

RECEIVED

Aug 21 2023

SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM THE BEAUFORT COUNTY
COURT OF COMMON PLEAS

HONORABLE R. FERRELL COTHRAN, JR.

CASE NO.: 2019-CP-07-01995
APPELLATE CASE NO : 2022-001600

Ronnie L. Douglas,
Eric J. Douglas,
Jacqueline Walker,
Donna Harding, and
Diane Brenda Spears,

Appellants,

vs.

Kevin Holmes

Respondent.

RECORD ON APPEAL
VOLUME II

James H. Moss, Esquire
MOSS & KUHN, P.A.
Post Office Drawer 507
Beaufort, SC 29901
P : 843-524-3373
F : 843-524-1302
jim@mossandkuhn.com

Samuel S. Svalina, Esquire
Jacob M. Hughes, Esquire
1 Professional Dr. Suite 7
Port Royal, SC 29935
P : 843-524-0333
F : 843-524-4233
Sammy@svalinalawfirm.com
Jacob@svalinalawfirm.com

Laura Gregg, Esquire
Gregg Law Firm, LLC
Post Office Box 601
Port Royal, SC 29935
P : 843-505-6566
lgregg@gregglawsc.com
Attorneys for Respondent

INDEX

	PAGE
1. Order of the Honorable R. Ferrell Cothran, Jr., granting Summary Judgment in favor of the Defendant filed August 16, 2022.....	001
2. Order of the Honorable R. Ferrell Cothran, Jr. denying Plaintiff’s Motion for Reconsideration filed October 27, 2022.....	012
3. Order granting Plaintiff’s Motion to Strike Defendant’s Answer Case # 2018-CP-07-00831 filed July 9, 2021.....	015
4. Order of the Honorable D.J. Jefferson, denying Defendant’s Motion to Dismiss filed July 28, 2020.....	018
5. Order Denying Defendant’s Motion to Dismiss Default Judgment filed July 2, 2019...	021
6. Order vacating Master-In-Equity’s Order and Judgment of Foreclosure and Master-In-Equity’s Sale Case # 2018-CP-07-00831.....	026
7. Order granting judgement against Defendants in Default filed November 23, 2015.....	029
8. Summons and Notice of Foreclosure of Judgment Lien Case # 2018-CP-07-00831 filed April 20, 2018.....	035
9. Summons and Complaint (with exhibits) Case # 2019-CP-07-1995 filed August 29, 2019.....	047
10. Answer of Kevin Holmes filed February 6, 2020.....	056
11. Notice of Appeal filed November 9, 2022, with Exhibits.....	063
12. Transcript Hearing before the Honorable R. Ferrell Cothran, Jr., dated July 22, 2022, pp1 to end.....	081
13. Defendant’s Notice of Motion and Motion for Summary Judgment Case # 2019-CP-07-1995 filed September 30, 2021, with exhibits. (Note: Transcript of hearing before the Honorable Marvin H. Dukes , Case # 2018-CP-07-00831, dated May 20, 2019, pp 1 to end is attached as Exhibit 19 of this document).....	110
14. Plaintiffs’ Motion for Reconsideration with exhibits filed August 25, 2022.....	419
15. Defendant’s Response to Plaintiffs’ Motion for Reconsideration filed September 6, 2022.....	522

16. Defendant’s Motion to Dismiss Default Judgment Case # 2018-CP-07-00831 filed April 4, 2019.....	527
17. Defendant’s Notice of Motion and Motion to Dismiss Case # 2019-CP-07-1995 filed June 11, 2020.....	559
18. Plaintiffs’ Memorandum in Opposition to Motion to Dismiss, with exhibits, filed July 21, 2020.....	562
19. Plaintiffs’ Supplement to Memorandum in Opposition to Motion to Dismiss, with exhibits, filed July 23, 2020.....	611
20. Respondent’s Motion to Vacate Foreclosure and Judgment and Notice of Sale Case # 2018-CP-07-00831 filed April 10, 2019.....	616
21. Appellants’ Request for Transcript of Hearing before the Honorable R. Ferrell Cothran, Jr., requested August 2, 2022.....	617
22. Letter from Jacob M. Hughes to Circuit Court incorrectly dated June 27, 2022 (July 27, 2022).....	618
23. Letter from James H. Moss to Circuit Court dated July 27, 2022.....	620



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

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NO. 2018 CP-07-00831

Kevin Holmes

The Estate of Clinton R. Douglas and Susie M. Douglas; John Doe and Richard Roe, as Representatives of all Heirs and Devisees of Clinton R. Douglas and Susie M. Douglas and all persons entitled to claim under or through them; also, all other persons or corporations unknown claiming any right, title interest in or lien upon the real estate described herein, any unknown

adults, whose true names are unknown, being as a class designated as John Does, and any unknown infants, persons under disability, or persons in the Military Service of the United States of America, whose true names are unknown, being as a class designated as Richard Roe, Eric J. Douglas, Ronnie L. Douglas, Jacqueline Walker; Donna Harding; Brenda Spears; Darrell Douglas;

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: Master In Equity Court	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 PUBLIC 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)
		\$



ELECTRONICALLY FILED - 2022 Aug 25 2:40 PM - BEAUFORT - COMMON PLEAS - CASE#2019CP0701995
 ELECTRONICALLY FILED - 2019 Apr 23 3:31 PM - BEAUFORT - COMMON PLEAS - CASE#2018CP0700831

		\$
		\$
If applicable, describe the property, including tax map information and address, referenced in the order; This order vacates the Master-In-Equity's Order and Judgment of Foreclosure and Master In Equity's sale signed and filed by in error on April 9, 2019.		

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	3069	Date
	Judge Code	

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:

 ATTORNEY(S) FOR THE PLAINTIFF(S)

 ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

Court Reporter: N/A



Beaufort Common Pleas

Case Caption: Kevin Holmes VS Clinton R. Douglas , defendant, et al
Case Number: 2018CP0700831
Type: Master/Order/Form 4

So Ordered:

s/Marvin H. Dukes III #3069

Electronically signed on 2019-04-23 14:00:52 page 3 of 3

ELECTRONICALLY FILED - 2022 Aug 25 2:40 PM - BEAUFORT - COMMON PLEAS - CASE#2019CP0701995
ELECTRONICALLY FILED - 2019 Apr 23 3:31 PM - BEAUFORT - COMMON PLEAS - CASE#2018CP0700831

RONNIE L. DOUGLAS vs KEVIN HOLMES
2019-CP-07-01995 - DUKE HIGHFIELD

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

IN THE COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUIT
STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

RONNIE L. DOUGLAS, ERIC J. DOUGLAS,
JACQUELINE WALKER, DONNA HARDING, and
DIANE BRENDA SPEARS,

Plaintiffs,

vs.

CIVIL ACTION NUMBER
2019-CP-07-01995

KEVIN HOLMES,

Defendant.

-----/

The videoconferenced deposition of DUKE
HIGHFIELD, a witness in the above-entitled
cause, taken pursuant to Notice and agreement,
before Ceil Weser, Certified Court Reporter and
Notary Public, by videoconference, on the 12th
day of January, 2022, commencing at or about the
hour of 12:58 p.m.



Page 2	Page 3
1 APPEARANCES OF COUNSEL: 2 FOR THE PLAINTIFF: 3 VIA VIDEOCONFERENCE 4 JAMES H. MOSS, ESQUIRE 5 Boss & Kuhn, P.A. 6 1601 North Street 7 Post Office Drawer 507 8 Beaufort, South Carolina 29901-0507 9 043-542-3373 10 jmo@bossandkuhn.com 11 12 FOR THE DEFENDANT: 13 VIA VIDEOCONFERENCE 14 SAMUEL S. SVALINA, ESQUIRE 15 JACOB HUGHES, ESQUIRE 16 Svalina Law Firm 17 186 Sea Island Parkway 18 Post Office Drawer 1207 (29901-1207) 19 Lady's Island, South Carolina 29907 20 sammy@svalinalawfirm.com 21 043-824-0333 22 23 FOR THE WITNESS: 24 VIA VIDEOCONFERENCE 25 STEPHEN BROOK, ESQUIRE Clement Rivers, J.D.P. 25 Calhoun Street Post Office Box 993 (29402-0993) Charleston, South Carolina 29403 043-579-1332 sbrook@yorclaw.com	1 2 INDEX 3 4 5 PAGE 6 7 EXHIBIT INDEX ----- 4 8 9 10 OPENING REMARKS AND STIPULATIONS ----- 5 11 12 13 14 15 16 17 DIRECT EXAMINATION: 18 By Mr. Moss ----- 5 19 CROSS-EXAMINATION 20 By Mr. Svalina ----- 10 21 22 23 24 25 CERTIFICATE ----- 30
Page 4	Page 5
1 DOCUMENTARY EVIDENCE 2 3 NUMBER DESCRIPTION PAGE 4 EX-1 8/9/11 Letter to Samuel S. 5 Svalina from Duke R. Highfield 5 6 EX-2 8/9/11 Letter to Mr. Svalina 7 from Nichella Gratz 5 8 9 EX-3 2/13/15 Letter to Honorable Earl 10 Robeneau from Samuel Svalina 5 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	1 DUKE HIGHFIELD, 2 having been produced and first duty sworn as a 3 witness, testified as follows: 4 (Whereupon, Plaintiff's Exhibit 5 Numbers 1 through 3 were marked for 6 identification.) 7 DIRECT EXAMINATION 8 BY MR. MOSS: 9 Q Mr. Highfield, this is Jim Moss in 10 Beaufort, South Carolina. I will just ask you a 11 few questions. I don't think we will be here a 12 long time, okay? 13 A All right. 14 Q When did you get contacted by the 15 Defendants or anyone in this case and who 16 contacted you to give the Pleadings? 17 A You mean with respect to? 18 Q The case of Kevin Holmes versus Studio 19 Seven Club, et al? 20 A Jacob In Mr. Svalina's office contacted 21 me, I don't know, a few months ago. 22 Q But did you receive the actual Summons 23 and Complaint originally that was instituted by 24 Kevin Holmes by the Svalina law firm? 25 A I don't recall. I don't think so, but

ELECTRONICALLY FILED - 2022 Aug 25 2:40 PM - BEAUFORT - COMMON PLEAS - CASE#2019CP0701995



Page 6

1 that was 10, 11 years ago. I don't recall
2 receiving the actual Pleadings, no, I don't.
3 Q Well, I have an Exhibit 1 that is
4 marked here and the court reporter has got a
5 copy of it also.
6 And it is a letter apparently that you
7 wrote on August the 9 of 2011.
8 Do you recognize that letter?
9 A I can't see it.
10 Q She didn't give you a copy of it, okay.
11 A I am assuming that is the August --
12 yes, I have seen that letter, yes.
13 Q Okay. It was sent to your Email, do
14 you have it there?
15 A Hold on. I will check.
16 Yes.
17 MR. BROWN: Just hang on. I will
18 give you a hard copy real quick. I am
19 next door.
20 THE WITNESS: I have the Notice
21 here.
22 Okay, thank you, I have it.
23 BY MR. MOSS:
24 Q Could you please read the caption of
25 that letter? The caption, the re: part?

Page 8

1 I don't know why you weren't on to
2 start with because we all got on.
3 MR. SVALINA: Most people wait.
4 It has only been a minute. Now start
5 over.
6 MR. MOSS: Madam Court Reporter,
7 this is the deposition of Duke
8 Highfield. We are trying to take it,
9 and Sam Svalina has just come on and is
10 apparently fussing about us starting;
11 so I will start again, okay?
12 Is that fine with you, Sam?
13 MR. SVALINA: I am just following
14 the rules. Now, if you want to keep
15 arguing with me, fine. The court
16 reporter --
17 MR. MOSS: I am not arguing with
18 you, I am trying to take the
19 deposition of Mr. Highfield.
20 MR. SVALINA: I am not going to
21 argue with you, Jim.
22 MR. MOSS: Okay, well, thank you.
23 BY MR. MOSS:
24 Q Mr. Highfield, could you give me your
25 full name please for the record.

Page 7

1 A It says: Re: Kevin Holmes versus
2 Studio Seven Club, Inc. Eric Douglas, Clinton R.
3 Douglas and Susie M. Douglas, Case Number
4 2011-CP-027-- I am sorry, 02743, claim number
5 184920, date of loss 7/5/2008.
6 Q Now, how would you have received that
7 information, or did you receive that information
8 from an individual?
9 MR. SVALINA: I just got on line.
10 Don't start asking any questions. I am
11 just getting on the line. Wait, stop.
12 I just got on-line. I don't know
13 anything you asked.
14 MR. MOSS: Sam, I am just starting
15 to question Mr. Highfield.
16 MR. SVALINA: Well, don't question
17 him until he is sworn. I didn't hear
18 him be sworn.
19 MR. MOSS: Okay, well, he has
20 already been sworn; and I apologize for
21 not warning on you, okay?
22 MR. SVALINA: Well, wait. I mean
23 that is proper.
24 MR. MOSS: Sam, I am trying to
25 take the deposition of this individual.

Page 9

1 A It is Duke Raleigh Highfield.
2 Q And Mr. Highfield, what is your
3 profession that you are in currently?
4 A I am a lawyer.
5 Q And how long have you been an attorney
6 in the State of South Carolina?
7 A This will be my 31st year.
8 Q All right.
9 And do you do primarily plaintiff's or
10 defense work?
11 A Defense work.
12 Q Okay. And with whom have you been
13 employed since you were an attorney or most
14 recently for the last 15 years or so?
15 A I have been a partner with the firm
16 that is now called Clement Rivers. I have been
17 with this firm since 1992.
18 Q Now, did you write a letter, an
19 Exhibit 1 that was shown to you a minute ago?
20 A I did.
21 Q Okay.
22 And to whom did you send that letter?
23 A To Sammy Svalina.
24 MR. SVALINA: That was to my dad.
25 THE WITNESS: Oh, sorry.

ELECTRONICALLY FILED - 2022 Aug 25 2:40 PM - BEAUFORT - COMMON PLEAS - CASE#2019CP0701995



Page 10

1 Hey, Sammy.
 2 MR. SVALINA: Hey, Duke.
 3 MR. MOSS: We know it was your
 4 dad, Sam.
 5 MR. SVALINA: Well, I am Sammy.
 6 My dad is Sam.
 7 THE WITNESS: I am sorry, it was
 8 to Samuel S. Svalina. So I apologize
 9 for that.
 10 MR. SVALINA: Samuel L. My dad
 11 signed it.
 12 MR. MOSS: This is not a letter
 13 signed by your dad. This is a letter
 14 that was sent to your dad, okay? And
 15 we understand that, Sammy.
 16 MR. SVALINA: I know. My dad
 17 signed the letter.
 18 BY MR. MOSS:
 19 Q Well, this letter was signed apparently
 20 by Mr. Highfield.
 21 Is that correct, Mr. Highfield?
 22 A Yes, it is, that is correct.
 23 Q And where did you receive the Summons
 24 and Complaint from, if you know?
 25 A I don't have a specific recollection of

Page 12

1 work on this matter.
 2 Q With whom did you contact at Colony
 3 Insurance Company?
 4 A That would have been -- again, this is
 5 based on the letter. You see at the bottom of
 6 Exhibit 1 it says oo Michelle Gratz at Colony
 7 Insurance Company. That would have been who was
 8 in touch with me about her getting an extension
 9 from Mr. Svalina.
 10 Q Okay.
 11 So basically Michelle Gratz from the
 12 insurance carrier said she had gotten an
 13 extension from Mr. Svalina?
 14 A Yes, and I was asked to confirm that;
 15 which is what I did by this letter.
 16 Q Did you follow up anything after that
 17 confirmation?
 18 A That is the only thing that I did.
 19 Q Well, I would like to introduce that
 20 letter as Exhibit 1.
 21 It apparently has some attachments to
 22 it, is that correct?
 23 A The exhibit that I have has a -- yes,
 24 it has a certified mail receipt.
 25 Q Okay.

Page 11

1 receiving the Summons and Complaint. If I had
 2 received it, it would have been from
 3 Mr. Svalina.
 4 Q Okay.
 5 So you were writing him back and
 6 telling him about a Summons and Complaint that
 7 you had indicating the Case Number and the claim
 8 number?
 9 A Well, no. There is -- I am going to
 10 refer to your Plaintiff's Exhibit 2 -- I think
 11 it is Plaintiff's Exhibit 2, which I was
 12 contacted by Colony Specialty on that same date,
 13 August 9, 2011, about this litigation; and the
 14 indication was that they had requested an
 15 extension from Mr. Svalina, and I was asked to
 16 confirm that, which is what I did in this
 17 letter. Confirmed that Mr. Svalina had provided
 18 an extension to Studio Seven, and that was the
 19 extent of what I did.
 20 Q Okay.
 21 Well, did you ever receive the
 22 Pleadings to the case?
 23 A I do not have any recollection of
 24 receiving the Pleadings. I may have. I just
 25 don't recall because I never opened a file to

Page 13

1 MR. MOSS: Madam Court Reporter, I
 2 would like to introduce those as
 3 Exhibit 1, please, those two documents.
 4 BY MR. MOSS:
 5 Q And did you receive a response back
 6 from Mr. Svalina?
 7 A I believe that I did, but I don't have
 8 that. I would think that I did, but I am not
 9 seeing it, although I -- oh yes, I did.
 10 Q You got Exhibit 2 there?
 11 A Yes, I see that now. It is the second
 12 page of Exhibit 2 signed by Samuel S. Svalina on
 13 that same date, August 9, 2011.
 14 Q So that was what you received back?
 15 A To the best of my recollection, yes;
 16 and that appears to be saying --
 17 MR. SVALINA: It says Samuel
 18 Svalina. That is not my signature.
 19 THE WITNESS: I said, I believe I
 20 said Samuel S. Svalina. I am just
 21 reading from page 2 of Exhibit 2.
 22 MR. SVALINA: It says Samuel
 23 Svalina, correct?
 24 MR. MOSS: That is what it says,
 25 Sam. Can't you read it?



Page 14

1 MR. SVALINA: I know, but I am
2 Samuel S. It is not my signature.
3 That is what I am saying.
4 MR. MOSS: It is your dad's
5 signature. We very much respected your
6 dad --
7 MR. SVALINA: Well, I wanted to
8 clarify that. That is it.
9 MR. MOSS: I would like to
10 introduce Exhibit 2, Madam Court
11 Reporter, for the record.
12 BY MR. MOSS:
13 Q To your knowledge, did you ever receive
14 any further contact from the Svalina firm
15 concerning this case?
16 A Not until near the end of last year,
17 2021.
18 Q And what did you receive at that time?
19 A Jacob Hughes reached out to me. I
20 believe he called me to let me know that this --
21 I don't really know all the details of what is
22 going on, but he reached out to me to let me
23 know this matter was pending and that a question
24 had arisen to whether I was involved; and I let
25 him know essentially what I just told you.

Page 16

1 letters.
2 Q I have an Exhibit 3 here, and I will
3 let you look at that and see if you can
4 recognize that or identify that?
5 A Is this is a letter from the Svalina
6 Law Firm dated February 12, 2016?
7 Q Yes.
8 A Yes, I have a copy of that.
9 MR. MOSS: And I would like to
10 make that an exhibit for the record,
11 Madam Court Reporter.
12 BY MR. MOSS:
13 Q Did you ever respond to that in any
14 fashion that you are aware of?
15 A I don't believe that I received this
16 letter.
17 Q So this is the first time you have
18 actually seen it?
19 A Well, with respect to -- I mean I
20 looked at it when it was an attachment for your
21 deposition.
22 Q Sure, I understand.
23 A Yes, that is correct.
24 Q In other words, you received it as an
25 attachment to the deposition we are taking today

Page 15

1 Q Okay, that you were not involved?
2 A That is correct.
3 Q Did you ever receive any contact back
4 from this Michelle Grafz, I guess it is called,
5 in Exhibit 1? Did you ever receive any more
6 contact from her?
7 A The only thing I received was something
8 along the lines of there is no coverage, and you
9 can close -- you don't have to do anything.
10 Close your file if you have one, and I don't
11 have a file for this particular matter.
12 Q Do you have a letter to that effect, or
13 was that something she called and told you?
14 A I do not have a letter. This is just
15 my recollection, because again it is so long
16 ago.
17 Q And so she told you basically there was
18 no coverage, so don't worry about it?
19 A That is to the best of my recollection,
20 yes; because I didn't do anything after that.
21 Q Do you know when that call was made to
22 you?
23 A Well, it would have been sometime in
24 the fall of 2011. It would have been right
25 about the same time as the date of these

Page 17

1 on January 12th of '22?
2 A Yes, that is correct.
3 Q After that letter or at any time did
4 you receive any more contact from the insurance
5 carrier or from that lady who had been in touch
6 with you?
7 A I have had no contact with anyone from
8 Colony regarding this matter since sometime in
9 the fall of 2011.
10 Q Were you given any notice of any type
11 of default hearing?
12 A I was not.
13 Q And I asked you this before, but you
14 never received a copy of the Summons and
15 Complaint at any time?
16 A To the best of my recollection I did
17 not.
18 Q Okay.
19 I don't think I have anything further.
20 Answer any questions by Sam Svalina or
21 whatever you go by.
22 MR. SVALINA: I am Samuel S.
23 My dad was Samuel L.
24 CROSS-EXAMINATION
25 BY MR. SVALINA:



Page 18

1 Q Exhibit 3 which you were given was sent
2 to you via the United States mail and electronic
3 mail.
4 You just have no recollection of
5 receiving it, correct?
6 A I don't even know that it was sent to
7 me. I am not saying it wasn't, but at least
8 what I have here is not addressed to me. Maybe
9 it was, but I don't have a recollection --
10 MR. MOSS: Put my objection to the
11 question, Ma'am.
12 But go ahead, Sammy.
13 MR. SVALINA: What is your
14 objection?
15 MR. MOSS: Leading.
16 MR. SVALINA: I am
17 cross-examining.
18 MR. MOSS: Well, I understand.
19 BY MR. SVALINA:
20 Q I will ask it again, on the top of the
21 letter it says via United States mail and
22 electronic mail, correct?
23 A I am sorry, are we talking about
24 Exhibit 3?
25 Q Yes, sir.

