatory transmittal cover letter, within thirty (30) days of service of this Order upon him. Megna's report is to include at a minimum a copy of the Orders of the Honorable L. Casey Manning issued on April 3, 2008 and April 1, 2009, as well as the within Order. Megna shall enumerate in detail the documents being served/delivered, together with the signed return receipt or affidavit of service within the same time frame. Proof of service shall be required by Megna to be filed with the Richland County Clerk of Court in this matter and with the Darlington County Clerk of Court in Thompson.

Jud  
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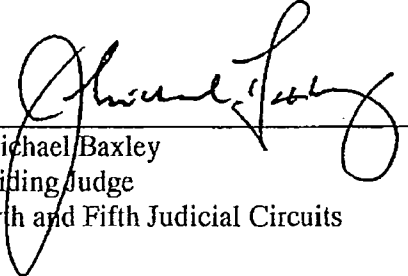
NOW, THEREFORE IT IS ORDERED:

1. Plaintiff's March 9, 2012 motion is granted.
2. This Order shall be filed in such a manner as to make clear to the respective Clerks of Court in Richland and Darlington Counties that the Court has issued a related Order in Thompson (10-CP-16-0332), as well as in this case.
3. Sanctions are imposed upon Tony Megna personally as outlined hereinabove to include:
  - a. Megna shall be and is required to pay Plaintiff's Counsel the sum of \$31,842.39 within thirty (30) days, and the Clerk shall issue a civil judgment therefor.

- b. Said sums shall be and are to be deemed a non-dischargeable, legal judgment, accruing interest at the legal judgment rate.
4. Megna shall self-report to the Office of Disciplinary Counsel.
- a. His report shall include this Order, as well as Judge Manning's orders dated April 3, 2008 and April 1, 2009.
- b. Megna shall enumerate in detail the documents being submitted to ODC by certified mail, return receipt requested.
- c. He shall then file same with the respective Clerks of Court in Richland and Darlington Counties.
- d. Furthermore, he shall copy respective Counsel in his filings with the Clerks of Court.
- e. Megna shall be and is required to take this action within thirty (30) days of service of the within Order.
- f. Megna shall appear at a Criminal Contempt Show Cause Hearing at the Darlington County Courthouse on March 18, 2013.
5. Parallel sanctions are being imposed in Thompson (10-CP-16-0332) pending in Darlington County.
6. Because of the numerous occasions on which Megna has denied receipt of service of an Order or other papers, counsel shall make arrangements for personal service of a copy of this Order upon Megna, unless Megna personally (not through counsel) consents to accept service in some other fashion and executes a written acceptance of service to that effect.

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**IT IS SO ORDERED.**



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J. Michael Baxley  
Presiding Judge  
Fourth and Fifth Judicial Circuits

Hartsville, South Carolina  
February 11, 2013

STATE OF SOUTH CAROLINA  
 COUNTY OF RICHLAND  
 IN THE COURT OF COMMON PLEAS

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NO. 2007 CP-40-0576

James A. Anasti

Lance Wilson, et al

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:	Attorney for : <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant
	or <input type="checkbox"/> Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  Rule 43(k), SCRPC (Settled);  Other
- ACTION STRICKEN (CHECK REASON):**  Rule 40(j), SCRPC;  Bankruptcy;  Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  Other
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
 Affirmed;  Reversed;  Remanded;  Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED:  See attached order (formal order to follow)  Statement of Judgment by the Court:

ORDER INFORMATION

This order  ends  does not end the case.