Page 20

1 MR. BROWN: I am sorry, you were
2 talking over each other.
3 MR. MOSS: Give the question
4 again. I think you were talking over
5 each other.
6 BY MR. SVALINA:
7 Q When you confirmed the extension of
8 30 days, do you believe that at any point in
9 time you represented Studio Seven, any of the
10 Douglas's, or any of the Defendants?
11 A No, I do not believe that. I was not
12 retained to represent them in this matter.
13 Q When was the first time you were
14 contacted by Jim Moss about this matter?
15 A I have a recollection of Mr. Moss
16 reaching out to me four years ago, five years
17 ago, something like that, asking in essence what
18 everyone, what you have been asking as well, was
19 I involved in this matter and what did I know
20 about it. And as I recall again a long time ago
21 I told him I hadn't been involved, that I
22 confirmed an extension that your father had
23 already given to Colony, and that was all in the
24 same day of -- I am sorry, August 9, 2011.
25 Q Do you know of anything that you have

Page 19

1 A Yes, it says that. Yes.
2 Q You have no recollection of anything
3 with regard to this file except for talking to
4 Colony?
5 A Well no, that is not correct.
6 Q Okay.
7 A Having reviewed as I just spoke to with
8 Mr. Moss, having reviewed Plaintiff's Exhibit 1,
9 I am aware of that letter; and I am aware now of
10 Plaintiff's Exhibit 2, which was the letter from
11 Michelle Gratz to the Svalina Law Firm.
12 Exhibit 3 is addressed to the Beaufort
13 County Clerk of Court, not to me. I am not
14 saying this wasn't copied to me, but I don't
15 have any recollection of receiving this
16 Exhibit 3.
17 Q Did you open a file in this matter?
18 A I did not.
19 Q Do you believe by confirming the
20 extension of time for Studio Seven and all the
21 other Defendants that you were an attorney for
22 the Defendants?
23 A I do not believe it.
24 Q I am sorry, what?
25 A I do not believe it.

Page 21

1 or any document from Colony other than the
2 letter by -- that is listed as Exhibit 2?
3 A No, I do not.
4 Q Did Colony Specialty ever send you the
5 policy?
6 A I don't have any idea with respect to
7 this matter they would have sent me anything
8 else.
9 Q I am sorry, in regards to this matter?
10 A No, they would not have sent the
11 policy, because I wasn't retained to represent
12 the Defendants in this matter.
13 Q My father gave the extension on
14 August 9, 2011?
15 A Yes. According to Exhibit 2, yes.
16 Q Do you have any documentation other
17 than what has been presented today?
18 A I do not.
19 Q Why do you believe by confirming an
20 extension of time for a Complaint that you have
21 not established an attorney-client relationship
22 with any Defendants or any Defendants Studio
23 Seven or that are listed on the Exhibit 2?
24 MR. BROWN: Objection to form.
25 BY MR. SVALINA:



Page 22

1 Q Or Exhibit 1?

2 MR. BROWN: The same objection.

3 THE WITNESS: Well, I don't want

4 to get semantical, but this is not a

5 belief. I was not retained to

6 represent these parties with respect to

7 this matter. I was asked to confirm an

8 extension that Colony obtained on

9 behalf of Studio Seven and that is what

10 I did, it was a courtesy.

11 BY MR. SVALINA:

12 Q Have any documents been requested of

13 you or of Colony Specialty since August 9, 2011?

14 A I cannot speak for Colony. I cannot

15 speak for Colony.

16 With respect to me both Mr. Moss and

17 Mr. Hughes and your office requested whatever I

18 had, which was in essence Exhibit 1, which I

19 know I sent to Mr. Hughes a few months ago; or I

20 recall sending to him I should say. And as

21 again as I recall I sent the same letter to

22 Mr. Moss four or five years ago.

23 Q Hold on a second.

24 A Sure.

25 Q Since August 9, 2011 through 2021 and

Page 24

1 A No, I would not have been involved in

2 looking at any of the coverage issues, whatever

3 those may or may not have been,

4 Q Were you in any way called or asked to

5 participate in Case Number 20 -- hold on one

6 moment.

7 A Sure.

8 Q In Case Number -- hold on. The wrong

9 case.

10 Were you asked to participate in any

11 way in the case with 2018 CP-07-00831 in front

12 of Marvin Dukes, the Judge, Judge Marvin Dukes?

13 A No, I have no recollection of this. I

14 don't recognize that 2018 Case Number. Like you

15 I have a lot of cases over the year. But 2018,

16 no. And again with this particular matter until

17 this deposition I have not had anything to do

18 with this matter since I confirmed that

19 extension back in 2011.

20 Q If an attorney-client relationship was

21 established, I would not be able to receive any

22 correspondence between you or Colony, your

23 client, correct?

24 MR. BROWN: Object to the form.

25 THE WITNESS: I don't know how to

Page 23

1 up to present day, have there been any requests

2 of you of any documentation regarding the matter

3 we are discussing here today?

4 A Other than what I have said, Mr. Hughes

5 and Mr. Moss asking me what I had, no. That is

6 it.

7 Q What is your policy to destroy files at

8 your firm?

9 A You know, I don't know. We have a

10 facilities manager I think is what he is called,

11 and I know that things have changed from -- the

12 younger lawyers don't know this, but you know us

13 older guys I know used to keep paper files for

14 quite a long time. And now it is all -- at

15 least as I understand it, it is all electronic.

16 Now, how long these things are kept I don't have

17 any idea.

18 Q It is your understanding that a file

19 was never opened because you all you did was

20 confirm an extension, is that correct?

21 A That is correct. I never opened a

22 file.

23 Q Did you have any understanding of the

24 policy coverage for Studio Seven and any

25 Defendants?

Page 25

1 answer that question.

2 I am not a -- I don't practice in

3 the realm of that. I mean I did not

4 have an attorney-client relationship

5 with the parties named to this case,

6 and I don't have any correspondence or

7 communication with the Defendants in

8 this case. So there was never an

9 attorney-client relationship with them

10 with respect to this matter.

11 BY MR. SVALINA:

12 Q Again, by your confirmation of the

13 extension, is it your opinion in practicing

14 32 years that you did not establish any type of

15 relationship between the Defendants and you in

16 any way by confirming on August 9, 2011 the

17 extension?

18 A That is correct. I did not establish

19 an attorney-client relationship with those

20 parties.

21 Q Do you or does your firm still

22 represent Colony Specialty?

23 A I don't know that my firm -- I don't

24 know that my firm's relationships with any

25 clients are a suitable topic of this deposition.

ELECTRONICALLY FILED - 2022 Aug 25 2:40 PM - BEAUFORT - COMMON PLEAS - CASE#2019CP0701995



Page 26

1 Q Sorry, I have to ask.
 2 MR. BROWN: Objection.
 3 BY MR. SVALINA:
 4 Q Please answer the question.
 5 A My understanding is yes, my firm still
 6 does some work for Colony.
 7 Q At any point in time between August 9,
 8 2011 until the present day has Jim Moss or
 9 anybody from his firm ever requested any
 10 documents from Colony Specialty from you that
 11 you know of?
 12 A The only thing that I can say is what I
 13 said a bit ago, four or five years ago -- as I
 14 recall again four or five years ago, it may have
 15 been longer, it may have been shorter, he asked
 16 me for what information I had, the same thing
 17 that Mr. Hughes did several months ago, and I
 18 let both of them know about Exhibit 1.
 19 Q And I apologize --
 20 A It is okay.
 21 Q And you said Mr. Hughes?
 22 A I am sorry.
 23 THE WITNESS: Jacob, am I getting
 24 your name incorrect? I thought your --
 25 I am talking about your associate.

Page 28

1 (Whereupon, a short break was
 2 taken.)
 3 BY MR. SVALINA:
 4 Q I want to clarify because I used a
 5 word, and I want to use another word to clarify.
 6 Do you believe in any way by confirming
 7 the extension that my father gave Colony
 8 Specialty and the letter you wrote was in any
 9 way an appearance in this matter?
 10 MR. BROWN: Object to the form.
 11 THE WITNESS: I do not.
 12 BY MR. SVALINA:
 13 Q Was that an appearance in this case?
 14 A Correct, I do not believe that to be
 15 the case.
 16 Q I have no further questions.
 17 MR. MOSS: I got no further
 18 questions.
 19 MADAM COURT REPORTER: Jim, I
 20 guess you will take the original and an
 21 electronic copy?
 22 MR. MOSS: Yes.
 23 I want to thank you for doing this
 24 on short notice.
 25 MADAM COURT REPORTER: Does

Page 27

1 MR. HUGHES: You are correct,
 2 Duke,
 3 BY MR. SVALINA:
 4 Q And Mr. Hughes is who?
 5 A Your associate who is there with you
 6 behind you.
 7 Q Oh, okay. And to your knowledge there
 8 are no documents that exist?
 9 A I am sorry, that exist with respect to
 10 what? That I have?
 11 Q With respect to this matter?
 12 MR. BROWN: Object to the form.
 13 BY MR. SVALINA:
 14 Q Other than the documents which have
 15 been presented to you today?
 16 A The only documents that I am aware with
 17 respect to this matter are Exhibits 1, 2 and 3
 18 to this deposition.
 19 Q Give us one moment. I think we are
 20 about through.
 21 MR. MOSS: I have no further
 22 questions. If you are through, Sammy.
 23 THE WITNESS: Okay.
 24 MR. SVALINA: I will be on mute
 25 for a second.

Page 29

1 anybody else need an electronic copy?
 2 MR. SVALINA: I will take a copy.
 3 (WAIVED SIGNATURE.)
 4 (Whereupon, the deposition of
 5 Duke Highfield was concluded at
 6 1:34 p.m.)
 7
 8
 9
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

ELECTRONICALLY FILED - 2022 Aug 25 2:40 PM - BEAUFORT - COMMON PLEAS - CASE#2019CP0701995



1 CERTIFICATE

2
3 STATE OF SOUTH CAROLINA;
4 BEAUFORT COUNTY;

5
6 I, Ceil Weser, CCR and Notary
7 Public in and for the above county and state, do
8 hereby certify that the foregoing testimony was
9 taken before me at the time and place
10 herein before set forth; that the witness was by
11 me first duly sworn to testify to the truth, the
12 whole truth, and nothing but the truth, that
13 thereupon the foregoing testimony was later
14 reduced by computer transcription; and I certify
15 that this is a true and correct transcript of my
16 stenographic notes so taken.

17 I further certify that I am not of
18 counsel to either party, nor interested in the
19 event of this cause.

20
21 *Ceil Weser*

22 Ceil Weser, CCR
23 Notary Public
24 Beaufort, South Carolina
25

ELECTRONICALLY FILED - 2022 Aug 25 2:40 PM - BEAUFORT - COMMON PLEAS - CASE#2019CP0701995



<p style="text-align: center;"><u>Exhibits</u></p> <p>PX-1 4:3 6:3 9:19 12:6,20 13:3 15:5 19:8 22:1,18 26:18</p> <p>PX-2 4:5 11:10,11 13:10, 12,21 14:10 19:10 21:2,16, 23</p> <p>PX-3 4:6 16:2 18:1,24 19:12,16</p> <hr/> <p style="text-align: center;">0</p> <hr/> <p>02743 7:4</p> <hr/> <p style="text-align: center;">1</p> <hr/> <p>1 6:5 8:3 9:19 12:6,20 13:3 16:5 19:8 22:1,18 26:18 27:17</p> <p>10 6:1</p> <p>11 6:1</p> <p>12 16:6</p> <p>12th 17:1</p> <p>15 9:14</p> <p>184920 7:5</p> <p>1992 9:17</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>2 11:10,11 13:10,12,21 14:10 19:10 21:2,16,23 27:17</p> <p>20 24:5</p> <p>2011 6:7 11:13 13:13 16:24 17:9 20:24 21:14 22:13,25 24:19 25:16 26:8</p> <p>2011-CP-027-- 7:4</p> <p>2015 16:6</p> <p>2018 24:11,14,16</p> <p>2021 14:17 22:25</p> <p>22 17:1</p>	<p style="text-align: center;">3</p> <hr/> <p>3 6:5 16:2 18:1,24 19:12,16 27:17</p> <p>30 20:8</p> <p>31st 9:7</p> <p>32 26:14</p> <hr/> <p style="text-align: center;">7</p> <hr/> <p>7/5/2008 7:5</p> <hr/> <p style="text-align: center;">9</p> <hr/> <p>9 6:7 11:13 13:13 20:24 21:14 22:13,25 25:16 26:7</p> <hr/> <p style="text-align: center;">A</p> <hr/> <p>actual 6:22 6:2</p> <p>addressed 18:8 19:12</p> <p>ahead 18:12</p> <p>apologize 7:20 10:8 26:19</p> <p>apparently 6:6 8:10 10:19 12:21</p> <p>appearance 28:9,13</p> <p>appears 13:16</p> <p>argue 8:21</p> <p>arguing 8:15,17</p> <p>arisen 14:24</p> <p>associate 26:25 27:5</p> <p>assuming 6:11</p> <p>attachment 16:20,25</p> <p>attachments 12:21</p> <p>attorney 9:5,13 19:21</p> <p>attorney-client 21:21 24:20 26:4,9,19</p> <p>August 6:7,11 11:13 13:13 20:24 21:14 22:13,25 25:16 26:7</p>	<p>aware 16:14 19:9 27:16</p> <hr/> <p style="text-align: center;">B</p> <hr/> <p>back 11:5 13:6,14 16:3 24:19</p> <p>base 12:5</p> <p>basically 12:11 15:17</p> <p>Beaufort 6:10 19:12</p> <p>behalf 22:9</p> <p>belief 22:5</p> <p>bit 26:13</p> <p>bottom 12:5</p> <p>break 28:1</p> <p>BROWN 6:17 20:1 21:24 22:2 24:24 26:2 27:12 28:10</p> <hr/> <p style="text-align: center;">G</p> <hr/> <p>call 15:21</p> <p>called 9:16 14:20 16:4,13 23:10 24:4</p> <p>caption 6:24,25</p> <p>Carolina 5:10 9:6</p> <p>carrier 12:12 17:5</p> <p>case 5:15,18 7:3 11:7,22 14:16 24:5,8,9,11,14 25:5, 8 28:13,15</p> <p>cases 24:15</p> <p>certified 12:24</p> <p>changed 23:11</p> <p>check 6:15</p> <p>claim 7:4 11:7</p> <p>clarify 14:8 28:4,5</p> <p>Clement 9:16</p> <p>Clerk 19:13</p> <p>client 24:23</p> <p>clients 26:25</p>	<p>Clinton 7:2</p> <p>close 15:9,10</p> <p>Club 6:19 7:2</p> <p>Colony 11:12 12:2,6 17:8 19:4 20:23 21:1,4 22:8,13, 14,16 24:22 25:22 28:6,10 28:7</p> <p>communication 25:7</p> <p>Company 12:3,7</p> <p>Complaint 5:23 10:24 11:1,6 17:15 21:20</p> <p>confirm 11:16 12:14 22:7 23:20</p> <p>confirmation 12:17 28:12</p> <p>confirmed 11:17 20:7,22 24:18</p> <p>confirming 18:19 21:19 25:16 28:6</p> <p>contact 12:2 14:14 15:3,6 17:4,7</p> <p>contacted 6:14,16,20 11:12 20:14</p> <p>copied 19:14</p> <p>copy 6:5,10,18 16:8 17:14 28:21 29:1,2</p> <p>correct 10:21,22 12:22 13:23 15:2 16:23 17:2 18:5,22 19:5 23:20,21 24:23 25:18 27:1 28:14</p> <p>correspondence 24:22 25:6</p> <p>County 19:13</p> <p>court 6:4 8:6,15 13:1 14:10 16:11 19:13 28:19,25</p> <p>courtesy 22:10</p> <p>coverage 15:8,18 23:24 24:2</p> <p>CP-07-00831 24:11</p> <p>CROSS-EXAMINATION 17:24</p> <p>cross-examining 18:17</p>
---	--	---	---



<p style="text-align: center;"><u>D</u></p> <p>dad 9:24 10:4,6,10,13,14, 16 14:6 17:23</p> <p>dad's 14:4</p> <p>date 7:5 11:12 13:13 15:25</p> <p>dated 18:6</p> <p>day 20:24 23:1 26:8</p> <p>days 20:8</p> <p>default 17:11</p> <p>Defendants 5:15 18:21,22 20:10 21:12,22 23:26 25:7, 15</p> <p>defense 9:10,11</p> <p>deposition 7:25 8:7,19 16:21,25 24:17 25:25 27:18</p> <p>destroy 23:7</p> <p>details 14:21</p> <p>DIRECT 6:7</p> <p>discussing 23:3</p> <p>document 21:1</p> <p>documentation 21:16 23:2</p> <p>documents 13:3 22:12 26:10 27:8,14,16</p> <p>door 6:19</p> <p>Douglas 7:2,3</p> <p>Douglas's 20:10</p> <p>Duke 5:1 7:9 9:1 10:2 27:2</p> <p>Dukes 24:12</p> <p>duly 5:2</p> <hr/> <p style="text-align: center;"><u>E</u></p> <p>effect 15:12</p> <p>electronic 18:2,22 23:16 28:21 29:1</p> <p>Email 6:13</p>	<p>employed 9:13</p> <p>end 14:16</p> <p>Eric 7:2</p> <p>essence 20:17 22:18</p> <p>essentially 14:25</p> <p>establish 25:14,18</p> <p>established 21:21 24:21</p> <p>et al 6:19</p> <p>EXAMINATION 5:7</p> <p>exhibit 5:4 6:3 9:19 11:10, 11 12:6,20,23 13:3,10,12, 21 14:10 15:5 16:2,10 18:1,24 19:8,10,12,10 21:2,15,23 22:1,18 26:10</p> <p>Exhibits 27:17</p> <p>exist 27:8,9</p> <p>extension 11:15,18 12:8, 13 19:20 20:7,22 21:13,20 22:8 23:20 24:19 25:13,17 28:7</p> <p>extent 11:19</p> <hr/> <p style="text-align: center;"><u>F</u></p> <p>facilities 23:10</p> <p>fall 15:24 17:9</p> <p>fashion 16:14</p> <p>father 20:22 21:13 28:7</p> <p>February 16:6</p> <p>file 11:25 15:10,11 19:3,17 23:18,22</p> <p>files 23:7,13</p> <p>fine 8:12,15</p> <p>firm 5:24 9:15,17 14:14 16:6 19:11 23:8 25:21,23 26:5,9</p> <p>firm's 25:24</p> <p>follow 12:16</p> <p>form 21:24 24:24 27:12 28:10</p>	<p>front 24:11</p> <p>full 8:25</p> <p>fussing 8:10</p> <hr/> <p style="text-align: center;"><u>G</u></p> <p>gave 21:13 28:7</p> <p>give 6:16 6:10,18 8:24 20:3 27:19</p> <p>Gratz 12:6,11 15:4 19:11</p> <p>guess 15:4 28:20</p> <p>guys 23:13</p> <hr/> <p style="text-align: center;"><u>H</u></p> <p>hang 6:17</p> <p>hard 6:18</p> <p>hear 7:17</p> <p>hearing 17:11</p> <p>Hey 10:1,2</p> <p>Highfield 5:1,9 7:16 8:8, 19,24 9:1,2 10:20,21</p> <p>hold 6:15 22:23 24:5,8</p> <p>Holmes 5:18,24 7:1</p> <p>Hughes 14:19 22:17,19 23:4 26:17,21 27:1,4</p> <hr/> <p style="text-align: center;"><u>I</u></p> <p>Idea 21:6 23:17</p> <p>Identification 5:6</p> <p>Identify 16:4</p> <p>incorrect 26:24</p> <p>indicating 11:7</p> <p>Indication 11:14</p> <p>Individual 7:8,25</p> <p>information 7:7 26:16</p> <p>Instituted 5:23</p> <p>insurance 12:3,7,12 17:4</p>	<p>Introduce 12:19 13:2 14:10</p> <p>Involved 14:24 15:1 20:19, 21 24:1</p> <p>Issues 24:2</p> <hr/> <p style="text-align: center;"><u>J</u></p> <p>Jacob 5:20 14:19 26:23</p> <p>January 17:1</p> <p>Jim 5:9 8:21 20:14 26:8 28:19</p> <p>Judge 24:12</p> <hr/> <p style="text-align: center;"><u>K</u></p> <p>Kevin 5:18,24 7:1</p> <p>knowledge 14:13 27:7</p> <hr/> <p style="text-align: center;"><u>L</u></p> <p>lady 17:5</p> <p>law 5:24 16:6 19:11</p> <p>lawyer 9:4</p> <p>lawyers 23:12</p> <p>Leading 18:15</p> <p>letter 6:6,8,12,25 9:18,22 10:12,13,17,19 11:17 12:5, 15,20 15:12,14 16:5,16 17:3 18:21 19:9,10 21:2 22:21 28:8</p> <p>letters 16:1</p> <p>lines 15:8</p> <p>listed 21:2,23</p> <p>litigation 11:13</p> <p>long 5:12 9:5 15:15 20:20 23:14,16</p> <p>longer 26:15</p> <p>looked 16:20</p> <p>loss 7:5</p> <p>lot 24:15</p>
--	--	--	---

ELECTRONICALLY FILED - 2022 Aug 25 2:40 PM - BEAUFORT - COMMON PLEAS - CASE#2019CP0701995



<p style="text-align: center;"><u>M</u></p> <p>Madam 8:6 13:1 14:10 16:11 28:19,25</p> <p>made 15:21</p> <p>mail 12:24 18:2,3,21,22</p> <p>make 18:10</p> <p>manager 23:10</p> <p>marked 5:5 6:4</p> <p>Marvin 24:12</p> <p>matter 12:1 14:23 15:11 17:8 19:17 20:12,14,19 21:7,9,12 22:7 23:2 24:16, 18 25:10 27:11,17 28:9</p> <p>Michelle 12:6,11 15:4 19:11</p> <p>minute 8:4 9:19</p> <p>moment 24:6 27:19</p> <p>months 5:21 22:19 26:17</p> <p>Moss 5:8,9 6:23 7:14,19,24 8:6,17,22,23 10:3,12,18 13:1,4,24 14:4,9,12 16:9, 12 18:10,15,18 19:8 20:3, 14,15 22:16,22 23:5 26:8 27:21 28:17,22</p> <p>mute 27:24</p> <hr/> <p style="text-align: center;"><u>N</u></p> <p>named 25:5</p> <p>notice 6:20 17:10 28:24</p> <p>number 7:3,4 11:7,8 24:5, 8,14</p> <p>Numbers 5:5</p> <hr/> <p style="text-align: center;"><u>O</u></p> <p>Object 24:24 27:12 28:10</p> <p>objection 18:10,14 21:24 22:2 26:2</p> <p>obtained 22:8</p>	<p>office 5:20 22:17</p> <p>older 23:13</p> <p>on-line 7:12</p> <p>open 19:17</p> <p>opened 11:25 23:18,21</p> <p>opinion 25:13</p> <p>original 28:20</p> <p>originally 5:23</p> <hr/> <p style="text-align: center;"><u>P</u></p> <p>paper 23:13</p> <p>part 6:25</p> <p>participate 24:6,10</p> <p>parties 22:6 25:5,20</p> <p>partner 9:16</p> <p>pending 14:23</p> <p>people 8:3</p> <p>plaintiff's 6:4 9:9 11:10,11 19:8,10</p> <p>Pleadings 6:16 6:2 11:22, 24</p> <p>point 20:8 28:7</p> <p>polley 21:6,11 23:7,24</p> <p>practice 25:2</p> <p>practicing 25:13</p> <p>present 23:1 26:8</p> <p>presented 21:17 27:15</p> <p>primarily 9:9</p> <p>produced 5:2</p> <p>profession 9:3</p> <p>proper 7:23</p> <p>provided 11:17</p> <p>Put 18:10</p> <hr/> <p style="text-align: center;"><u>Q</u></p> <p>question 7:15,16 14:23 18:11 20:3 25:1 26:4</p>	<p>questions 5:11 7:10 17:20 27:22 28:16,18</p> <p>qulok 6:18</p> <hr/> <p style="text-align: center;"><u>R</u></p> <p>Raleigh 9:1</p> <p>reached 14:19,22</p> <p>reaching 20:16</p> <p>read 6:24 13:25</p> <p>reading 13:21</p> <p>real 6:18</p> <p>realm 25:3</p> <p>recall 5:25 6:1 11:25 20:20 22:20,21 26:14</p> <p>receipt 12:24</p> <p>receive 5:22 7:7 10:23 11:21 13:6 14:13,18 15:3,5 17:4 24:21</p> <p>received 7:6 11:2 13:14 15:7 16:15,24 17:14</p> <p>receiving 6:2 11:1,24 18:6 19:15</p> <p>recently 9:14</p> <p>recognize 6:8 16:4 24:14</p> <p>recollection 10:25 11:23 13:15 15:15,19 17:16 18:4, 9 19:2,15 20:15 24:13</p> <p>record 8:25 14:11 16:10</p> <p>refer 11:10</p> <p>regard 19:3</p> <p>relationship 21:21 24:20 25:4,9,15,19</p> <p>relationships 25:24</p> <p>reporter 6:4 8:6,16 13:1 14:11 16:11 28:19,25</p> <p>represent 20:12 21:11 22:6 25:22</p> <p>represented 20:9</p> <p>requested 11:14 22:12,17 26:9</p>	<p>requests 23:1</p> <p>respect 5:17 16:19 21:6 22:6,16 25:10 27:9,11,17</p> <p>respected 14:5</p> <p>respond 18:13</p> <p>response 13:5</p> <p>retained 20:12 21:11 22:5</p> <p>reviewed 19:7,8</p> <p>Rivers 9:16</p> <p>rules 8:14</p> <hr/> <p style="text-align: center;"><u>S</u></p> <p>Sam 7:14,24 8:9,12 10:4,6 13:25 17:20</p> <p>Sammy 9:23 10:1,5,16 18:12 27:22</p> <p>Samuel 10:8,10 13:12,17, 20,22 14:2 17:22,23</p> <p>semantical 22:4</p> <p>send 9:22 21:4</p> <p>sending 22:20</p> <p>short 28:1,24</p> <p>shorter 26:15</p> <p>shown 9:19</p> <p>signature 13:18 14:2,5</p> <p>signed 10:11,13,17,19 13:12</p> <p>sir 18:25</p> <p>South 6:10 9:8</p> <p>speak 22:14,16</p> <p>Specialty 11:12 21:4 22:13 25:22 26:10 28:8</p> <p>specific 10:25</p> <p>spoke 19:7</p> <p>start 7:10 8:2,4,11</p> <p>startling 7:14 8:10</p> <p>State 9:6</p>
---	--	--	--

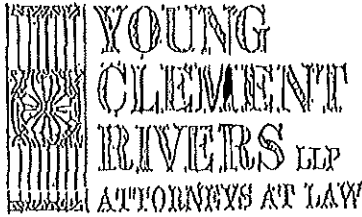


States 18:2,21	
stop 7:11	
Studio 5:18 7:2 11:18 19:20 20:9 21:22 22:9 23:24	
suffable 26:26	
Summons 5:22 10:23 11:1,6 17:14	
Susie 7:3	
Svallna 5:24 7:9,16,22 8:3, 9,13,20 9:23,24 10:2,5,8, 10,16 11:3,15,17 12:9,13 13:6,12,17,18,20,22,23 14:1,7,14 16:5 17:20,22,26 18:13,16,19 19:11 20:6 21:25 22:11 25:11 28:3 27:3,13,24 28:3,12 29:2	
Svallna's 5:20	
sworn 5:2 7:17,18,20	
<hr/> T <hr/>	
talking 16:26	
talking 18:23 19:3 20:2,4 26:26	
telling 11:6	
testified 5:3	
thing 12:18 15:7 26:12,16	
things 23:11,16	
thought 26:24	
time 6:12 14:18 16:26 18:17 17:3,15 19:20 20:9, 13,20 21:20 23:14 26:7	
today 16:26 21:17 23:3 27:15	
told 14:25 15:13,17 20:21	
top 18:20	
topic 26:26	
touch 12:8 17:6	
type 17:10 26:14	
	<hr/> U <hr/>
	understand 10:16 16:22 18:18 23:15
	understanding 23:16,23 26:6
	United 18:2,21
	<hr/> V <hr/>
	Versus 5:18 7:1
	<hr/> W <hr/>
	walt 7:11,22 8:3
	walking 7:21
	wanted 14:7
	word 28:5
	words 16:24
	work 9:10,11 12:1 26:6
	worry 15:18
	write 9:18
	writing 11:5
	wrong 24:8
	wrote 6:7 28:8
	<hr/> Y <hr/>
	year 9:7 14:16 24:15
	years 6:1 9:14 20:18 22:22 25:14 26:13,14
	younger 23:12



CHANDLERSON
28 NAVAL STREET
PO. BOX 993
CHANDLERSON, SC 29404-0993
TYPENUM (434) 577-4400
www.young.com

Other Offices:
Columbia, SC



Duke R. Highfield

Direct Dial: (843) 720-5456
Direct Fax: (843) 679-1330
E-mail: dhighfield@yrc.com

August 9, 2011

VIA E-MAIL
Samuel S. Swinton, Esquire
Swinton Law Firm, P.A.
P. O. Drawer 1207
Beaufort, SC 29901-1207



Re: Kevin Holmes v. Studio Seven Club, Inc., Eric Douglas, Clinton R. Douglas, and
Suzie M. Douglas
Case No.: 2011-CP-07-02743
Clau No.: 184920
Date of Loss: 7/5/2008

Dear Sammy:

Please let this letter confirm my understanding that you have provided Studio Seven Club, Inc. with a 30-day extension of time in which to answer or otherwise plead. It is my understanding that Studio Seven Club was served on July 18, 2011; therefore, a responsive pleading would now be due on or before September 16, 2011. In that regard, I would appreciate your signing the enclosed and returning it to me via e-mail or otherwise.

Should you have any questions or comments, please do not hesitate to contact me.

With kindest regards, I am

Sincerely,

YOUNG CLEMENT RIVERS, LLP

Duke R. Highfield

DRH/gh
Enclosure
cc: Michelle Emtz, Colony Insurance Company

ELECTRONICALLY FILED - 2022 Aug 25 2:40 PM - BEAUFORT - COMMON PLEAS - CASE#2019CP0701995

**U.S. POSTAL SERVICE
CERTIFIED MAIL RECEIPT**

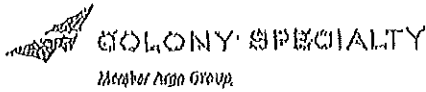
OFFICIAL USE

Postage \$ _____
 Certified Post _____
 Registered Mail Fee (Endorsement Required) _____
 Registered Delivery Fee (Endorsement Required) _____
 Total Postage & Fees \$ _____

Postmark (Date)

Post to: Duke Highfield
 Street, Apt. No. /
 or PO Box No. _____
 City, State, ZIP+4 _____

SENDER COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p><input checked="" type="checkbox"/> Complete Items 1, 2, and 3. Also complete Item 4 if Registered Delivery is checked.</p> <p><input checked="" type="checkbox"/> Print your name and address on the reverse so that we can return the card to you.</p> <p><input checked="" type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to: <u>Duke Highfield, 239, PO Box 993 Charleston, SC 29402</u></p>	<p>A. Signature <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee <u>B. Hutchinson</u></p> <p>B. Recycled by (Printed Name) <u>B. Hutchinson 11-26-12</u></p> <p>C. Date of Delivery <u>11-26-12</u></p> <p>D. Is delivery address different from Item 1? <input checked="" type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
	<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> O.D.D.</p>
	<p>4. Registered Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>5. Article Number (Transfer from service label) <u>70767 2970 0002 6465 2259</u></p>	
<p>PB Form 3811, February 2004 Domestic Return Receipt 102698-02-M-1840</p>	



August 9, 2011

Svalina Law Firm
Attn: Sam Svalina
Fax # 843 524 4238

Re: One insured	Studio 7 Club, Inc.
Our Claim #	TBD
Date of Accident	07/04/2008
Claimant	Kevin Holmes

Dear Mr. Svalina:

Colony was first made aware today of the lawsuit filed against Studio 7 Club, Inc. by Kevin Holmes regarding a shooting incident that occurred on 07/04/2008. My understanding is the answer to the lawsuit is due tomorrow, 08/10/2011. I've requested a copy of the Complaint and Summons from Mr. Bessinger with your firm. Additionally, I would like a copy of any correspondence sent to Colony's insured, Studio 7 Club, Inc. by your firm.

In order for Colony to investigate coverage for the matter, I am requesting a 30 day extension until 09/09/2011 for a response from Colony's insured to the Complaint. If this is agreeable to you, please confirm the granted extension in writing to me at my email address below. Your professional courtesy is appreciated.

I can be reached at phone 800 677 6614 x3045 and email mgratz@colonyandcolally.com. My mailing address is P.O. Box 86122, Richmond VA 23236.

Sincerely,

Michelle R. Grafz, AIC
Senior Claims Examiner
Colony National Insurance Company

I HEREBY GRANT DEMANDANT, STUDIO SEVEN CLUB, INC., d/b/a STUDIO 7 CLUB, INC., A THIRTY (30) DAY EXTENSION TO ANSWER THE SUMMONS AND COMPLAINT WHICH WAS SERVED ON THE JULY 18, 2011, THEREBY MAKING THE RESPONSIVE PLEADINGS DUE BY SEPTEMBER 16, 2011.

OO: File

Samuel L. Svalina, Attorneys for Plaintiff, Kevin Holmes
Date:

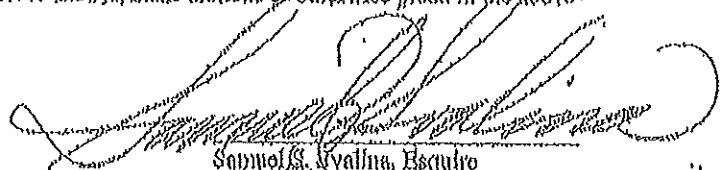
P.O. Box 86122
Richmond, VA 23236-5122
www.colonyspecialty.com

T 800.577.6614
T 804.500.4831

ELECTRONICALLY FILED - 2022 Aug 25 2:40 PM - BEAUFORT - COMMON PLEAS - CASE#2019CP07071995

Re: Kayla Holmes v. Studio Sever Club, Inc., Kyle Douglas, Gilton R. Douglas, and
Bush M. Douglas
Case No: 2011-CP-07-02743
Claim No: 184920
Date of Loss: 7/5/2008

I hereby grant a standard thirty (30) day extension of time through and including September 16, 2011 to Studio Sever Club, Inc. to answer, make motions or otherwise plead in the above-referenced matter.



Samuel S. Svalina, Esquire
Svalina Law Firm, P.A.

August 9, 2011
Date

SVALINA LAW FIRM, P.A.

ATTORNEYS AT LAW

601 BLADEN STREET, P.O. DRAWER 1207

BEAUFORT, SOUTH CAROLINA 29901

TELEPHONE: (843) 524-0333 • FAX: (843) 524-4233

EMAIL: Sammy@svalinalawfirm.com

SAMUELS, SYALINA
SAMUEL L. SYALINA
(1935 - 2013)

CLINTON E. RIBBURN
ASSOCIATE

February 12, 2013

VIA UNITED STATES MAIL AND ELECTRONIC MAIL

The Honorable Jerrl Ann Roseneau
Beaufort County Clerk of Court
P.O. Drawer 1128
Beaufort, South Carolina 29901-1128
Email: akinnard@bcgov.net

Re: Kevin Holmes vs. Studio Seven Club, Inc. et al.
Civil Action No.: 2011-CP-07-2743

RECEIVED
FEB 16 PM 3:12
CLERK OF COURT
BEAUFORT COUNTY
SOUTH CAROLINA



Dear Ms. Roseneau:

I am in receipt of your correspondence dated February 7, 2013, in regard to the above referenced matter. Please be advised that our firm is in the process of attempting to reach some sort of resolution with the insurance carrier for the Defendant, Studio Seven Club, Inc., as to litigation or alternatively will move forward and request a damages hearing. To provide the court with some background as to this action, after the complaint was initially filed and served on the Defendant(s), our firm was contacted by an insurance carrier for Studio Seven Club and an attorney in Charleston requesting an extension to file responsive pleadings to the Complaint. A thirty (30) day extension was granted, however, after the expiration of the thirty (30) days, the Defendant(s) failed to file an answer or otherwise plead and an entry of default was entered by the court on November 16, 2012 for each of the Defendant(s). If we are unable to get a response from the insurance carrier within one (1) week of this letter as to how they would like to proceed, we will move forward with the default proceedings and request a damages hearing. As a result, we would ask that the case not be dismissed but remain on the active roster. If you need any additional information to accommodate this request, please do not hesitate to contact me.

With kind regards, I am

Sincerely,

SYALINA LAW FIRM, P.A.

Samuel S. Svalina

BLAUFORT OFFICE
2 WESTBURY PARK WAY, SUITE 201, BLAUFORT, SC 29910.
TELEPHONE: (843) 837-7800 • FAX: (843) 815-6931

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF BEAUFORT)	
	)	CIVIL ACTION NO.: 2019-CP-07-01995
Ronnie L. Douglas, Eric J. Douglas,)	
Jacqueline Walker, Donna Harding, and Diane)	
Brenda Spears,)	
)	
Plaintiffs,)	
	)	RESPONSE TO PLAINTIFFS'
vs.	)	MOTION FOR RECONSIDERATION
)	
Kevin Holmes,)	
)	
Defendant.)	
_____)	

TO: JAMES H. MOSS, ESQUIRE, ATTORNEY FOR PLAINTIFFS:

Defendant Kevin Homes, by and through undersigned counsel, hereby submits the following Response to Plaintiffs' Motion for Reconsideration or to alter or to amend the Order Granting Defendant's Motion for Summary Judgment, entered August 16, 2022.

BACKGROUND

The Court heard oral argument regarding Defendant's Motion for Summary Judgment on July 22, 2022. Defendant submitted a memorandum of law in support of his Motion, with accompanying exhibits, court records, deposition testimony, and transcript of hearing. Plaintiffs did not file a response to the Motion for Summary Judgment. At the conclusion of the summary judgment hearing, the Court allowed Plaintiffs' counsel ten (10) days to supplement any information relevant to the issues raised at the hearing.

On July 27, 2022, Plaintiffs' counsel supplemented a letter and the Form 4 Order denying Defendant's motion to dismiss, which was entered July 28, 2020. On the same day, defense counsel responded by correspondence. (Letter from Jacob M. Hughes to the Honorable R. Ferrell Cothran, Jr., July 27, 2022, Ex. A).

On August 16, 2022, the Court entered its Order Granting Defendant's Motion for Summary Judgment. Plaintiffs filed a motion for reconsideration on August 25, 2022.

ARGUMENT

The purported grounds for reconsideration were first addressed in defense counsel's correspondence of July 27, 2022, attached hereto as Exhibit A. Contrary to what Plaintiffs claim, the Court heard Defendant's Motion for Summary Judgment on July 22, 2022. At the duly noticed hearing, Defendant argued the Motion for Summary Judgment; he did not argue that this action had already been dismissed.¹ Indeed, during the summary judgment hearing, defense counsel acknowledged on the record that the motion to dismiss was denied by Judge Jefferson. Furthermore, at the summary judgment hearing, the Court was never "of the opinion that th[e] case had been dismissed." (*Id.*). In a colloquy with counsel, after specifically considering the Form 4 Order denying Defendant's motion to dismiss, the Court observed that the motion to dismiss was made pursuant to Rule 12(b)(6), SCRCP, and denied accordingly. The transcript of hearing, whenever it is received, will confirm these facts and the substance of the summary judgment argument.

Plaintiffs did not submit a response to Defendant's Motion for Summary Judgment, which was filed on September 30, 2021. Nevertheless, at the conclusion of the summary judgment hearing on July 22, 2022, the Court allowed Plaintiffs' counsel ten (10) days to supplement any information relevant to the issues raised at the hearing. Plaintiffs supplemented a letter and the Form 4 Order denying Defendant's motion to dismiss. Although the denial of Defendant's motion to dismiss was discussed—and not disputed—at the summary judgment hearing, the Court's

¹ Additionally, on page one of the Motion for Summary Judgment, filed September 30, 2021, Defendant included in the procedural history of this action his "fil[ing] a motion to dismiss the complaint, which the Court denied after deciding the issues on the briefs."

instructions to counsel did not concern the motion to dismiss, nor any “alleged dismissal.”
Plaintiffs have yet to address the relevant issues raised at the summary judgment hearing.

WHEREFORE, Defendant respectfully requests that the Court deny Plaintiffs’ Motion for Reconsideration.

Respectfully submitted,

SVALINA LAW FIRM, P.A.

s/ Jacob M. Hughes

By:

JACOB M. HUGHES
S.C. Bar #100646
Post Office Drawer 1207
Beaufort, South Carolina 29901
(843) 524-0333
jacob@svalinalawfirm.com

Attorneys for Defendant Kevin Holmes

September 6, 2022
Beaufort, South Carolina

SVALINA LAW FIRM, P.A.

ATTORNEYS AT LAW
186 SEA ISLAND PARKWAY
POST OFFICE DRAWER 1207

SAMUELS. SVALINA
SAMUEL L. SVALINA
(1935 - 2013)

BEAUFORT, SOUTH CAROLINA 29901
TELEPHONE: (843) 524-0333 • FAX: (843) 524-4233
EMAIL: Jacob@svalinalawfirm.com

JACOB M. HUGHES
ASSOCIATE

July 27, 2022
VIA ELECTRONIC MAIL

The Honorable R. Ferrell Cothran, Jr.
Circuit Court Judge
Post Office Box 32
3 West Keitt Street
Manning, South Carolina 29102
RCothranSC@sccourts.org

Re: *Ronnie L. Douglas et al. v. Kevin Holmes*
Civil Action No.: 2019-CP-07-01995

Dear Judge Cothran:

On July 22, 2022, the Court heard oral argument regarding Defendant's Motion for Summary Judgment in this matter. At the conclusion of the summary judgment hearing, the Court allowed Plaintiffs' counsel ten (10) days to supplement any information relevant to the issues raised at the hearing, after which point the Court would rule.

I am writing in response to Plaintiffs' counsel's correspondence, dated today, supplementing the Form 4 Order denying Defendant's Motion to Dismiss, entered July 28, 2020.

First, at the summary judgment hearing on July 22, 2022, the Court well understood the procedural posture of this action and was not "of the opinion that th[e] case had been dismissed."

Furthermore, at the summary judgment hearing, the Court specifically considered the order that Plaintiffs' counsel supplements. As the Court observed during the hearing, Defendant's Motion to Dismiss was made pursuant to Rule 12(b)(6), SCRPC, and a decision denying the motion rendered accordingly. *See United Educ. Distribs., LLC v. Educ. Testing Serv.*, 350 S.C. 7, 13, 564 S.E.2d 324, 328 (Ct. App. 2002) ("A ruling on a motion to dismiss a claim pursuant to Rule 12(b)(6), SCRPC, must be based solely on the allegations set forth on the face of the complaint.").

Finally, the Order denying Defendant's Motion to Dismiss is not relevant to the issues raised at the summary judgment hearing, nor responsive to the Court's instructions. Therefore, there is no basis to reschedule Defendant's Motion for Summary Judgment, as this matter was duly and properly heard.

ELECTRONICALLY FILED - 2022 Sep 06 6:30 PM - BEAUFORT - COMMON PLEAS - CASE#2019CP0701995

Letter to Judge Cothran
July 27, 2022
Page 2

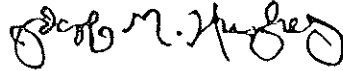
Following the expiration of time allowed by the Court, we would respectfully request that the Court issue its ruling.

Thank you.

With kindest regards, I am

Sincerely,

SVALINA LAW FIRM, P.A.



Jacob M. Hughes

cc: James H. Moss, Esquire
Laura Alliman Gregg, Esquire

ELECTRONICALLY FILED - 2022 Sep 06 6:30 PM - BEAUFORT - COMMON PLEAS - CASE#2019CP0701995

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

Kevin Holmes,)
)
Plaintiff,)
v.)
)
The Estate of Clinton R. Douglas)
and Susie M. Douglas, et al.)
)
Defendant.)