Additional Information for the Clerk : \_\_\_\_\_

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

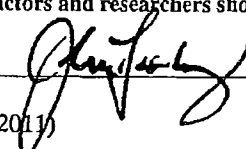
Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
Douglas N. Truslow	Tony R. Megna	\$31,842.39
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge

SCRCP Form 4C (12/2011)



2121

Judge Code

2-11-13

Date

Page 1

RICHLAND COUNTY  
 FILED  
 2013 FEB 13 PM 2:52  
 JAMES A. ANASTI  
 CLERK OF COURT  
 & CLERK OF  
 SUPERIOR COURT

**For Clerk of Court Office Use Only**

This judgment was entered on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and a copy mailed first class or placed in the appropriate attorney's box on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ to attorneys of record or to parties (when appearing pro se) as follows:

Douglas N. Truslow, Esquire

Post Office Box 1465

Columbia, SC 29202

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

**Court Reporter:** \_\_\_\_\_

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**FORM 4C INSTRUCTIONS—JUDGMENT IN A CIVIL CASE**  
(Instructions for Information Only-Not to be filed with Form 4C)

1. Form 4C-Judgment in a Civil Case has been modified to add order information and enrollment instructions for the clerk of court. The purpose of Form 4 has not changed with the exception that judgment information is provided when applicable.
2. Please note that the Form 4C must be attached to all orders that include information to enroll in the judgment index. The clerk will not be responsible for reading the order to determine enrollment information.

The attorney or prevailing party will prepare and attach the Form 4C when submitting the proposed order that includes judgment enrollment information for the judgment index. The judge will review and sign Form 4C when he or she signs an order that includes judgment enrollment information for the judgment index.

3. Form 4C is not required to be submitted to the Court with orders that do not include information to enroll in the judgment index. If the clerk receives such an order without Form 4C attached, the clerk should enter and process the order pursuant to Rule 58 and Rule 77(d), SC Rules of Civil Procedure (i.e., the clerk should serve notice of entry of the judgment by mail or provide the attorneys with copies of the signed order by other means).
4. The "Information for the Judgment Index" section should be completed when the judgment affects title to real or personal property or if any amount should be enrolled. In the "Judgment in Favor of" column, enter the name of the party to whom the judgment is awarded. In the "Judgment Against" column, enter the name of the person to whom the judgment is against. The judgment amount to be enrolled should be noted in the "Judgment Amount" column. As necessary, describe any property referenced in the order if it is to be enrolled in the judgment index. If there is no judgment information to enroll, indicate "N/A" in one of the boxes in this section of the form.
5. To enter information to accommodate multiple parties, additional Form 4Cs may be used as necessary. Additional space may be inserted on the form as necessary.
6. The section "For the Clerk of Court Office Use Only" should be completed by the clerk as it has been with the previous version of Form 4.
7. If the matter is on appeal to the Circuit Court, then the parties on the form should be changed from Plaintiff and Defendant to Appellant and Respondent.

8. If an arbitrator prepares an order after arbitration, the arbitrator should strike through "Circuit Court Judge" and indicate "Arbitrator" in the signature block.
9. If a Special Circuit Court Judge, Master in Equity, or Special Referee prepares an order after hearing a Circuit Court matter, then he or she should strike through the title "Circuit Court Judge" below the signature line and indicate the appropriate title.
10. When an Order of Foreclosure is filed, neither the parties or debt owed should be listed in the Information for the Judgment Index Section, unless the foreclosure order specifically requires entry of the full judgment amount before the foreclosure sale, pursuant to Section 29-3-650 of the SC Code.
11. If the deficiency judgment is waived in a Foreclosure action, indicate N/A in the "Judgment Amount To Be Enrolled" box.
12. Foreclosure actions should be ended by the Clerk of Court upon receipt of the Order of Foreclosure. Subsequent information, including deficiency judgments, can be added to the action after the case is ended. The Master in Equity should end the action in the MIE system upon the receipt of the Order of Foreclosure.
13. When judgment enrollment information is included in the Information for the Judgment Index Section (for example, when there is a deficiency judgment), only the parties who the judgment is for and against should be included in the Section. Subordinate parties and lienholders should not be included in the box if there is not a judgment amount specifically for or against them.
14. Form 4C is not required to be attached to Transcripts of Judgment and Confession of Judgment.