IN THE COURT OF COMMON PLEAS
CASE NUMBER: 2018-CP-07- 00831

NOTICE OF MOTION AND MOTION
TO DISMISS DEFAULT JUDGEMENT

TO LAURA A. GREGG, ESQUIRE AND ATTORNEY FOR THE PLAINTIFF:

YOU WILL PLEASE TAKE NOTICE That the Defendant's, by and through their undersigned attorney, shall move the Court for an order denying and dismissing the judgment by default as the Court was without jurisdiction and without due process to grant judgment of default.

That the Plaintiff Ronnie M. Douglas is the executor of Clinton R. Douglas (deceased) and heir at law to Susie M. Douglas (deceased) and he is living in North Carolina.

That the Defendant, Eric Douglas herein is a resident of Beaufort County, State of South Carolina.

That Clinton R. Douglas and Susie M. Douglas were previously married as husband and wife and were the owners of three parcels of real estate located in Beaufort County, State of South Carolina the subject of this matter and law suit. [See Exhibit A attached hereto]

That Clinton R. Douglas and Susie M. Douglas had five (5) siblings known as Jackie Walker, Ronnie Douglas, Donna Hardy, Diane Speaks and Eric Douglas.

That Clinton R. Douglas and Susie M. Douglas owned one parcel of land where a bar was previously established known as Studio Seven Club, LLC. [See Exhibit A - Lot 1 attached hereto]

That the Studio Seven Club, LLC, was located on a parcel of land separate from two (2) other parcels which were owned by Clinton R. Douglas and Susie M. Douglas. Neither Clinton

R. Douglas nor Susie M. Douglas has an interest in the bar know as Studio Seven Club, LLC as it was dissolved prior to the law suit for personal injuries by this Plaintiff.

That the Studio Seven Club, LLC, was originally organized in 1980 and dissolved in 2009. [See Exhibit B attached hereto]

That pursuant to an Affidavit for Entry of a Default Judgement on Susie M. Douglas which was signed and entered by the Court November 12, 2016. [See Exhibits C-1 and C-2 attached hereto] Susie M. Douglas was deceased on 2009. [See Death Certificate C-2 attached hereto]

In paragraph 3 of Exhibit C-1 the Affidavit states "the Plaintiff served Susie M. Douglas on July 25, 2011 by personally serving Donna Hardy, Susie M. Douglas's daughter and a person of age and discretion residing with Susie M. Douglas". A copy of the Affidavit of Service is attached hereto and made a part hereof. [See Exhibit C-1 attached hereto] Susie was deceased at the time.

That in fact, at the time of the alleged Affidavit of Default and also at the time of alleged service, Susie M. Douglas was deceased as shown by the death certificate showing date of death of Susie M. Douglas as April 3, 2009. [See Exhibit C-2 attached hereto]

That additionally Clinton R. Douglas at the time of the service of the alleged Summons and Complaint was incompetent and suffering from Alzheimer's and other illnesses living in North Carolina and was incapable of caring for himself. He additionally was not served with any Pleadings nor is it alleged that he was served with any Pleadings. He died in a hospital suffering from pneumonia, dementia and Parkinson's disease. [See Exhibit F attached hereto]

That thereafter without knowledge to Susie M. Douglas, Deceased and Clinton R. Douglas, disabilities on November 23, 2015 a Judgement was entered against Studio Seven Club, LLC, then dissolved and Clinton R. Douglas, impaired in nursing home and Susie M.

Douglas, Deceased. The Order granting Judgement against Defendant's in Default. Neither of these Defendants received a notice of damages hearing on the Judgement.

That the Judgement in this matter was not entered until November 23, 2015. See Complaint filed on July 1, 2011. [See Exhibit D attached hereto]

- a. Default November 16, 2012; [See Exhibit C-1 attached hereto]
- b. Hearing Default/Judgement, November 23, 2015, \$483,000.00 dollars; [See Exhibit E attached hereto]

That the next Complaint alleges that the Defendant's Clinton R. Douglas and Susie M. Douglas were served on July 25, 2011. At this time Susie M. Douglas was deceased and Clinton R. Douglas was incompetent suffering from Alzheimer's. The LLC was long dissolved.

That on November 16, 2012 an Affidavit for Entry of Default with the Affidavit of Service attached thereto and Affidavit of nonmilitary service were filed by Samuel L. Savlina, Esquire and The Honorable Jerri Ann Roseneau, Clerk of Court for Beaufort County signed an Order for Entry of Default as to each Defendant.

That thereafter the Court found that proper service of the Motion for Default Judgement and Damages Hearing was made by the Plaintiff. The Order further states "the Defendant's did not appear at the Damages Hearing on November 23, 2015." No proof of Service was shown.

Thereafter the Court signed, pursuant to the representations to the Court, a Judgement against the Defendant's Studio Seven Club, LLC, Eric Douglas, Clinton R. Douglas and Susie M. Douglas in the amount of \$483,000.00 dollars.

In fact, the Judgement entered should be void as proper due process was not made to the Deceased Heirs, the Court obtained no personal jurisdiction and the Judgement should be void.

That pursuant to the Law of S.C. Rule 60 (b) (4) the Judgment is void. Should be declared void and stricken from the Court, and rescinded as to Susie M. Douglas and Clinton R. Douglas and Eric Douglas.

WHEREFORE, the Plaintiff's herein move pursuant to Rule 60 of the South Carolina Rules of Civil Procedure for relief from the Judgment and Orders as the same is void Under the South Carolina Law as no due process or personal service for jurisdiction was acquired by the Court over the owners of the property and the Judgment is void as to the Deceased and the disabled husband both of whom were not served personally, or their representatives.

Respectfully Submitted

MOSS, KUHN & FLEMING, P.A.

By: s/James H. Moss
James H. Moss
Post Office Drawer 507
Beaufort, South Carolina 29901-0507
Telephone: (843) 542-3373
Facsimile: (843) 524-1307
ATTORNEYS FOR THE PLAINTIFF'S

Beaufort, South Carolina
April 4, 2019

January 23, 2019

TO: MOSS, KUHN, & FLEMING, P.A.
 Post Office Drawer 507
 Beaufort, South Carolina 29901

ATTN: James H. Moss

FROM: Ronnie L. Douglas/Co-Executor of Estate Clinton R. Douglas
 3715 Pinnacle Place Drive, Hephzibah GA 30815

Greetings,

I have enclosed additional payment of \$500.00 in this correspondent; total payment made \$2,000.00. I have also, included additional information that you may want to use/incorporate in your brief.

Since my father passing, we have paid (*out-of-pocket*) the property taxes on the land. Total amount paid for all three parcels since 2016: \$11,136.35.

Note: Supporting documentation below:

Parcel 1 of 3

Parcel ID (PIN)	Assessor ID (AIN)	Parcel Address	Date Retrieved As of	Assess Year	Pay Year
1114 078 000 0031 0000	0014672	44 DONALDSON CEMETERY,	1/17/2019	2019	2010
Current Parcel Information					
Owner	DOUGLAS CLINTON R SUSIE H		Property Class Code	ResImp SingleFamily	
Parcel Address	3715 PINNACLE PLACE DR HEPHZIBAH GA 30815		Assessed	\$1,0000	
Legal Description					
Historic Information					
Tax Year	Land	Buildings	Misc	Taxes	Payment
2010	\$77,000	\$26,000	\$90,000	\$1,757.41	\$0.00
2017	\$126,000	\$500	\$126,500	\$2,199.98	\$2,601.68
2016	\$126,000	\$90,200	\$216,200	\$2,600.82	\$2,120.61
2015	\$126,000	\$90,700	\$216,700	\$2,510.71	\$2,510.71

Parcel 2 of 3

Parcel ID (PIN)	Assessor ID (AIN)	Parcel Address	Date Retrieved As of	Assess Year	Pay Year
1104 078 000 009E 0000	01877031	,	1/17/2019	2019	2010
Current Parcel Information					
Owner	DOUGLAS CLINTON R SUSIE H		Property Class Code	ResImp SingleFamily	
Parcel Address	P O BOX 4241 MURTON SC 29903		Assessed	\$2,5400	
Legal Description	P O N LOT 26 SEC 9 162W P031P60 #AK00340				
Historic Information					
Tax Year	Land	Buildings	Misc	Taxes	Payment
2010	\$61,000	\$23,500	\$84,500	\$356.77	\$0.00
2017	\$139,500	\$500	\$140,000	\$655.62	\$600.41
2016	\$139,400	\$70,400	\$209,800	\$690.40	\$1,149.00
2015	\$139,400	\$70,000	\$209,400	\$671.20	\$671.21

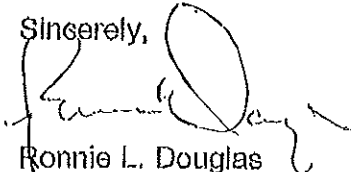


Parcel 3 of 3

Property ID (PIN)	Address	Parcel Address	Date of Sale	Year	Year
R100 025 000 0000 0000	00161601	23 DOUGLASS CAMP RD,	1/17/2010	2019	2019
<p>County: DOUGLASS CLINTON FL COUNTY FL City: BEAUFORT BEAUFORT FL 32006-0803 Parcel: PAR LOT 30 SEC 9 182W 2-2-77 0002001500</p>					
Public Information					
Tax Year	Assessed Value	Market Value	Taxes	Total	
2018	\$70,400	\$70,400	\$1,239.15	\$0.00	
2017	\$81,100	\$81,100	\$1,397.77	\$1,692.41	
2016	\$81,100	\$81,100	\$1,307.83	\$1,077.51	
2015	\$81,100	\$81,100	\$1,349.57	\$1,300.57	

In closing, do you have any additional information on our case?

Sincerely,



Ronnie L. Douglas
706-691-1195

ELECTRONICALLY FILED - 2019 Apr 04 11:12 AM - BEAUFORT - COMMON PLEAS - CASE#2018CP0700831

STATE OF SOUTH CAROLINA
SECRETARY OF STATE

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

ARTICLES OF DISSOLUTION
FOR A
NONPROFIT CORPORATION

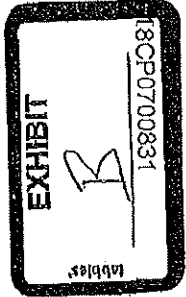
AUG 25 2011

Mark Hammond
SECRETARY OF STATE OF SOUTH CAROLINA

TYPE OR PRINT CLEARLY IN BLACK INK

Pursuant to the provisions of Section 33-31-1404 of the 1976 South Carolina Code of Laws, as amended, the undersigned corporation submits the following Articles of Dissolution:

1. The name of the corporation is: STUDIO SEVERN CLUB, INC
Date incorporated: FEBRUARY 15, 1980
2. The dissolution was authorized on 12-31-2009
3. Choose one of the following by marking the appropriate box.
 The resolution authorizing the dissolution was duly adopted by the members pursuant to Section 33-31-1402 of the 1976 South Carolina Code of Laws, as amended.
 The resolution authorizing the dissolution was duly adopted by a majority of the Board of Directors, as approval by the members was not required (Section 33-31-1402(b) of the 1976 South Carolina Code of Laws, as amended.)
 The resolution authorizing the dissolution was duly adopted by a majority of the incorporators pursuant to Section 33-31-1401 of the 1976 South Carolina Code of Laws, as amended.
4. If approval by the members was required, please provide the following information pursuant to Section 33-31-1404(a) (5) (i) and (ii) of the 1976 South Carolina Code of Laws, as amended.
 - (a) Designation (Classes of membership): _____
 - (b) Number of memberships outstanding: _____
 - (c) Number of votes entitled to be cast by each class entitled to vote separately on dissolution: _____
 - (d) Number of votes entitled to be cast by each class indisputably voting on dissolution: _____
 - (e) Complete one of the following as appropriate:
 - (i) Total number of votes cast for and against dissolution by each class entitled to vote separately: _____
 - (ii) Total number of undisputed votes cast for dissolution by each class which was sufficient for approval for that class: _____



ELECTRONICALLY FILED - 2019 Apr 04 11:12 AM - BEAUFORT - COMMON PLEAS - CASE#2

110831-0067 FILED: 08/26/2011
STUDIO SEVEN CLUB, INC.

Filing Fee: \$10.00 ORIG



Mark Hammond

South Carolina Secretary of State

- 5. If approval by third person(s) other than the members, directors, or incorporators was required, such approval was obtained.
- 6. If a public benefit or religious corporation, notice to the Attorney General, required by Section 33-31-1403 of the 1976 South Carolina Code of Laws as amended, has been given.
- 7. If the document is not to be effective upon filing by the Secretary of State, the delayed effective date/time is: _____
date time

[NOTE: A delayed effective date shall not be later than the 90th day after the date this document is filed by the Secretary of State.]

Date _____

Studio 7 inc
Name of Corporation

[Signature]
Signature

Eric J. Douglas
Type or Print Name

[Signature] V. Pres.
Signature's Capacity

AFFIDAVIT AFFIRMING AUTHORITY TO EXECUTE ARTICLES OF DISSOLUTION FOR A NONPROFIT ORGANIZATION

Filed pursuant to South Carolina Code of Laws § 33-31-1402 (f)

I do solemnly swear or affirm, under penalty of perjury, that I have the authority, either in my own right or on behalf of the board or other entity or group, to execute articles of dissolution for STUDIO SEVEN CLUB, INC., a nonprofit organization.

ERIC J. DOUGLAS
Printed Name

[Signature]
Signature

Date 7/16/2011

Nolan W. Woods
Sworn to and subscribed before me

This 12 day of July, 2011.

Notary Public of South Carolina

My Commission Expires: 1-16-12

STATE OF SOUTH CAROLINA)
)
 COUNTY OF BEAUFORT)
)
 KEVIN HOLMES,)
)
 Plaintiff,)
 vs.)
)
 STUDIO SEVEN CLUB, INC., ERIC)
 DOUGLAS, CLINTON R. DOUGLAS,)
 and SUSIE M. DOUGLAS,)
)
 Defendants.)

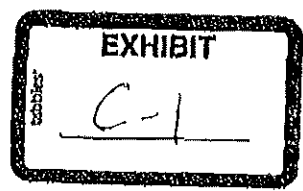
IN THE COURT OF COMMON PLEAS
 FOURTEENTH JUDICIAL CIRCUIT
 CIVIL ACTION NO.: 11-CP-07-2743

**AFFIDAVIT FOR ENTRY OF DEFAULT
 AS TO DEFENDANT SUSIE M. DOUGLAS**

RECEIVED
 APR 04 2019
 PM 3:53

PERSONALLY appeared before me, Samuel L. Svalina, who, upon being first duly sworn and under oath states as follows:

1. I am an attorney with Svalina Law Firm, P.A., the firm of record for the Plaintiff in the above-entitled action.
2. The above-entitled action was initially commenced with the filing with the Clerk of Beaufort County Court of the Summons and Complaint on July 1, 2011.
3. That Plaintiff served Susie M. Douglas on July 25, 2011, by personally serving Donna Holding, Susie M. Douglas' daughter and a person of age and discretion residing with Susie M. Douglas. A copy of the Affidavit of Service is attached hereto and made a part hereof as Exhibit A.
4. That the time for the Defendant, Susie M. Douglas, to appear, answer or raise an objection to the Complaint in point of law, by motion or otherwise, has expired, in that more than thirty (30) days have elapsed after service of the Summons and Complaint upon the Defendant.
5. That the default of the Defendant, Susie M. Douglas, herein and judgment against him as prayed for in the Complaint should be entered.



Samuel L. Svacina
SAMUEL L. SVACINA

SWORN TO BEFORE ME
this 12th day of November, 2012.

Kelli Phifer
Notary Public for South Carolina
My Commission Expires 12-28-2016



ELECTRONICALLY FILED - 2019 Apr 04 11:12 AM - BEAUFORT - COMMON PLEAS - CASE#2018CP0700831



**Mecklenburg County
Sheriff's Office**

Daniel E. Bailey
Sheriff
Fallecia H. McAdoo
Chief Deputy Sheriff

700 East Fourth Street
Charlotte, NC 28202
T 704-336-2543
F 704-330-0218
www.mecksheriff.com

**State of North Carolina
County of Mecklenburg County**

AFFIDAVIT OF PERSONAL SERVICE

PERSONALLY APPREARED before me, the undersigned authority, K Knight X3139
Deputy Sheriff of Mecklenburg County, so being duly sworn, deposes and says that in the
County of Mecklenburg, State of North Carolina, serving the defendants by the laws governing
service of Civil Process within the State of North Carolina, he/she delivered to the within named
defendant(s) at the following time(s) and place(s) to wit:

Defendant(s)/ Respondent(s): Susie M. Douglas
Case Number: UCP092743

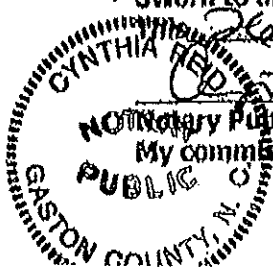
On: (Date) 25 day of July 2011 at: (Time) 09:04 am pm

- Was served by delivering to the Defendant/ Respondent named above a copy of the Complaint on the listed date and time listed above.
- By leaving a copy with DONNA HARDING (daughter) for the defendant/ respondent listed above at the address of 9704 Beulah Ford Rd on the date and time listed above.
- The defendant was not served for the following reason:

**Daniel E Bailey, Jr.,
Sheriff Mecklenburg County NC**

By: K Knight X3139
**Deputy Sheriff
Mecklenburg County Sheriff's Office**

Sworn to and subscribed before me,
25 day of July 2011



My commission expires: My Commission Expires June 7, 2012

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

KEVIN HOLMES,)
)
Plaintiff,)
vs.)
)
STUDIO SEVEN CLUB, INC., ERIC)
DOUGLAS, CLINTON R. DOUGLAS,)
and SUSIE M. DOUGLAS,)
)
Defendants.)

IN THE COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUIT
CIVIL ACTION NO.: 11-CP-07-2743

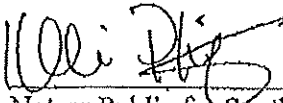
AFFIDAVIT OF NON-MILITARY
SERVICE AS TO DEFENDANT
SUSIE M. DOUGLAS

12 NOV 16 PM 3:53

PERSONALLY appeared before me, Samuel L. Svalina, who, upon being first duly sworn and under oath states that he is familiar with the provisions of 50 USCA App. § 520, Servicemembers Civil Relief Act, and to induce the Court to enter into a default judgment against the Defendant Susie M. Douglas represents to the Court that from his file in this matter and on information and belief from the facts contained therein, the Defendant aforementioned is not in the military and thus is not entitled to the protection of the Servicemembers Civil Relief Act no any amendments thereto.


SAMUEL L. SVALINA

SWORN TO BEFORE ME
this 12th day of November, 2012.


Notary Public for South Carolina
My Commission Expires: 12-28-2016

MECKLENBURG COUNTY
REGISTER OF DEEDS - HEALTH DEPARTMENT
CHARLOTTE, NORTH CAROLINA

CERTIFICATE OF DEATH

CERTIFICATE OF DEATH

Name of Deceased		Sex		Date of Death	
[REDACTED]		[REDACTED]		[REDACTED]	
Place of Birth		Date of Birth		Age at Death	
[REDACTED]		[REDACTED]		[REDACTED]	
Place of Death		Date of Death		Time of Death	
[REDACTED]		[REDACTED]		[REDACTED]	
Cause of Death		Manner of Death		Occupation	
[REDACTED]		[REDACTED]		[REDACTED]	
Signature of Registrar		Signature of Deceased		Signature of Witness	
[REDACTED]		[REDACTED]		[REDACTED]	

EXHIBIT
C-2

THIS IS TO CERTIFY THAT THIS IS A TRUE AND CORRECT REPRODUCTION OF THE OFFICIAL RECORD FILED IN MECKLENBURG COUNTY.

WITNES MY HAND AND OFFICIAL SEAL THIS THE 4TH DAY OF MAY, 2009.

SOBIE WINTERS MARRY, MD
HEALTH DIRECTOR & REGISTRAR

J. DAVID ORANBERRY
REGISTER OF DEEDS

Assistant/Deputy Registrar of Deeds



STATE OF SOUTH CAROLINA)
)
 COUNTY OF BEAUFORT)
)
 KEVIN HOLMES,)
)
 Plaintiff,)
)
 vs.)
)
 STUDIO SEVEN CLUB, INC., ERIC)
 DOUGLAS, CLINTON R. DOUGLAS)
 and SUSIE M. DOUGLAS,)
)
 Defendants.)

IN THE COURT OF COMMON PLEAS
 FOURTEENTH JUDICIAL CIRCUIT
 CIVIL ACTION NO.: 11-CP-07-0274

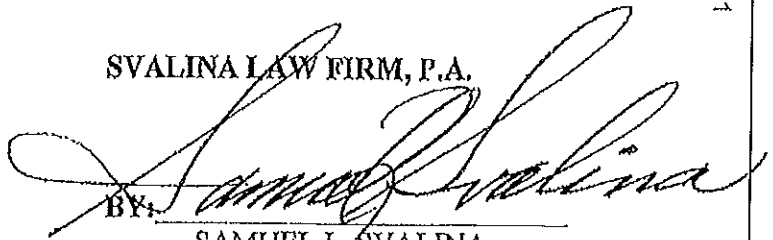
SUMMONS
 (Jury Trial Requested)

11 JUL - 1 PM 1:12
 JEREMY ANN ROBERTSON
 BEAUFORT COUNTY CLERK
 OFFICE OF CLERK OF COURT

**TO: STUDIO SEVEN CLUB, INC., ERIC DOUGLAS, CLINTON R. DOUGLAS,
 and SUSIE M. DOUGLAS:**

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your Answer to said Complaint on the subscribers hereunder at their offices located at 601 Bladen Street, Post Office Drawer 1207, Beaufort, South Carolina, 29901-1207, within thirty (30) days after the service hereof, exclusive of the day of such service; and if you fail to answer the Complaint within the time aforesaid, the Plaintiffs in this action will apply to the Court for the relief demanded in said Complaint.

SVALINA LAW FIRM, P.A.



BY:

SAMUEL L. SVALINA
 SAMUEL S. SVALINA
 Post Office Drawer 1207
 601 Bladen Street
 Beaufort, South Carolina 29901-1207
 (843) 524-0333 Phone
 (843) 524-4233 Facsimile
ATTORNEYS FOR THE PLAINTIFF

Beaufort, South Carolina
 July 1, 2011



ELECTRONICALLY FILED - 2019 Apr 04 11:12 AM - BEAUFORT - COMMON PLEAS - CA E#2018CP0700831

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

KEVIN HOLMES,)
)
Plaintiff,)
vs.)
)
STUDIO SEVEN CLUB, INC., ERIC)
DOUGLAS, CLINTON R. DOUGLAS,)
and SUSIE M. DOUGLAS,)
)
Defendants.)

IN THE COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUIT
CIVIL ACTION NO.: 11-CP-07-02743

COMPLAINT
(Jury Trial Requested)

11 JUL - 1 11:11 AM
JERRY A. HARRIS, CLERK
BEAUFORT COUNTY, SOUTH CAROLINA

TO: THE ABOVE NAMED DEFENDANTS, STUDIO SEVEN CLUB, INC., ERIC DOUGLAS, CLINTON R. DOUGLAS, and SUSIE M. DOUGLAS;

COME NOW, the Plaintiff, KEVIN HOLMES, complaining of the acts and/or omissions of the Defendants, STUDIO SEVEN CLUB, INC., ERIC DOUGLAS, CLINTON R. DOUGLAS, and/or SUSIE M. DOUGLAS; and allege as follows:

CAUSE OF ACTION FOR NEGLIGENCE AND RECKLESSNESS

1. That the Parties hereto, subject matter hereof, and all things and matters hereinafter alleged are within the jurisdiction of this Honorable Court.
2. That the Plaintiff, KEVIN HOLMES, was at all times hereinafter mentioned a resident of Beaufort County, South Carolina.
3. That, upon information and belief, the Defendant, STUDIO SEVEN CLUB, INC., is now and was at all times material hereto a corporation and/or business entity formed under the laws of the State of South Carolina.
4. That, upon information and belief, the Defendant, STUDIO SEVEN CLUB, INC., was at all times material hereto a club doing business as STUDIO SEVEN CLUB, INC., at 44 Donaldson Camp Road in Beaufort County, South Carolina.

5. That, upon information and belief, the Defendant, ERIC DOUGLAS, was at all times hereto an owner, operator, manager, and/or in charge or in control of the Defendant, STUDIO SEVEN CLUB, INC.

6. That, upon information and belief, the Defendant, ERIC DOUGLAS, is now and was at all times hereto a citizen and resident of Beaufort County, South Carolina.

7. That, upon information and belief, the Defendants, CLINTON R. DOUGLAS, and SUSIE M. DOUGLAS, were at all times hereto the owners of the property located at 44 Donaldson Camp Road in Beaufort County, South Carolina.

8. That, upon information and belief, the Defendants, CLINTON R. DOUGLAS, and SUSIE M. DOUGLAS, were at all times herein owners, operators, managers, and/or in charge or control of the Defendant, STUDIO SEVEN CLUB, INC.

9. That, upon information and belief, during the early morning hours of July 5, 2008, the Plaintiff, KEVIN HOLMES, was on the premises and was a patron and/or customer of the Defendant, STUDIO SEVEN CLUB, INC., located at 44 Donaldson Camp Road.

10. That upon information and belief, the Plaintiff, KEVIN HOLMES, was pushed while on the premises of the Defendant, STUDIO SEVEN CLUB, INC., and turned around, and then was shot with a gun while inside the premises of the Defendant, STUDIO SEVEN CLUB, INC.

11. That upon information and belief, an unknown assailant shot KEVIN HOLMES with a gun. That the Plaintiff, KEVIN HOLMES, immediately fell to the ground whereby the Plaintiff's sister and others helped him into her vehicle, and she transported the Plaintiff to Beaufort Memorial Hospital.

12. That the Defendants, STUDIO SEVEN CLUB, INC., ERIC DOUGLAS,

CLINTON R. DOUGLAS, and SUSIE M. DOUGLAS, owed duties to the Plaintiff, KEVIN HOLMES, as herein listed; that the Defendants breached these duties; and that, as a proximate cause and result thereof, Plaintiff, KEVIN HOLMES, suffered injuries as herein described.

13. That the personal injuries and damages suffered by the Plaintiff, KEVIN HOLMES, were due to, caused solely by, and were the direct and proximate result of the negligence, carelessness, recklessness, willfulness, wantonness, and/or heedlessness of the Defendants, STUDIO SEVEN CLUB, INC., ERIC DOUGLAS, CLINTON R. DOUGLAS and SUSIE M. DOUGLAS in one or more or all of the following particulars, to wit:

AS TO THE DEFENDANTS, STUDIO SEVEN CLUB, INC., ERIC DOUGLAS, CLINTON R. DOUGLAS and/or SUSIE M. DOUGLAS:

- a. In failing to provide adequate or any personal protection and/or security for the Plaintiff herein while he was a patron and/or customer of the Defendant, STUDIO SEVEN CLUB, INC. business establishment from attackers, assailants, criminals, thugs, and/or hoodlums;
- b. In failing to properly manage said business establishment known and/or customers thereof such as the Plaintiff, KEVIN HOLMES, was protected, safe, and secure from assailants, attackers, thugs, criminals, and/or hoodlums;
- c. In failing to adopt, establish, maintain, and enforce business, operating, safety, and security policies, procedures, rules, regulations, and/or standards of personal safety and security in order to protect his business patrons, customers, guests, visitors, invitees, and other persons, including the Plaintiff, KEVIN HOLMES, who was (were) lawfully or rightfully on said premises;
- d. In failing to timely and properly foresee and guard against and/or failing to warn against the hazards, risks, and dangers which existed on said business premises when an authorized person, patron, customer, guest, invitee, or any other person is (was) allowed to enter said premises of the Defendants carrying a weapon such as a loaded hand gun;
- e. In failing to do whatever was reasonably necessary to prevent the aforesaid assailant from shooting the Plaintiff, KEVIN HOLMES, with a gun on Defendants' business premises as aforesaid;
- f. In failing to do what was reasonably necessary in order to prevent the hazard, risk and danger of some person shooting the Plaintiff with a hand gun as occurred in this case;

- g. In failing to exercise ordinary or even slight care in the management of the safety and personal security of his, her, their, its business patrons and/or customers, invitees, guests, and visitors, including the Plaintiff herein;
- h. In failing to properly manage the aforesaid business of the Defendants known as STUDIO SEVEN CLUB, INC. so as to protect his, her, their, its patrons, customers, invitees, guests, and/or visitors including the Plaintiff, KEVIN HOLMES, from injury and harm while lawfully on said business premises;
- i. In failing to hire trained persons who were knowledgeable in this field of safety and personal security who could design appropriate and adequate policies, procedures, rules, regulations, warnings, and/or standards to protect its patrons, customers, invitees, guests, and visitors from injury and harm, including the Plaintiff, KEVIN HOLMES, caused by assailants, attackers, thugs, criminals, and/or hoodlums;
- j. In failing to properly and adequately train its employees, personnel, staff members, and other persons in order to protect its patrons, customers, invitees, guests and visitors, including the Plaintiff, KEVIN HOLMES, from injury and harm caused by assailants, attackers, thugs, criminals and/or hoodlums;
- k. In negligently failing to provide any or adequate security inside the premises of STUDIO SEVEN CLUB, INC., and to immediately intercede in any physical confrontation that may arise between patrons and/or assailants, attackers, thugs, criminals and/or hoodlums;
- l. In negligently failing to provide any or adequate training of the security staff and staff of STUDIO SEVEN CLUB, INC., to screen persons entering the premises, to ensure that there were no weapons, concealed or not, brought on the premises;
- m. In failing to have an adequate number of security staff and/or staff on the premises to intercede in altercations immediately and/or to protect the Plaintiff, KEVIN HOLMES, from injury and harm;
- n. In negligently hiring security and/or other staff for STUDIO SEVEN CLUB, INC.;
- o. In failing to intercede and/or prevent the shooting of the Plaintiff, KEVIN HOLMES;
- p. In creating a foreseeable risk of third party criminal conduct, namely, the criminal conduct of the shooter involved in shooting the Plaintiff herein, by reason of the reputation of the business place and character of the business;
- q. In failing to protect against the reasonable foreseeable risk of third party criminal conduct;

- r. In failing to follow its security policies and procedures so as to provide a safe premises for the protection of patrons, customers, invitees, guests, and visitors, including the Plaintiff, KEVIN HOLMES, herein;
- s. In failing to monitor the entrance and crowd for potential persons who were patrons and customers who could become problematic or violent or cause injury and harm to patrons, customers, invitees, guests, and visitors, including the Plaintiff, KEVIN HOLMES, herein;
- t. In failing to secure and maintain the premises in a reasonably safe condition and/or to ensure the reasonable safety of invitees, namely the Plaintiff, KEVIN HOLMES, on the premises;
- u. In failing to employ a sufficient number of security guards, employees, agents, and/or workers on the night of the incident to ensure the reasonable safety of invitees, namely the Plaintiff, KEVIN HOLMES;
- v. In failing to employ a sufficient number of security guards, employees, agents, and/or workers on the night of the incident to protect against the reasonable foreseeable criminal, negligent, and/or wrongful acts of third parties;
- w. In failing to alert security and patrons that a person with a gun had entered the premises of STUDIO SEVEN CLUB, INC.;
- x. In failing to use the degree of care and caution that a reasonably prudent business entity would have used under the circumstances then and there prevailing;
- y. In any other negligent or reckless act(s) or omission(s) which may be revealed in conducting discovery in this case and/or at trial;
- z. In all other ways being negligent, reckless, and/or intentional;
- aa. That the negligence and recklessness of the Defendant, STUDIO SEVEN CLUB, INC., is imputed to the Defendants, ERIC DOUGLAS, CLINTON R. DOUGLAS, and SUSIE M. DOUGLAS and that the Defendants, ERIC DOUGLAS, CLINTON R. DOUGLAS, and SUSIE M. DOUGLAS are vicariously liable for all of the negligent, reckless, willful, wanton, and/or heedless acts and omissions of the Defendant, STUDIO SEVEN CLUB, INC., as set forth in this Paragraph Thirteen (13) subparts (a) through (z), of this Complaint, committed in the course of and within the scope of their respective bailor/bailee, lessor/lessee, owner, license holder, employee/employer, master/servant and/or principal/agent relationship(s), including any ostensible or apparent agency relationships, contractual relationships, corporate relationships, family and/or other relationships; and
- bb. That the negligent and/or other wrongful acts or omissions of the Defendant, STUDIO SEVEN CLUB, INC., as set forth above in Paragraph Thirteen (13)

subparagraphs (a) through (z) are imputed to the Defendants, ERIC DOUGLAS, CLINTON R. DOUGLAS, and SUSIE M. DOUGLAS, because at the time and place of the incident, Defendant, STUDIO SEVEN CLUB, INC., was upon information and belief, the owner, operator, manager, employee, apparent employee, agent, apparent agent, servant, apparent servant, partner of, and/or otherwise engaged in a joint venture or other business and/or personal operation with the Defendants, ERIC DOUGLAS, CLINTON R. DOUGLAS, and SUSIE M. DOUGLAS;

14. That, by reason of the negligence, carelessness, recklessness, willfulness, wantonness, and/or heedlessness of the Defendants, STUDIO SEVEN CLUB, INC., ERIC DOUGLAS, CLINTON R. DOUGLAS, and SUSIE M. DOUGLAS, as set forth herein, and as a direct and proximate result thereof, the Plaintiff, KEVIN HOLMES, suffered severe and permanent physical, mental, and emotional injuries and other damages in the following particulars, to wit:

As to Plaintiff, KEVIN HOLMES:

- (a) The Plaintiff, KEVIN HOLMES, sustained injuries to his whole body, including, but not limited to his head, neck, back, legs and/or arms;
- (b) Further, the Plaintiff, KEVIN HOLMES, suffered emotional distress as a result of the shooting;
- (c) Because of his injuries and as a result of the shooting, the Plaintiff, KEVIN HOLMES, has incurred substantial economic losses and damages, including but not limited to expensive medical treatment programs, including, hospitalizations, painful physical therapy, and medical care;
- (d) Because of his injuries and as a result of the shooting, the Plaintiff, KEVIN HOLMES, has suffered physical impairments, disabilities, and other injuries related to the compromised condition of his body due to the shooting, such injuries which he would not have suffered but for the shooting;
- (e) As a result of the shooting, the Plaintiff, KEVIN HOLMES, suffers, has suffered, and likely will continue to suffer severe and chronic pain, physical injury, and severe discomfort;
- (f) Because of his injuries and as a result of the shooting, the Plaintiff, KEVIN HOLMES, has suffered and continues to suffer from emotional distress;
- (g) The ability of the Plaintiff, KEVIN HOLMES, to participate in work and

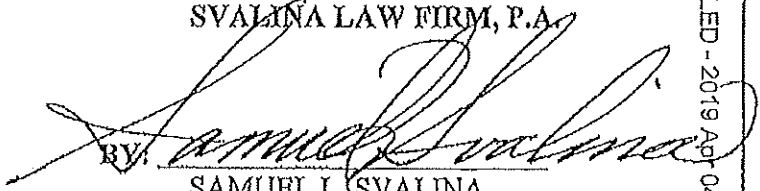
recreational activities has been limited and severely impaired and will most probably be substantially limited and impaired in the future;

- (h) As a result of his physical injuries, the Plaintiff, KEVIN HOLMES, has suffered and experienced, and will most probably continue to suffer and experience non-economic losses and damages for the rest of his life, including, but not limited to:
 - (1) Physical injury or dysfunction;
 - (2) Permanent physical impairment;
 - (3) Permanent pain and suffering
 - (4) Permanent emotional distress;
 - (5) Permanent physical disfigurement or scarring; and
 - (6) Permanent impairment of his enjoyment of living.
- (i) Because of the physical and mental impairments and disabilities he has suffered, the Plaintiff, KEVIN HOLMES, has suffered and experienced, and will most probably continue to suffer and experience, an impairment of his enjoyment of living for the rest of his life;
- (j) The Plaintiff, KEVIN HOLMES, has incurred medical expenses, and he will most probably continue to incur expenses for medical care and treatment in the future;
- (k) The Plaintiff, KEVIN HOLMES, has suffered and experienced, and will most probably continue to suffer and experience, economic losses, including, but not limited to, medical expenses and lost wages, as a result of these injuries;
- (l) The Plaintiff, KEVIN HOLMES, has been injured in other ways, all to his substantial detriment; and
- (m) The, as the Plaintiff, KEVIN HOLMES, is informed and believes, he has sustained Actual Damages in an amount in excess of THREE HUNDRED THOUSAND DOLLARS (\$300,000.00), and an appropriate amount of Punitive Damages to be determined by a Jury, together with costs and disbursements of this action and other damages this Court deems just and proper.

WHEREFORE, the Plaintiff, KEVIN HOLMES, demands judgment against the Defendants, STUDIO SEVEN CLUB, INC., ERIC DOUGLAS, CLINTON R. DOUGLAS and SUSIE M. DOUGLAS, for Actual Damages, in an amount in excess of **THREE HUNDRED THOUSAND (\$300,000.00) DOLLARS**, and an appropriate amount of

Punitive Damages to be determined by the Jury, together with costs and disbursements of this action and any other damages this Court deems just and proper.

SVALINA LAW FIRM, P.A.

Samuel Svalina
BY: 

SAMUEL L. SVALINA
SAMUEL S. SVALINA
601 Bladen Street
Post Office Drawer 1207
Beaufort, South Carolina 29901-1207
(843) 524-0333 Phone
(843) 524-4233 Fax

ATTORNEYS FOR THE PLAINTIFF

Beaufort, South Carolina
July 1, 2011

ELECTRONICALLY FILED - 2019 APR 04 11:12 AM - BEAUFORT - COMMON PLEAS - CASE#2018CP0700831

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

KEVIN HOLMES,

Plaintiff(s)

vs.

STUDIO SEVEN CLUB, INC., ERIC DOUGLAS, CLINTON R. DOUGLAS, and SUSIE M. DOUGLAS,

Defendant(s)

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

11-CP-07-02743

ELECTRONICALLY FILED - 2019 Apr 04 11:12 AM - BEAUFORT - COMMON PLEAS - CASE#2018CP0700831

11 JUL - 1 PM 1:14
BEAUFORT COUNTY, S.C.
CLERK OF COURT

(Please Print)
Submitted By: Samuel S. Svalina
Address: Svalina Law Firm, P.A
Post Office Drawer 1207
Beaufort, South Carolina 29901-1207

SC Bar #:
Telephone #: 843-524-0333
Fax #: 843-524-4233
Other:
E-mail:

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this cover sheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- JURY TRIAL demanded in complaint. NON-JURY TRIAL demanded in complaint.
- This case is subject to ARBITRATION pursuant to the Circuit Court Alternative Dispute Resolution Rules.
- This case is subject to MEDIATION pursuant to the Circuit Court Alternative Dispute Resolution Rules.
- This case is exempt from ADR (certificate attached).

NATURE OF ACTION (Check One Box Below)

- | | | | |
|--|---|---|--|
| <p>Contracts</p> <ul style="list-style-type: none"> <input type="checkbox"/> Constructions (100) <input type="checkbox"/> Debt Collection (110) <input type="checkbox"/> Employment (120) <input type="checkbox"/> General (130) <input type="checkbox"/> Breach of Contract (140) <input type="checkbox"/> Other (199) | <p>Torts - Professional Malpractice</p> <ul style="list-style-type: none"> <input type="checkbox"/> Dental Malpractice (200) <input type="checkbox"/> Legal Malpractice (210) <input type="checkbox"/> Medical Malpractice (220) <input type="checkbox"/> Other (299) | <p>Torts - Personal Injury</p> <ul style="list-style-type: none"> <input type="checkbox"/> Assault/Stander/Label (300) <input type="checkbox"/> Conversion (310) <input type="checkbox"/> Motor Vehicle Accident (320) <input checked="" type="checkbox"/> Premises Liability (330) <input type="checkbox"/> Products Liability (340) <input type="checkbox"/> Personal Injury (350) <input type="checkbox"/> Other (399) | <p>Real Property</p> <ul style="list-style-type: none"> <input type="checkbox"/> Claim & Delivery (400) <input type="checkbox"/> Condemnation (410) <input type="checkbox"/> Foreclosure (420) <input type="checkbox"/> Merchant's Lien (430) <input type="checkbox"/> Partition (440) <input type="checkbox"/> Possession (450) <input type="checkbox"/> Building Code Violation (460) <input type="checkbox"/> Other (499) |
| <p>Inmate Petitions</p> <ul style="list-style-type: none"> <input type="checkbox"/> PCR (500) <input type="checkbox"/> Sexual Predator (510) <input type="checkbox"/> Mandamus (520) <input type="checkbox"/> Habeas Corpus (530) <input type="checkbox"/> Other (599) | <p>Judgments/Settlements</p> <ul style="list-style-type: none"> <input type="checkbox"/> Death Settlement (700) <input type="checkbox"/> Foreign Judgment (710) <input type="checkbox"/> Magistrate's Judgment (720) <input type="checkbox"/> Minor Settlement (730) <input type="checkbox"/> Transcript Judgment (740) <input type="checkbox"/> Lis Pendens (750) <input type="checkbox"/> Other (799) | <p>Administrative Law/Relief</p> <ul style="list-style-type: none"> <input type="checkbox"/> Reinstater Driver's License (800) <input type="checkbox"/> Judicial Review (810) <input type="checkbox"/> Relief (820) <input type="checkbox"/> Permanent Injunction (830) <input type="checkbox"/> Forfeiture (840) <input type="checkbox"/> Other (899) | <p>Appeals</p> <ul style="list-style-type: none"> <input type="checkbox"/> Arbitration (900) <input type="checkbox"/> Magistrate-Civil (910) <input type="checkbox"/> Magistrate-Criminal (920) <input type="checkbox"/> Municipal (930) <input type="checkbox"/> Probate Court (940) <input type="checkbox"/> SCDOF (950) <input type="checkbox"/> Worker's Comp (960) <input type="checkbox"/> Zoning Board (970) <input type="checkbox"/> Administrative Law Judge (980) <input type="checkbox"/> Public Service Commission (990) <input type="checkbox"/> Employment Security Comm (991) <input type="checkbox"/> Other (999) |
| <p>Special/Complex /Other</p> <ul style="list-style-type: none"> <input type="checkbox"/> Environmental (600) <input type="checkbox"/> Automobile Arb. (610) <input type="checkbox"/> Medical (620) <input type="checkbox"/> Pharmaceuticals (630) <input type="checkbox"/> Unfair Trade Practices (640) <input type="checkbox"/> Other (699) | | | |

Submitting Party Signature:

Date: July 1, 2011

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. § 15-36-10 et. seq.

ELECTRONICALLY FILED - 2019 Apr 04 11:12 AM - BEAUFORT - COMMON PLEAS - CASE#2018CP0700831

FOR MANDATED ADR COUNTIES ONLY

Florence, Horry, Lexington, Richland, Greenville**, and Anderson**

** Contact Respective County Clerk of Court for modified ADR Program Rules

SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.

You are required to take the following action(s):

1. The parties shall select a neutral within 210 days of filing of this action, and the Plaintiff shall file a "Stipulation of Neutral Selection" on or before the 224th day after the filing of the action. If the parties cannot agree upon the selection of the neutral within 210 days, the Plaintiff shall notify the Court by filing a written "Request for the Appointment of a Neutral" on or before the 224th day after the filing of this action. The Court shall then appoint a neutral from the Court-approved mediator/arbitrator list.
2. The initial ADR conference must be held within 300 days after the filing of the action.
3. Cases are exempt from ADR only upon the following grounds:
 - a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
 - b. Cases which are appellate in nature such as appeals or writs of certiorari;
 - c. Post Conviction relief matters;
 - d. Contempt of Court proceedings;
 - e. Forfeiture proceedings brought by the State;
 - f. Cases involving mortgage foreclosures; and
 - g. Cases that have been submitted to mediation with a certified mediator prior to the filing of this action.
4. Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference had been concluded.

Please Note: You must comply with the Supreme Court Rules regarding ADR. Failure to do so may affect your case or may result in sanctions.

ELECTRONICALLY FILED - 2019 Apr 04 11:12 AM - BEAUFORT - COMMON PLEAS - CASE#2018CP0700831

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

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NO. 2011 CP 07-02743

Kevin Holmes
 PLAINTIFF(S)

Studio Seven Club, Inc., Eric Douglas
 Clinton B. Douglas and Susie M. Douglas
 DEFENDANT(S)

Submitted by:
Clinton F. Redfern

Attorney for: Plaintiff Defendant
 or
 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. See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRCP; Rule 41(a), SCRCP (Vol. Nonsuit); Rule 43(k), SCRCP (Settled); Other _____
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRCP; 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)
Kevin Holmes	Studio Seven Club, Inc.; Eric Douglas, Clinton B. Douglas and Susie Douglas	\$ 483,000.00
		\$
		\$
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 _____ Judge Code 2142 Date 11-23-15



ELECTRONICALLY FILED - 2015 Apr 04 11:12 AM - BEAUFORT - COMMON PLEAS - CASE#2018CP07008

For Clerk of Court Office Use Only

This judgment was entered on the 23 day of 11, 2015 and a copy mailed first class or placed in the appropriate attorney's box on this 25 day of 11, 2015 to attorneys of record or to parties (when appearing pro se) as follows:

C. Reiffers

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

[Signature]
CLERK OF COURT

Court Reporter: _____

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

ELECTRONICALLY FILED - 2019 Apr 04 11:12 AM - BEAUFORT - COMMON PLEAS - CASE#2018CP0700831

Douglas were served on July 25, 2011. Thereafter, no answer was received by the Plaintiff's attorney or filed with the Clerk of Court by any of the Defendants.

On November 16, 2012, Affidavit(s) for Entry of Default with the Affidavit of Service attached thereto and Affidavit(s) of Non-Military Service were filed by Samuel L. Svalina, Esquire, and the Honorable Jerri Ann Roseneau, Clerk of Court for Beaufort County, signed an Order for Entry of Default as to each Defendant. On November 2, 2015, the Plaintiff filed a Notice of Motion and Motion for Default Judgment and a Request for Damages Hearing. On November 13, 2015, pursuant to Rules 5(a) and 55(b)(2) of South Carolina Rules of Civil Procedure, Plaintiff's counsel served the Defendants with a copy of the Notice of Motion and Motion for Default Judgment, Request for Damages Hearing and Notice of Hearing by sending them via First Class United States Mail to the last known address (and where service of the Summons and Complaint was made) to each of the Defendants as evidenced by the Certificate of Service filed with the Court.

Therefore, the Court finds that proper service of the Motion for Default Judgment and Damages Hearing was made by the Plaintiff. However, the Defendants did not appear at the Damages Hearing on November 23, 2015, where evidence was offered as to the amount and nature of the Plaintiff's damages by the Plaintiff and his counsel.

The Court reviewed a Medical Bills Summary, Medical Records and Medical Bills of Kevin Holmes regarding his injuries from the shooting incident (Exhibit 1); and an Affidavit of Leland C. Stoddard, M.D. (Exhibit 2).

The Plaintiff produced testimony of Kevin Holmes and his mother, Cynthia Denise Holmes Rivers, who testified under oath as to the past and present injuries and damages suffered by the Plaintiff as a result of the shooting incident. The Plaintiff testified in detail as to his

injuries including the comminuted fracture of his left proximal femoral shaft requiring two (2) surgical procedures, and associated follow up care and therapy, and related his pain and suffering from his permanent physical injury, impairment and disfigurement due to the shooting incident. Plaintiff testified that he was admitted to Beaufort Memorial Hospital Emergency Room on July 5, 2008, and was immediately taken to the operating room where an intramedullary nailing of the left femur and wound debridement surgical procedure was performed by Leland C. Stoddard, M.D. Post operatively, it was noticed that the Plaintiff had a slight lengthening of the left leg and as a result was taken back to the operating room on July 8, 2008, for a second procedure where the distal locking screws were removed by Dr. Stoddard and the left leg was allowed to "shorten" slightly, and the a single distal screw was replaced. Plaintiff testified that he was discharged from the hospital on July 9, 2008, and at that time his left leg was so swollen that he could only wear baggy basketball shorts. Plaintiff was given crutches and testified that he had great difficulty performing any physical task without the assistance of another person for several weeks. Plaintiff testified that he continues to experience pain and suffering on a daily basis in his left leg. He described his left leg as "weak" and that the lack of strength and stability in his left leg prevents him from running or putting significant pressure on the leg; He further testified that he now walks with a slight limp and his left leg will occasionally "lock up" requiring him to stretch and take medication.

Further, the Plaintiff produced testimony of Leland C. Stoddard, M.D., by sworn affidavit as to past and present damages of the Plaintiff, including his professional opinion as to permanent physical injury; permanent impairment; permanent disfigurement; physical pain, discomfort, and suffering; impairment of enjoyment of living; and medical expenses of the Plaintiff in the future.



366

As a result of the medical care rendered the Plaintiff for his injuries from this shooting incident, the Plaintiff has incurred medical bills and expenses for treatment at Beaufort Memorial Hospital, Beaufort Emergency Physicians, Lowcountry Medical Group (Dr. Stoddard), and Beaufort Memorial Hospital Physical Therapy in the amount of Forty Thousand Ninety-Four and 60/100 (\$40,094.60) Dollars. Further, the Plaintiff has produced evidence to establish that he will continue to incur medical expenses for the rest of his life as a result of the injuries he sustained from the shooting incident. I find that a reasonable award of the Plaintiff's actual damages caused by the defaulting Defendants is Four Hundred Eighty-Three Thousand and No/100 (\$483,000.00) Dollars.

NOW THEREFORE, the Court finds, concludes and ORDERS that the Plaintiff is entitled to JUDGMENT against the defaulting Defendants, Studio Seven Club, Inc., Eric Douglas, Clinton R. Douglas, and Susie M. Douglas, jointly and severally, in the amount of Four Hundred Eighty-Three Thousand and No/100 (\$483,000.00) Dollars and judgment is hereby granted against the Defendants in favor of the Plaintiff for that amount.

IT IS SO ORDERED.



The Honorable Carmen T. Mullen
Fourteenth Judicial Circuit

11 / 25, 2015
Beaufort, South Carolina



557

GEORGIA DEATH CERTIFICATE

State File Number: 2010GA000054110

1. DECEDENT'S LEGAL, FULL NAME (First, Middle, Last) CLINTON H DOUGLAS		1a. IF FEMALE, ENTER LAST NAME AT BIRTH		2. SEX MALE	2a. DATE OF DEATH (Mo., Day, Year) ACTUAL DATE OF DEATH 00/20/2016
3. SOCIAL SECURITY NUMBER	4a. AGE (Years) 00	3b. UNDER 1 YEAR Mths. Days	3c. UNDER 1 DAY Hours Mins.	5. DATE OF BIRTH (Mo., Day, Year)	
6. BIRTHPLACE SOUTH CAROLINA	7a. RESIDENCE STATE NORTH CAROLINA	7b. COUNTY MECKLENBURG		7c. CITY, TOWN CHARLOTTE	
7d. STREET AND NUMBER 5704 BEATTIES FORD ROAD	7e. ZIP CODE 28210	7f. INSIDE CITY LIMITS YES	8. ARMED FORCES YES		
9a. USUAL OCCUPATION SELF EMPLOYED	9b. KIND OF INDUSTRY OR BUSINESS ENTERTAINMENT				
9. MARITAL STATUS WIDOWED	10. HOUSE NAME BUSIE MAE BRINGTON		11. FATHER'S FULL NAME (First, Middle, Last) JOHN DOUGLAS		
12. MOTHER'S MARRIAGE NAME (First, Middle, Last) HATTIE BROWN	13a. INFORMANT'S NAME (First, Middle, Last) RONNIE DOUGLAS		13b. RELATIONSHIP TO DECEDENT SON		
13c. MARRIAGE ADDRESS 3716 PINNACLE PLACE DRIVE NEPHZIBAH GEORGIA 30015		14. DECEDENT'S EDUCATION HIGH SCHOOL GRADUATE OR ORD COMPLETED			
15. ORIGIN OF DECEDENT (Italian, Mex., French, English, etc.) NO, NOT SPANISH/HISPANIC/LATINO		15. DECEDENT'S RACE (White, Negro, American Indian, etc.) (Specify) BLACK OR AFRICAN-AMERICAN			
17a. IF DEATH OCCURRED IN HOSPITAL INPATIENT		17b. IF DEATH OCCURRED OTHER THAN HOSPITAL (Specify)			
16. HOSPITAL OR OTHER INSTITUTION NAME (If not in either of the above) DWIGHT DAVID EISENHOWER ARMY MED CENTER		18. CITY, TOWN OR LOCATION OF DEATH FORT GORDON		20. COUNTY OF DEATH RICHMOND	
21. MENTION OF DISPOSITION (Specify) BURIAL	22. PLACE OF DISPOSITION SUNSHINE MEMORY GARMENTS 8001 LAWYERS ROAD MINT HILL NORTH CAROLINA 28227		23. DISPOSITION DATE (Mo., Day, Year) 00/07/2016		
24a. EMBALMER'S NAME BRIAN E. CLYBURN	24b. EMBALMER LICENSE NO. 2183	25. FUNERAL HOME NAME LONG AND SON MORTUARY SERVICE INC.			
25a. FUNERAL HOME ADDRESS 2312 BEATTIES FORD ROAD DURHAM NORTH CAROLINA 28216		26a. SIGNATURE OF FUNERAL DIRECTOR PALMER DUPREE SR.			
27. DATE PRONOUNCED DEAD (Mo., Day, Year) 00/20/2016		28. HOUR PRONOUNCED DEAD 23:10 MILITARY			
29a. PRONOUNCER'S NAME SAMUEL BURKETT		29b. LICENSE NUMBER 30063	29c. DATE SIGNED 00/10/2016		
30. TIME OF DEATH 23:10 MILITARY		31. WAS CASE REFERRED TO MEDICAL EXAMINER NO			
32. IMMEDIATE CAUSE (Final diagnosis of condition resulting in death) A. PNEUMONIA Due to, or as a consequence of B. DEMENTIA Due to, or as a consequence of C. PARKINSON'S DISEASE Due to, or as a consequence of D.		Approximate interval between onset and death 24 HOURS UNKNOWN UNKNOWN			
Part II. Enter significant conditions contributing to death but not related to cause given in Part I. If none, indicate if program or sign occurred within 90 days of death. HYPERNATREMIA, RENAL FAILURE		33. WAS AUTOPSY PERFORMED? NO		34. WERE AUTOPSY FINDINGS AVAILABLE TO COMPLETE THE CAUSE OF DEATH?	
35. TOBACCO USE CONTRIBUTED TO DEATH NO		36. IF FEMALE (range 10-54) PREGNANT NOT APPLICABLE		37. ACCIDENT, SUICIDE, HOMICIDE, UNDETERMINED (Specify) NATURAL	
38. DATE OF INJURY (Mo., Day, Year)	39. TIME OF INJURY	40. PLACE OF INJURY (Home, Farm, Street, Factory, Office, Highway) (Specify)		41. INJURY AT WORK? (Yes or No)	
42. LOCATION OF INJURY (Street, Apartment Number, City or Town, State, Zip, County)		43. DESCRIBE HOW INJURY OCCURRED			
44. IF TRANSPORTATION INJURY		45. To the best of my knowledge death occurred at the time, date and place indicated in the cause(s) stated. Medical Center (Name, Title, License No.) SAMUEL BURKETT, MD, 30063			
46. On the basis of examination and/or investigation, in my opinion death occurred at the time, date and place and due to the cause(s) stated. Medical Examiner/Coroner (Name, Title, License No.)		46. DATE SIGNED (Mo., Day, Year) 08/30/2010			
45a. DATE SIGNED (Mo., Day, Year) 08/30/2010	45b. HOUR OF DEATH 23:10 MILITARY	46a. DATE SIGNED (Mo., Day, Year)	46b. HOUR OF DEATH		
47. NAME, ADDRESS, AND ZIP CODE OF PERSON COMPLETING CAUSE OF DEATH SAMUEL BURKETT 300 E HOSPITAL ROAD, FORT GORDON, GEORGIA 30905					
48. REGISTRAR (Signature) TSL DONNA L. MOORE		49. DATE FILED - REGISTRAR (Mo., Day, Year) 09/19/2010			

Form 3003 (Rev. 01/2012), GEORGIA DEPARTMENT OF HUMAN RESOURCES.



ELECTRONICALLY FILED - 2019 Aug 04 11:12 AM - BEAUFORT - COMMON PLEAS - CASE#2018OP0700831

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

IN THE COURT OF COMMON PLEAS FOR THE
FOURTEENTH JUDICIAL
CIRCUIT

Ronnie L. Douglas, Eric J. Douglas,
Jacqueline Walker, Donna Harding, Diane
Brenda Spears;

Plaintiffs,

DEFENDANT'S NOTICE OF MOTION AND
MOTION TO DISMISS

v.

CASE NO.: 2019-CP-07-01995

Kevin Holmes;

Defendant.

YOU WILL PLEASE TAKE NOTICE that Defendant Kevin Holmes, by and through its undersigned counsel, will and does hereby move on the tenth day after service hereof, or as soon thereafter as counsel may be heard, before the Presiding Judge for Beaufort County Court of Common Pleas, for an order of this Court dismissing the Complaint on the following grounds:

(1) The Complaint does not allege any factual allegations of fraud, misrepresentation, or other misconduct by Defendant that would implicate Rule 60(b). Accordingly, this action should be dismissed pursuant to Rule 12(b)(6) of the South Carolina Rules of Civil Procedure.

(2) Plaintiffs' claims for fraud must be dismissed pursuant to Rule 12(b)(6) because the allegations fail to satisfy the heightened pleading standard of Rule 9(b). *Hansen v. DHL Labs., Inc.*, 316 S.C. 505, 511, 450 S.E.2d 624, 628 (Ct. App. 1994), *cert. granted, decision aff'd*, 319 S.C. 79, 459 S.E.2d 850 (1995).

(3) The Complaint is also deficient because it contains no factual allegations to make a prima facie showing of a meritorious defense. *See McClurg v. Deaton*, 380 S.C. 563, 574, 671 S.E.2d 87, 93 (Ct. App. 2008), *aff'd*, 395 S.C. 85, 716 S.E.2d 887 (2011) (“[O]ur courts have held that in order to obtain relief from a default judgment under Rule 60(b)(3), not only must the movant

make a proper showing he is entitled to relief based upon one of the specified grounds, he must also make a prima facie showing of a meritorious defense.”). Accordingly, this action should be dismissed pursuant to Rule 12(b)(6) of the South Carolina Rules of Civil Procedure.

(4) Plaintiffs Ronnie L. Douglas, Jacqueline Walker, Donna Harding, and Diane Brenda Spears were not parties to the original action, were not entitled to notice or service, and thus, cannot show entitlement to relief under Rule 60(b). *See Narruhn v. Alea London Ltd.*, 404 S.C. 337, 342, 745 S.E.2d 90, 92 (2013). They should be dismissed as parties to this action.

(5) Plaintiffs’ Complaint fails to state a valid claim because, on its face, it is barred by the statute of limitations. The Complaint requests that this Court set aside a default judgment it entered on November 23, 2015—four years ago. Plaintiffs failed to bring this action within a reasonable time and well outside the one-year timeframe mandated by Rule 60(b).

(6) The Complaint is deficient under Rule 12(b)(7) for Plaintiffs’ failure to name or join necessary parties in the prior action, namely Duke R. Highfield and Colony Specialty and/or Colony National Insurance Company, within the applicable statute of limitations. Therefore, the Complaint should be dismissed in accordance with Rule 19, SCRPC.

(7) The Complaint is barred by the doctrine of res judicata and/or collateral estoppel because the purported claims have been adjudicated and directly determined in previous litigation, namely by the Honorable Marvin H. Dukes III in *Holmes v. The Estates of Clinton R. Douglas, et. al.*, Case No. 2018-CP-07-00831.

This motion is made pursuant to the laws of the state of South Carolina and upon the statutes and cases of the state of South Carolina. The motion will be supported by the statutory and common law of this State, as is warranted at the hearing, and any memorandum filed subsequent hereto.

GREGG LAW FIRM, LLC

s/ Laura A. Gregg
Laura A. Gregg, Esq., SC Bar No. 100531
GREGG LAW FIRM, LLC
P.O. Box 601, Port Royal, SC 29935
P: (843) 505-6566
E: lgregg@gregglawsc.com

-and-

SVALINA LAW FIRM, P.A.
Samuel S. Svalina, SC Bar No. 15218
Jacob M. Hughes, SC Bar No. 100646
Post Office Drawer 1207
601 Bladen Street, Beaufort, SC 29901
P: (843) 524-0333
F: (843) 524-4233
E: sammy@svalinalawfirm.com
jacob@svalinalawfirm.com

ATTORNEYS FOR DEFENDANT

Beaufort, SC
June 11, 2020

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF BEAUFORT)	CASE NUMBER: 2019-CP-07-01995
Ronnie L. Douglas, Eric J. Douglas,)	MEMORANDUM IN OPPOSITION
Jacqueline Walker, Donna Harding,)	
Diane Brenda Spears,)	
)	
Plaintiffs,)	
v.)	TO DEFENDANT'S MOTION TO
)	
Kevin Holmes,)	
)	DISMISS
Defendant.)	

The Plaintiff's Ronnie L. Douglas, Eric J. Douglas, Jacqueline Walker, Donna Harding, and Diane Brenda Spears would submit the following Memorandum in Opposition to Defendant's Motion to Dismiss as follows:

HISTORY OF THE CASE

The original lawsuit filed on July 1, 2011, involves a shooting incident that occurred on or about July 5, 2008, and was entitled *Kevin Holmes v. Studio Seven Club, Inc., Eric Douglas, Clinton R. Douglas and Susie M. Douglas* under civil action number 2011-CP-07-02743. The suit alleged that the Defendant, Studio Seven Club, Inc., was at all times material to the suit was a corporation and/or business entity formed under the laws of the State of South Carolina. See attached Certificate of Incorporation stating that the headquarters for said Club was located at Rural Route #3, Box 358 K, **Burton, South Carolina**. [Emphasis added]. See attached Certificate of Incorporation attached hereto and made a part hereof as Exhibit "1". See also the Summons and Complaint attached hereto and made a part hereof as Exhibit "2".

On or about July 18, 2011, the Beaufort County Sheriff's Office served the Summons and Complaint on Erica Brown, Daughter of Eric Douglas, "residing at Studio Seven Club, Inc." at **23 Donaldson Camp Rd Burton, South Carolina**. [Emphasis added]. See attached Affidavit of Service attached hereto and made a part hereof as Exhibit "3".

On or about July 25, 2011, Deputy Sheriff K. Knight of the Mecklenburg County Sheriff's Office stated that he served the Summons and Complaint on Donna Harding, daughter of Clinton Douglas and Susie Douglas at 5704 Beatties Ford Road, Mecklenburg County, North Carolina on behalf of Clinton Douglas and Susie Douglas. See attached Affidavit of Service attached hereto and made a part hereof as Exhibit "4".

On or about July 25, 2011, Deputy Sheriff K. Knight of the Mecklenburg County Sheriff's Office stated that he served the Summons and Complaint on Donna Harding, daughter of Clinton Douglas and Susie Douglas at 5704 Beattie Ford Road, Mecklenburg County, North Carolina on behalf of Susie Douglas. See attached Affidavit of Service attached hereto and made a part hereof as Exhibit "5". Of significant importance is the fact that Susie Douglas died on or about April 3, 2009, approximately two (2) years prior to the date of the alleged service and prior to the institution of this litigation. See attached Certificate of Death attached hereto and made a part hereof as Exhibit "6". Of additional importance is that no personal representative was appointed to represent the Estate of Susie Douglas, nor was anyone served in that capacity.

Thereafter, on or about August 9, 2011, Michelle R. Gratz, Senior Claims Examiner of Colony Specialty Insurance Company forwarded a letter to Samuel L. Svalina, Esquire, counsel for Kevin Holmes, requesting an extension of time within which to answer the Complaint. The extension was granted; and, responsive pleadings were due on September 16, 2011. See the letter attached hereto and made a part hereof as Exhibit "7".

On or about August 9, 2011, Duke R. Highfield, Esquire, of the firm Young, Clement Rivers, & Tisdale, LLP made an appearance in the case and forwarded a letter to Samuel S. Svalina, Esquire, requesting a thirty (30) day extension of time to forward responsive pleadings on or before September 16, 2011. See the letter attached hereto and made a part hereof as Exhibit "8". That extension request was granted.

On November 16, 2012, and based upon the misrepresentations of the Plaintiff and/or counsel, the Honorable Jerri Roseneau as the Beaufort County Clerk of Court entered an "Entry

of Default as to Defendant Susie M. Douglas”, “Entry of Default as to Defendant Studio Seven Club, Inc.”, “Entry of Default as to Defendant Eric Douglas”, and “Entry of Default as to Defendant Clinton R. Douglas”. See attached Entries of Default attached hereto and made a part hereof as Exhibit “9”.

Nearly four (4) years later, on November 2, 2015, the Plaintiff filed a Notice of Motion and Motion for Default Judgment against all defendants. On November 16, 2015, Kelli Phifer executed a Certificate of Filing and Service of the Motion and the Affidavit of Default by regular mail to Duke R. Highfield, Esquire, Eric Douglas at 23 Donaldson Camp Road, **Beaufort**, [emphasis added] South Carolina, Clinton R. Douglas, at 5704 Beatties Ford Road, Charlotte, North Carolina 28216, and Susie M. Douglas, at 5704 Beatties Ford Road, Charlotte, North Carolina 28216. See attached Certificate of Service attached hereto and made a part hereof as Exhibit “10”.

On November 13, 2015, the Plaintiff forwarded the Plaintiff’s Notice of Motion and Motion for Default Judgment, Request for Damages Hearing, and Notice of Hearing by regular mail to Clinton R. Douglas in North Carolina, Studio Seven Club at 44 Donaldson Camp Road, **Beaufort, South Carolina** [Emphasis added], Eric Douglas at 23 Donaldson Camp Road, **Beaufort, South Carolina** [Emphasis added], The Estate of Susie Douglas, in North Carolina (which did not exist) and Studio Seven Club at 23 Donaldson Camp Road, **Beaufort, South Carolina**, [emphasis added]. See attached Certificate of Service executed by Clinton F. Redfern of the Svalina Law Firm, attached hereto and made a part hereof as Exhibit “11”. Rule 5(a) SCRCF states that notice of any trial or hearing on unliquidated damages shall also be given to parties in default by first class mail to the last known address of such party whether or not such party has appeared in the action. Studio Seven Club, Inc., and Eric Douglas’ last known address as shown by Exhibit 3 above was Burton, South Carolina, and therefore Studio Seven Club, Inc. nor Eric Douglas were ever served with notice of the default hearing. As such the Default should be set aside to these parties due to misrepresentation and failure to receive notice.

Most importantly, Duke Highfield, Esquire, who made an appearance as attorney for all the Defendants in this matter, and did not move to be relieved of said responsibility, was never served with the Notice of Hearing as required pursuant to Rule 55(b)(2), SCRPC, which states in pertinent part as follows:

... If the party against whom judgment by default is sought has appeared in the action, the party (or, if appearing by representative, the party's representative) shall be served with written notice of the motion or application for judgment at least 3 days prior to the hearing on such application. ...Pursuant to Rule 5(a), notice of any trial or hearing on unliquidated damages shall also be given to parties in default by first class mail to the last known address of such party whether or not such party appeared in the action.

On November 23, 2015, the Plaintiff obtained a Default Judgement against the Defendants, Studio Seven Club, Inc., Eric Douglas, Clinton R. Douglas, and Susie Douglas in the amount of \$483,000.00.

No parties had actual notice of any proceeding until the 2018 case was filed in and effort to execute on a judgment against the individual Defendants rather than the corporation without piercing the corporate veil.

ARGUMENT

This judgment fails for a number of reasons. First and foremost, the judgment is against three (3) individuals one of whom was deceased (Susie Douglas) prior to the institution of this action. Secondly and of most importance, the Plaintiff was required to pierce the corporate veil. Plaintiff alleged that Studio Seven Club, Inc. was a corporation existing under the laws of South Carolina. *Drury Development Corporation v. Foundation Insurance Company*, 380 S.C. 97, 668 S.E. 2d 798 (2008) held that in general, equitable principles govern the veil-piercing remedy in an action against a corporation. The Plaintiff made no attempt to pierce the corporate veil but instead, let the Court believe that placing judgment against the individual officers was proper.

In *Drury* “[a] corporation will be looked upon as a legal entity until sufficient reason to the contrary appears”. The case also states that “the party seeking to pierce the corporate veil has the burden of proving that the doctrine should be applied”. Here there is no allegation of fraud

or misrepresentation by the corporate entity. In the instant case, no effort was made to pierce the corporate veil. Further, “[i]n applying the veil-piercing doctrine, the equities of both sides are to be considered, and each case must be decided on its own particular facts.”

On or about February 23, 2018, three (3) years after the obtained default judgment, Laura A. Gregg, Esquire, of the Gregg Law Firm forwarded an Execution of Judgment to the Office of the Sheriff of Beaufort County which she incorrectly stated that the judgment was entered on November 23, 2011, when in fact it was November 23, 2015. See attached Execution of Judgment attached hereto and made a part hereof as Exhibit “12”. Additionally, the Beaufort County Clerk of Court attempted to provide documentation to the Defendants herein using the addresses provided by the Plaintiff set forth above. Attached hereto are copies of the returned envelopes clearly marked “wrong address” and dated December 3, 2015, as Exhibit “13”. Notwithstanding, the Sheriff forwarded a “Nulla Bona” return and certified that after a diligent search, he was unable to locate any property in the names of the Defendants. See letter dated February 28, 2018, from the Beaufort County Sheriff’s Office attached hereto as Exhibit “14”.

The Court must be made aware that prior to the Plaintiff’s attempt to execute on the judgment, Clinton R. Douglas died on August 29, 2016, in the state of Georgia. See attached Georgia Death Certificate attached hereto and made a part hereof as Exhibit “15”.

Thereafter, the Plaintiff Kevin Holmes, by and through his attorney Laura A. Gregg, Esquire instituted an action entitled *Kevin Holmes v. The Estates of Clinton R. Douglas and Susie Douglas, John Doe and Richard Roe, as Representatives of all Heirs and Devisees of Clinton R. Douglas and Susie M. Douglas, and all persons entitled to claim under or through them; also, all other persons or corporations unknown claiming any right, title, interest in or lien upon the real estate described herein, any unknown adults, whose true names are unknown, being as a class designated as John Doe, and any unknown infants, persons under disability or persons in the Military Service of the United States of America, whose true names are unknown, being as a class designated as Richard Roe; Eric J. Douglas; Ronnie L. Douglas; Jacqueline Walker;*

Donna Harding; Brenda Spears; Darrell Douglas under case number 2018-CP-07-00831 to attempt to collect on the judgment previously returned as Nulla Bona in the 2011 matter referenced above. The Defendants in that action filed a Notice of Motion and Motion to Appear and Answer Complaint, which was granted in part by the Honorable Marvin H. Dukes, on January 13, 2020. A copy of that Order is attached hereto and made a part hereof as Exhibit "16". Judge Dukes permitted Eric J. Douglas to Answer the Complaint and this matter remains pending.

It should be noted that if the Estate of Clinton R. Douglas and Susie M. Douglas exists, it is located in Mecklenburg County, North Carolina, and that apparently, no claim regarding the \$483,000.00 judgment was made. The Plaintiffs are informed and believe that no ancillary administration was filed in Beaufort County, South Carolina for Susie M. Douglas nor was any estate filed in Mecklenburg County, North Carolina filed for Susie M. Douglas.

It appears that the properties at issue were jointly held in the names of Clinton R. Douglas and Susie M. Douglas, which were the subject of a quiet title action against the Heirs of Stephen Ramsey, see the Amended Lis Pendens filed with this Court which is attached hereto and made a part hereof as Exhibit "17". The sale of these properties was ordered in total disregard for the location of the corporate entity known as Studio Seven which was located on only one parcel and thereafter, an Order Vacating Foreclosure Judgement and Notice of Sale was entered April 23, 2019.

On August 29, 2019, the Plaintiffs herein filed the instant case. This action sets out the timeline from the previous actions and alleges that the Notice of hearing for Default Judgment was never served the Defendants in the 2011 litigation, as set out herein, and that they had no knowledge of same until the 2018 matter was filed and served upon them.

Based upon the documentation contained herein, Kevin Holmes, by and through his counsel, knew or should have known the last known addresses of the parties to the actions as shown by the Affidavits of Service therein. Whether by intentional act or typographical error, the Defendants in the 2011 action were not served with notice, but most importantly, their counsel,

Duke Highfield, never received notice of said hearing when counsel knew that he represented the Defendants.

The instant action is brought to set aside the judgment obtained in the initial action based upon fraud, misrepresentation or other misconduct of the Defendant, Kevin Holmes.

Rule 55(c) SCRCP states: Setting Aside Default: For good cause shown the court may set aside an entry of default and, if a judgment by default has been entered, may likewise set it aside in accordance with Rule 60(b).

Rule 60(b)(2) SCRCP states: Relief From Judgment Or Order (B) Mistakes; Inadvertence; Excusable Neglect; Newly Discovered Evidence; Fraud, etc. On motion and upon such terms as are just, the court may relieve a party or his legal representative from a final judgment, order, or proceeding for the following reasons:(2)newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under Rule 59(b).

Rule 60(b)(3) SCRCP Relief From Judgment Or Order states (3) fraud, misrepresentation, or other misconduct of an adverse party.

Rule 60 SCRCP does not limit the power of a court to entertain an independent action to relieve a party from a judgment, order, or proceeding, or to set aside a judgment for fraud upon the court.

The Plaintiffs herein allege fraud, misrepresentation, and misconduct with regard to notice of the default judgment and have shown the same by the argument and exhibits attached hereto.

The Defendant in his Motion to Dismiss allege that Jacqueline Walker, Donna Harding, and Diane Brenda Spears were not parties to the original action and were not entitled to notice. This argument fails in that these parties are the heirs at law of the Defendant Susie Douglas, who was deceased two (2) years before the 2011 action was commenced. As such, these parties should either have been the Defendants in that matter or at least been given notice.

Therefore, Defendants' Motion to Dismiss should be dismissed with fees and costs assessed to the Defendant, Kevin Holmes, and that this matter should proceed to trial.

ELECTRONICALLY FILED - 2020 Jul 21 4:03 PM - BEAUFORT - COMMON PLEAS - CASE#2019CP0701995

Respectfully submitted,

MOSS, KUHN & FLEMING, P.A.

By: s/James H. Moss
James H. Moss, Esquire
SC Bar #4220
1501 North Street
Post Office Drawer 507
Beaufort, South Carolina 29901-0507
Telephone: (843) 542-3373
Facsimile: (843) 524-1307
ATTORNEYS FOR THE PLAINTIFFS

Beaufort, South Carolina
July 21, 2020

ELECTRONICALLY FILED - 2020 Jul 21 4:03 PM - BEAUFORT - COMMON PLEAS - CASE#2019CP0701995

The State of South Carolina } CERTIFICATE OF INCORPORATION
EXECUTIVE DEPARTMENT } BY THE SECRETARY OF STATE

WHEREAS, Clinton H. Douglas, 913 Duke St., Hurton, SC
Susan Douglas, 913 Duke St., Hurton, SC
Roberta Vaux, 76 Sycamore Lane, Hilton Head Island, SC

two or more of the officers or agents appointed to supervise or manage the affairs of

STUDIO SEVEN CLUB, INC.

which has been duly and regularly organized, did on the 5th day of February, A. D. 1999, file with Secretary of State a written declaration setting forth

That, at a meeting of the aforesaid organization held pursuant to the by-laws or regulations of the said organization, they were authorized and directed to apply for incorporation.

That, the said organization holds, it desires to hold property in common for Religious, Educational, Social, Fraternal, Charitable or other eleemosynary purpose, or any two or more of said purposes, and is not organized for the purpose of profit or gain to the members, otherwise than as above stated, nor for the insurance of life, health, accident or property; and that three days' notice in the Beaufort Gazette, a newspaper published in the County of Beaufort, has been given that the aforesaid Declaration would be filed.

And Whereas, Said Declarants and Petitioners further declared and affirmed:

FIRST: Their names and residences are as above given.

SECOND: The name of the proposed Corporation is STUDIO SEVEN CLUB, INC.

THIRD: The place at which it proposes to have its headquarters or to be located is Hurd Route #3, Box 350 K Beaufort, SC

FOURTH: The purpose of the said proposed Corporation is solely and exclusively for the social, benevolent, educational, fraternal or other purposes, and not for pecuniary gain. All operating profits shall inure directly to the benefit of Beaufort County Memorial Hospital.

FIFTH: The names and residences of all Managers, Trustees, Directors or other officers are as follows:

Clinton H. Douglas	913 Duke St., Hurton, SC	President
Susan Douglas	913 Duke St., Hurton, SC	Secretary/Treasurer
Roberta Vaux	76 Sycamore Lane, Hilton Head Island, SC	Assistant Secretary

SIXTH: That they desire to be incorporated in perpetuity.

Now, Therefore, I, JOHN T. CAMPBELL, Secretary of State, by virtue of the authority in me vested, by Chapter 31, Title 33, Code of 1976 and Acts amendatory thereto, do hereby declare the said organization to be a body politic and corporate, with all the rights, powers, privileges and immunities, and subject to all the liabilities and disabilities, conferred by said Chapter 31, Title 33, Code of 1976 and Acts amendatory thereto.

GIVEN under my hand and the seal of the State, at Columbia, this 5th day of February

in the year of our Lord one thousand nine hundred and 99 and in the two hundred and fourth year of the Independence of the United States of America.

JOHN T. CAMPBELL,
Secretary of State.



REPRODUCED FROM DOCUMENTS
NORTH CAROLINA DEPARTMENT OF ARCHIVES AND HISTORIC
COLUMBUS, S. C.

SC Seaboard State Corporation
Division, Telephone No. 15
Feb. 15, 1920
Studio, Seven Club, Inc.

STATE OF SOUTH CAROLINA)

COUNTY OF BEAUFORT)

KEVIN HOLMES,)

Plaintiff,)

vs.)

STUDIO SEVEN CLUB, INC., ERIC DOUGLAS, CLINTON R. DOUGLAS and SUSIE M. DOUGLAS,)

Defendants.)

IN THE COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUIT
CIVIL ACTION NO.: 11-CP-07-021743

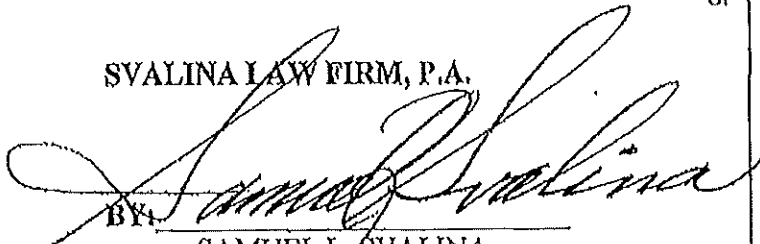
SUMMONS
(Jury Trial Requested)

11 JUL - 1 PM 1:14
JEROME W. ROSENE, JR.
CLERK OF COURT
BEAUFORT COUNTY, S.C.

TO: STUDIO SEVEN CLUB, INC., ERIC DOUGLAS, CLINTON R. DOUGLAS, and SUSIE M. DOUGLAS:

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your Answer to said Complaint on the subscribers hereunder at their offices located at 601 Bladen Street, Post Office Drawer 1207, Beaufort, South Carolina, 29901-1207, within thirty (30) days after the service hereof, exclusive of the day of such service; and if you fail to answer the Complaint within the time aforesaid, the Plaintiffs in this action will apply to the Court for the relief demanded in said Complaint.

SVALINA LAW FIRM, P.A.



BY:

SAMUEL L. SVALINA
SAMUEL S. SVALINA
Post Office Drawer 1207
601 Bladen Street
Beaufort, South Carolina 29901-1207
(843) 524-0333 Phone
(843) 524-4233 Facsimile
ATTORNEYS FOR THE PLAINTIFF



Beaufort, South Carolina
July 1, 2011

ELECTRONICALLY FILED - 2020 Jul 21 4:03 PM - BEAUFORT - COMMON PLEAS - CASE#2019CP0701995

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

IN THE COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUIT
CIVIL ACTION NO.: 11-CP-07-02743

KEVIN HOLMES,)
)
Plaintiff,)

COMPLAINT
(Jury Trial Requested)

vs.)

STUDIO SEVEN CLUB, INC., ERIC)
DOUGLAS, CLINTON R. DOUGLAS,)
and SUSIE M. DOUGLAS,)
)
Defendants.)

11 JUL - 1 1:14
JESSICA W. HARRIS
BEAUFORT COUNTY CLERK

TO: THE ABOVE NAMED DEFENDANTS, STUDIO SEVEN CLUB, INC., ERIC DOUGLAS, CLINTON R. DOUGLAS, and SUSIE M. DOUGLAS;

COME NOW, the Plaintiff, KEVIN HOLMES, complaining of the acts and/or omissions of the Defendants, STUDIO SEVEN CLUB, INC., ERIC DOUGLAS, CLINTON R. DOUGLAS, and/or SUSIE M. DOUGLAS; and allege as follows:

CAUSE OF ACTION FOR NEGLIGENCE AND RECKLESSNESS

1. That the Parties hereto, subject matter hereof, and all things and matters hereinafter alleged are within the jurisdiction of this Honorable Court.
2. That the Plaintiff, KEVIN HOLMES, was at all times hereinafter mentioned a resident of Beaufort County, South Carolina.
3. That, upon information and belief, the Defendant, STUDIO SEVEN CLUB, INC., is now and was at all times material hereto a corporation and/or business entity formed under the laws of the State of South Carolina.
4. That, upon information and belief, the Defendant, STUDIO SEVEN CLUB, INC., was at all times material hereto a club doing business as STUDIO SEVEN CLUB, INC., at 44 Donaldson Camp Road in Beaufort County, South Carolina.

5. That, upon information and belief, the Defendant, ERIC DOUGLAS, was at all times hereto an owner, operator, manager, and/or in charge or in control of the Defendant, STUDIO SEVEN CLUB, INC.

6. That, upon information and belief, the Defendant, ERIC DOUGLAS, is now and was at all times hereto a citizen and resident of Beaufort County, South Carolina.

7. That, upon information and belief, the Defendants, CLINTON R. DOUGLAS, and SUSIE M. DOUGLAS, were at all times hereto the owners of the property located at 44 Donaldson Camp Road in Beaufort County, South Carolina.

8. That, upon information and belief, the Defendants, CLINTON R. DOUGLAS, and SUSIE M. DOUGLAS, were at all times herein owners, operators, managers, and/or in charge or control of the Defendant, STUDIO SEVEN CLUB, INC.

9. That, upon information and belief, during the early morning hours of July 5, 2008, the Plaintiff, KEVIN HOLMES, was on the premises and was a patron and/or customer of the Defendant, STUDIO SEVEN CLUB, INC., located at 44 Donaldson Camp Road.

10. That upon information and belief, the Plaintiff, KEVIN HOLMES, was pushed while on the premises of the Defendant, STUDIO SEVEN CLUB, INC., and turned around, and then was shot with a gun while inside the premises of the Defendant, STUDIO SEVEN CLUB, INC.

11. That upon information and belief, an unknown assailant shot KEVIN HOLMES with a gun. That the Plaintiff, KEVIN HOLMES, immediately fell to the ground whereby the Plaintiff's sister and others helped him into her vehicle, and she transported the Plaintiff to Beaufort Memorial Hospital.

12. That the Defendants, STUDIO SEVEN CLUB, INC., ERIC DOUGLAS,

CLINTON R. DOUGLAS, and SUSIE M. DOUGLAS, owed duties to the Plaintiff, KEVIN HOLMES, as herein listed; that the Defendants breached these duties; and that, as a proximate cause and result thereof, Plaintiff, KEVIN HOLMES, suffered injuries as herein described.

13. That the personal injuries and damages suffered by the Plaintiff, KEVIN HOLMES, were due to, caused solely by, and were the direct and proximate result of the negligence, carelessness, recklessness, willfulness, wantonness, and/or heedlessness of the Defendants, STUDIO SEVEN CLUB, INC., ERIC DOUGLAS, CLINTON R. DOUGLAS and SUSIE M. DOUGLAS in one or more or all of the following particulars, to wit:

AS TO THE DEFENDANTS, STUDIO SEVEN CLUB, INC., ERIC DOUGLAS, CLINTON R. DOUGLAS and/or SUSIE M. DOUGLAS:

- a. In failing to provide adequate or any personal protection and/or security for the Plaintiff herein while he was a patron and/or customer of the Defendant, STUDIO SEVEN CLUB, INC. business establishment from attackers, assailants, criminals, thugs, and/or hoodlums;
- b. In failing to properly manage said business establishment known and/or customers thereof such as the Plaintiff, KEVIN HOLMES, was protected, safe, and secure from assailants, attackers, thugs, criminals, and/or hoodlums;
- c. In failing to adopt, establish, maintain, and enforce business, operating, safety, and security policies, procedures, rules, regulations, and/or standards of personal safety and security in order to protect his business patrons, customers, guests, visitors, invitees, and other persons, including the Plaintiff, KEVIN HOLMES, who was (were) lawfully or rightfully on said premises;
- d. In failing to timely and properly foresee and guard against and/or failing to warn against the hazards, risks, and dangers which existed on said business premises when an authorized person, patron, customer, guest, invitee, or any other person is (was) allowed to enter said premises of the Defendants carrying a weapon such as a loaded hand gun;
- e. In failing to do whatever was reasonably necessary to prevent the aforesaid assailant from shooting the Plaintiff, KEVIN HOLMES, with a gun on Defendants' business premises as aforesaid;
- f. In failing to do what was reasonably necessary in order to prevent the hazard, risk and danger of some person shooting the Plaintiff with a hand gun as occurred in this case;

- g. In failing to exercise ordinary or even slight care in the management of the safety and personal security of his, her, their, its business patrons and/or customers, invitees, guests, and visitors, including the Plaintiff herein;
- h. In failing to properly manage the aforesaid business of the Defendants known as STUDIO SEVEN CLUB, INC. so as to protect his, her, their, its patrons, customers, invitees, guests, and/or visitors including the Plaintiff, KEVIN HOLMES, from injury and harm while lawfully on said business premises;
- i. In failing to hire trained persons who were knowledgeable in this field of safety and personal security who could design appropriate and adequate policies, procedures, rules, regulations, warnings, and/or standards to protect its patrons, customers, invitees, guests, and visitors from injury and harm, including the Plaintiff, KEVIN HOLMES, caused by assailants, attackers, thugs, criminals, and/or hoodlums;
- j. In failing to properly and adequately train its employees, personnel, staff members, and other persons in order to protect its patrons, customers, invitees, guests and visitors, including the Plaintiff, KEVIN HOLMES, from injury and harm caused by assailants, attackers, thugs, criminals and/or hoodlums;
- k. In negligently failing to provide any or adequate security inside the premises of STUDIO SEVEN CLUB, INC., and to immediately intercede in any physical confrontation that may arise between patrons and/or assailants, attackers, thugs, criminals and/or hoodlums;
- l. In negligently failing to provide any or adequate training of the security staff and staff of STUDIO SEVEN CLUB, INC., to screen persons entering the premises, to ensure that there were no weapons, concealed or not, brought on the premises;
- m. In failing to have an adequate number of security staff and/or staff on the premises to intercede in altercations immediately and/or to protect the Plaintiff, KEVIN HOLMES, from injury and harm;
- n. In negligently hiring security and/or other staff for STUDIO SEVEN CLUB, INC.;
- o. In failing to intercede and/or prevent the shooting of the Plaintiff, KEVIN HOLMES;
- p. In creating a foreseeable risk of third party criminal conduct, namely, the criminal conduct of the shooter involved in shooting the Plaintiff herein, by reason of the reputation of the business place and character of the business;
- q. In failing to protect against the reasonable foreseeable risk of third party criminal conduct;

- r. In failing to follow its security policies and procedures so as to provide a safe premises for the protection of patrons, customers, invitees, guests, and visitors, including the Plaintiff, KEVIN HOLMES, herein;
- s. In failing to monitor the entrance and crowd for potential persons who were patrons and customers who could become problematic or violent or cause injury and harm to patrons, customers, invitees, guests, and visitors, including the Plaintiff, KEVIN HOLMES, herein;
- t. In failing to secure and maintain the premises in a reasonably safe condition and/or to ensure the reasonable safety of invitees, namely the Plaintiff, KEVIN HOLMES, on the premises;
- u. In failing to employ a sufficient number of security guards, employees, agents, and/or workers on the night of the incident to ensure the reasonable safety of invitees, namely the Plaintiff, KEVIN HOLMES;
- v. In failing to employ a sufficient number of security guards, employees, agents, and/or workers on the night of the incident to protect against the reasonable foreseeable criminal, negligent, and/or wrongful acts of third parties;
- w. In failing to alert security and patrons that a person with a gun had entered the premises of STUDIO SEVEN CLUB, INC.;
- x. In failing to use the degree of care and caution that a reasonably prudent business entity would have used under the circumstances then and there prevailing;
- y. In any other negligent or reckless act(s) or omission(s) which may be revealed in conducting discovery in this case and/or at trial;
- z. In all other ways being negligent, reckless, and/or intentional;
- aa. That the negligence and recklessness of the Defendant, STUDIO SEVEN CLUB, INC., is imputed to the Defendants, ERIC DOUGLAS, CLINTON R. DOUGLAS, and SUSIE M. DOUGLAS and that the Defendants, ERIC DOUGLAS, CLINTON R. DOUGLAS, and SUSIE M. DOUGLAS are vicariously liable for all of the negligent, reckless, willful, wanton, and/or heedless acts and omissions of the Defendant, STUDIO SEVEN CLUB, INC., as set forth in this Paragraph Thirteen (13) subparts (a) through (z), of this Complaint, committed in the course of and within the scope of their respective bailor/bailee, lessor/lessee, owner, license holder, employee/employer, master/servant and/or principal/agent relationship(s), including any ostensible or apparent agency relationships, contractual relationships, corporate relationships, family and/or other relationships; and
- bb. That the negligent and/or other wrongful acts or omissions of the Defendant, STUDIO SEVEN CLUB, INC., as set forth above in Paragraph Thirteen (13)

subparagraphs (a) through (z) are imputed to the Defendants, ERIC DOUGLAS, CLINTON R. DOUGLAS, and SUSIE M. DOUGLAS, because at the time and place of the incident, Defendant, STUDIO SEVEN CLUB, INC., was upon information and belief, the owner, operator, manager, employee, apparent employee, agent, apparent agent, servant, apparent servant, partner of, and/or otherwise engaged in a joint venture or other business and/or personal operation with the Defendants, ERIC DOUGLAS, CLINTON R. DOUGLAS, and SUSIE M. DOUGLAS;

14. That, by reason of the negligence, carelessness, recklessness, willfulness, wantonness, and/or heedlessness of the Defendants, STUDIO SEVEN CLUB, INC., ERIC DOUGLAS, CLINTON R. DOUGLAS, and SUSIE M. DOUGLAS, as set forth herein, and as a direct and proximate result thereof, the Plaintiff, KEVIN HOLMES, suffered severe and permanent physical, mental, and emotional injuries and other damages in the following particulars, to wit:

As to Plaintiff, KEVIN HOLMES:

- (a) The Plaintiff, KEVIN HOLMES, sustained injuries to his whole body, including, but not limited to his head, neck, back, legs and/or arms;
- (b) Further, the Plaintiff, KEVIN HOLMES, suffered emotional distress as a result of the shooting;
- (c) Because of his injuries and as a result of the shooting, the Plaintiff, KEVIN HOLMES, has incurred substantial economic losses and damages, including but not limited to expensive medical treatment programs, including, hospitalizations, painful physical therapy, and medical care;
- (d) Because of his injuries and as a result of the shooting, the Plaintiff, KEVIN HOLMES, has suffered physical impairments, disabilities, and other injuries related to the compromised condition of his body due to the shooting, such injuries which he would not have suffered but for the shooting;
- (e) As a result of the shooting, the Plaintiff, KEVIN HOLMES, suffers, has suffered, and likely will continue to suffer severe and chronic pain, physical injury, and severe discomfort;
- (f) Because of his injuries and as a result of the shooting, the Plaintiff, KEVIN HOLMES, has suffered and continues to suffer from emotional distress;
- (g) The ability of the Plaintiff, KEVIN HOLMES, to participate in work and

recreational activities has been limited and severely impaired and will most probably be substantially limited and impaired in the future;

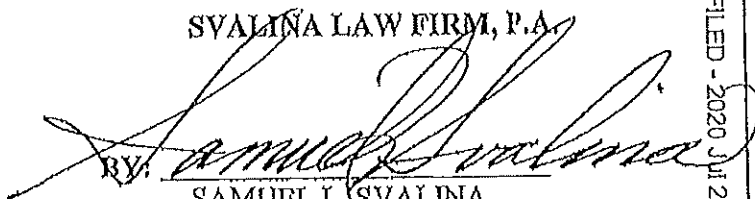
- (h) As a result of his physical injuries, the Plaintiff, KEVIN HOLMES, has suffered and experienced, and will most probably continue to suffer and experience non-economic losses and damages for the rest of his life, including, but not limited to:
 - (1) Physical injury or dysfunction;
 - (2) Permanent physical impairment;
 - (3) Permanent pain and suffering;
 - (4) Permanent emotional distress;
 - (5) Permanent physical disfigurement or scarring; and
 - (6) Permanent impairment of his enjoyment of living.
- (i) Because of the physical and mental impairments and disabilities he has suffered, the Plaintiff, KEVIN HOLMES, has suffered and experienced, and will most probably continue to suffer and experience, an impairment of his enjoyment of living for the rest of his life;
- (j) The Plaintiff, KEVIN HOLMES, has incurred medical expenses, and he will most probably continue to incur expenses for medical care and treatment in the future;
- (k) The Plaintiff, KEVIN HOLMES, has suffered and experienced, and will most probably continue to suffer and experience, economic losses, including, but not limited to, medical expenses and lost wages, as a result of these injuries;
- (l) The Plaintiff, KEVIN HOLMES, has been injured in other ways, all to his substantial detriment; and
- (m) The, as the Plaintiff, KEVIN HOLMES, is informed and believes, he has sustained Actual Damages in an amount in excess of THREE HUNDRED THOUSAND DOLLARS (\$300,000.00), and an appropriate amount of Punitive Damages to be determined by a Jury, together with costs and disbursements of this action and other damages this Court deems just and proper.

300,000

WHEREFORE, the Plaintiff, KEVIN HOLMES, demands judgment against the Defendants, STUDIO SEVEN CLUB, INC., ERIC DOUGLAS, CLINTON R. DOUGLAS and SUSIE M. DOUGLAS, for Actual Damages, in an amount in excess of **THREE HUNDRED THOUSAND (\$300,000.00) DOLLARS**, and an appropriate amount of

Punitive Damages to be determined by the Jury, together with costs and disbursements of this action and any other damages this Court deems just and proper.

SVALINA LAW FIRM, P.A.


BY: Samuel Svalina

SAMUEL L. SVALINA
SAMUEL S. SVALINA
601 Bladen Street
Post Office Drawer 1207
Beaufort, South Carolina 29901-1207
(843) 524-0333 Phone
(843) 524-4233 Fax

ATTORNEYS FOR THE PLAINTIFF

Beaufort, South Carolina
July 1, 2011

ELECTRONICALLY FILED - 2020 Jul 21 4:03 PM - BEAUFORT - COMMON PLEAS - CASE#2019CP0701995

Beaufort County Sheriff's Office
P.J. Tanner, Sheriff
PO Box 1758
Beaufort, S.C. 29901.

State of South Carolina
County Of Beaufort

Attorney: SAMUEL L SYALINA.

Case Number: 11CP07

Plaintiff: KEVIN HOLMES

- VS -

Defendant: STUDIO SEVEN CLUB, INC

Service Of: STUDIO SEVEN CLUB, INC .

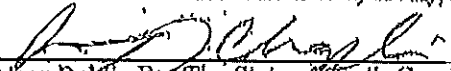
Address: 44 DONALDSON CAMP RD
BURTON

AFFIDAVIT OF SERVICE


PERSONALLY comes the undersigned, who says on oath that on the 18th day of July, 2011, at 10:22, he/she served the SUMMONS AND COMPLAINT on STUDIO SEVEN CLUB, INC by delivering unto ERICA BROWN, DAUGHTER OF ERIC DOUGLAS A PERSON OF AGE AND DISCRETION RESIDING WITH STUDIO SEVEN CLUB, INC, at 23 DONALDSON CAMP RD BURTON 29906 personally copy(ies) thereof. Service of process was made in accordance with applicable statutes and the Rules of Civil Procedure in effect at the time of service.

Notary Statement

WORN to before me on this the 19th day of July, 2011.


Notary Public For The State of South Carolina

My Commission Expires 9/25/18


K. MALPHRUS





Mecklenburg County Sheriff's Office

Daniel E. Bailey Sheriff
Salicia H. Mefford Chief Deputy Sheriff
700 East Fourth Street
Charlotte, NC 28202
T 704-998-2900
F 704-998-8111
www.mecksheriff.com

State of North Carolina
County of Mecklenburg

AFFIDAVIT OF PERSONAL SERVICE

PERSONALLY APPEARED before me, the undersigned authority, KKnight X8189 Deputy Sheriff of Mecklenburg County, so being duly sworn, deposes and says that in the County of Mecklenburg, State of North Carolina, serving the defendants by the laws governing service of Civil Process within the State of North Carolina, he/she delivered to the within named defendant(s) at the following time(s) and place(s) to wit:

Defendant(s)/ Respondent(s): Clinton Douglas, Susie M. Douglas
Case Number: 11 CP 09 8943

On: (Date) 25 day of July 2011 at: (Time) 0934 (AM) pm

- o Was served by delivering to the Defendant/ Respondent named above a copy of the Complaint on the listed date and time listed above.
- o By leaving a copy with Danna Harding (daughter) for the defendant/ respondent listed above at the address of 8701 Bentleys Ford Rd, on the date and time listed above.
- o The defendant was not served for the following reason:

Daniel E Bailey, Jr.,
Sheriff Mecklenburg County NC

By: KKnight X8189
Deputy Sheriff
Mecklenburg County Sheriff's Office

Sworn to and subscribed before me,
25 day of July 2011
Salicia H. Mefford
Notary Public.
My commission expires June 7, 2012
GASTON COUNTY, NC





Mecklenburg County Sheriff's Office

Daniel S. Bailey Sheriff
Patricia H. McAdoo Chief Deputy Sheriff
700 East Fourth Street Charlotte, NC 28202
T 704-330-2548 F 704-330-0310 www.mecksheriff.com

State of North Carolina
County of Mecklenburg

AFFIDAVIT OF PERSONAL SERVICE

PERSONALLY APPEARED before me, the undersigned authority, K Knight K8109 Deputy Sheriff of Mecklenburg County, so being duly sworn, deposes and says that in the County of Mecklenburg, State of North Carolina, serving the defendants by the laws governing service of Civil Process within the State of North Carolina, he/she delivered to the within named defendant(s) at the following time(s) and place(s) to wit:

Defendant(s)/ Respondent(s): Susie M. Douglas
Case Number: UCP 092743

On: (Date) 25 day of July 2011 at: (Time) 0934 am/pm

- Was served by delivering to the Defendant/ Respondent named above a copy of the Complaint on the listed date and time listed above.
By leaving a copy with Danna Harding (daughter) for the defendant/ respondent listed above at the address of 5701 Beattie Ford Rd on the date and time listed above.
The defendant was not served for the following reason:

Daniel S. Bailey, Jr., Sheriff Mecklenburg County NC

By: K Knight K8109 Deputy Sheriff Mecklenburg County Sheriff's Office

Sworn to and subscribed before me, Cynthia R. ... day of July 2011
Notary Public
My Commission Expires June 7, 2012
GASTON COUNTY, N.C.



STATE OF NORTH CAROLINA
CERTIFICATION OF VITAL RECORD

MECKLENBURG COUNTY
 REGISTER OF DEEDS - HEALTH DEPARTMENT
 CHARLOTTE, NORTH CAROLINA

CERTIFICATE OF DEATH

CERTIFICATE OF DEATH

PLAINTIFF'S EXHIBIT

DECEASED	NAME: <u>Mr. Douglas</u>	SEX: <u>M</u>	DATE OF BIRTH: <u>1909</u>
SUBJECT	RESIDENCE: <u>Mecklenburg</u>	CITY: <u>Charlotte</u>	STATE: <u>NC</u>
DECEASED	DATE OF DEATH: <u>May 21, 2009</u>	TIME OF DEATH: <u>10:00 AM</u>	PLACE OF DEATH: <u>Home</u>
CAUSE OF DEATH	<u>Heart Disease</u>		
DISPATCH	BY: <u>Mecklenburg</u>	DATE: <u>May 21, 2009</u>	TIME: <u>10:00 AM</u>

THIS IS TO CERTIFY THAT THIS IS A TRUE AND CORRECT REPRODUCTION OF THE OFFICIAL RECORD FILED IN MECKLENBURG COUNTY.

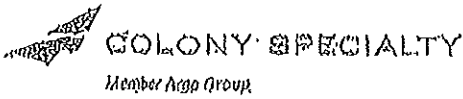
WITNESS MY HAND AND OFFICIAL SEAL THIS THE 21 TH DAY OF MAY 2009.

W. David Granberry, MD
 HEALTH DIRECTOR & REGISTRAR

J. David Granberry
 REGISTER OF DEEDS

BY: [Signature]
 ASSISTANT DEPUTY REGISTER OF DEEDS





August 9, 2011

Svalina Law Firm
Attn: Sam Svalina
Fax # 843 524 4233

Re: Our Insured: Studio 7 Club, Inc.
Our Claim #: TBD
Date of Accident: 07/04/2008
Claimant: Kevin Holmes

Dear Mr. Svalina:

Colony was first made aware today of the lawsuit filed against Studio 7 Club, Inc. by Kevin Holmes regarding a shopping incident that occurred on 07/04/2008. My understanding is the Answer to the lawsuit is due tomorrow, 08/10/2011. I've requested a copy of the Complaint and Summons from Mr. Bessinger with your firm. Additionally, I would like a copy of any correspondence sent to Colony's Insured, Studio 7 Club, Inc. by your firm.

In order for Colony to investigate coverage for the matter, I am requesting a 30 day extension until 09/09/2011 for a response from Colony's Insured to the Complaint. If this is agreeable to you, please confirm the granted extension in writing to me at my email address below. Your professional courtesy is appreciated.

I can be reached at phone 800 877 8614 x3048 and email mgatz@colonyvspecialty.com. My mailing address is P.O. Box 85122, Richmond VA 28235.

Sincerely,

Michelle R. Gatz, AIC
Senior Claims Examiner
Colony National Insurance Company

I HEREBY GRANT DEFENDANT, STUDIO SEVEN CLUB, INC., d/b/a STUDIO 7 CLUB, INC., A THIRTY (30) DAY EXTENSION TO ANSWER THE SUMMONS AND COMPLAINT WHICH WAS SERVED ON THE JULY 18, 2011, THEREBY MAKING THE RESPONSIVE P...LEADING DUE BY SEPTEMBER 16, 2011.

cc: File

Samuel L. Svalina, Attorneys for Plaintiff, Kevin Holmes
Date: August 9, 2011

201108091038AM 8049271792 COLONY GROUP 0001/001

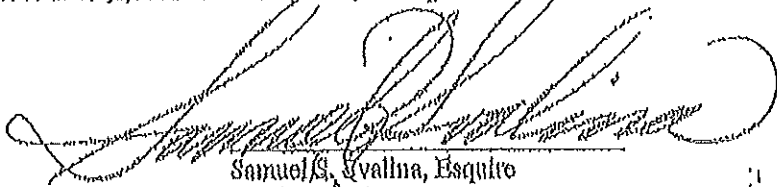
Re: Kevin Holmes v. Studio Seven Club, Inc., Eric Douglas, Clinton R. Douglas, and
Justin M. Douglas

Case No.: 2011-CP-07-02743

Claim No.: 184920

Date of Loss: 7/5/2008

I hereby grant a standard thirty (30) day extension of time through and including September 16, 2011 to Studio Seven Club, Inc. to answer, make motions or otherwise plead in the above-referenced matter.



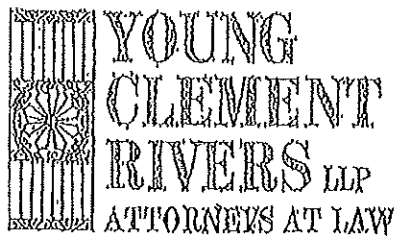
Samuel S. Svalina, Esquire
Svalina Law Firm, P.A.

August 9, 2011
Date

RECEIVED FROM NATIONAL ARCHIVE - 2011-08-09 10:29:40 AM BY: [unreadable]

COLUMBIA
28 Henry Street
P.O. Box 993
COLUMBIA, SC 29402-0993
Tel: Columbia (843) 577-4000
www.ycrllp.com

Other Offices:
Columbia, SC



Duke R. Highfield

Direct Dial: (843) 720-5456
Direct Fax: (843) 679-1330
E-mail: dhighfield@yerlaw.com

August 9, 2011

VIA E-MAIL
Samuel S. Svalina, Esquire
Svalina Law Firm, P.A.
P.O. Drawer 1207
Beaufort, SC 29901-1207



Re: Kevin Holmes v. Studio Seven Club, Inc., Eric Douglas, Clinton R. Douglas, and
Suzie M. Douglas
Case No.: 2011-CP-07-02743
Claim No.: 184920
Date of Loss: 7/3/2008

Dear Sammy:

Please let this letter confirm my understanding that you have provided Studio Seven Club, Inc. with a 30-day extension of time in which to answer or otherwise plead. It is my understanding that Studio Seven Club was served on July 18, 2011; therefore, a responsive pleading would now be due on or before September 16, 2011. In that regard, I would appreciate your signing the enclosed and returning it to me via e-mail or facsimile.

Should you have any questions or comments, please do not hesitate to contact me.

With kindest regards, I am

Sincerely,

YOUNG CLEMENT RIVERS, LLP

Duke R. Highfield

DRH/gh
Enclosure
cc: Michelle Gratz, Colony Insurance Company

FILED FOR RECORD IN CASE NO. 2011-CP-07-02743-8

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

KEVIN HOLMES,)
Plaintiff,)
vs.)

STUDIO SEVEN CLUB, INC., ERIC)
DOUGLAS, CLINTON R. DOUGLAS,)
and SUSIE M. DOUGLAS,)
Defendants.

IN THE COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUIT
CIVIL ACTION NO.: 11-CP-07-2743

ENTRY OF DEFAULT AS TO
DEFENDANT SUSIE M. DOUGLAS

RECEIVED
12 NOV 16 PM 3:53

It appearing to this Court in and by that certain Affidavit of Default of Samuel L. Svalina, Esquire, counsel for the Plaintiff hereto, that Susie M. Douglas was served as shown by the Affidavits and attachment which are made a part hereof; and

It further appearing that an Affidavit of Non-Military Service for Susie M. Douglas has been filed with this Court; and

It further appearing that more than thirty (30) days have elapsed since the service of the Summons and Complaint in this matter without an Answer being filed on behalf of Susie M. Douglas is in default herein.

NOW, THEREFORE, on the Motion of Samuel L. Svalina, counsel for the Plaintiff, it is HEREBY ORDERED, that the above entitled matter be and the same hereby is declared to be in default, and that the same be scheduled by the Clerk of Court for a hearing for purposes of obtaining the relief requested in the previously filed pleadings hereto, with appropriate notification to Susie M. Douglas, at her last known address.

IT IS SO ORDERED.

S. Mosera
Presiding Judge
Fourteenth Judicial Circuit

Beaufort, South Carolina
11-14, 2012



STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

KEVIN HOLMES,

Plaintiff,

vs.

STUDIO SEVEN CLUB, INC., ERIC DOUGLAS, CLINTON R. DOUGLAS, and SUSIE M. DOUGLAS,

Defendants.

IN THE COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUIT
CIVIL ACTION NO.: 11-CP-07-2743

ENTRY OF DEFAULT AS TO
DEFENDANT ERIC DOUGLAS

RECEIVED
JUL 21 2020
10 16 PM '20

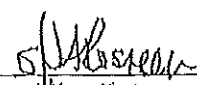
It appearing to this Court in and by that certain Affidavit of Default of Samuel L. Svalby, Esquire, counsel for the Plaintiff herein, that Eric Douglas was served as shown by the Affidavits and attachment which are made a part hereof; and

It further appearing that an Affidavit of Non-Military Service for Eric Douglas has been filed with this Court; and

It further appearing that more than thirty (30) days have elapsed since the service of the Summons and Complaint in this matter without an Answer being filed on behalf of Eric Douglas is in default herein.

NOW, THEREFORE, on the Motion of Samuel L. Svalby, counsel for the Plaintiff, it is HEREBY ORDERED, that the above entitled matter be and the same hereby is declared to be in default, and that the same be scheduled by the Clerk of Court for a hearing for purposes of obtaining the relief requested in this previously filed pleadings herein, with appropriate notification to Eric Douglas, at his last known address.

IT IS SO ORDERED.



Presiding Judge
Fourteenth Judicial Circuit

Beaufort, South Carolina

11-14 2012

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)
KEVIN HOLMES,)
Plaintiff,)
vs.)
STUDIO SEVEN CLUB, INC., ERIC)
DOUGLAS, CLINTON R. DOUGLAS,)
and SUSIE M. DOUGLAS,)
Defendants.

IN THE COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUIT
CIVIL ACTION NO.: 11-CP-07-2743

ENTRY OF DEFAULT AS TO
DEFENDANT CLINTON R. DOUGLAS

12:00:16 PM 7-23-20
CLERK OF COURT
BEAUFORT COUNTY

It appearing to this Court in and by that certain Affidavit of Default of Samuel L. Svalina, Esquire, counsel for the Plaintiff herein, that Clinton R. Douglas was served as shown by the Affidavits and attachment which are made a part hereof; and

It further appearing that an Affidavit of Non-Military Service for Clinton R. Douglas has been filed with this Court; and

It further appearing that more than thirty (30) days have elapsed since the service of the Summons and Complaint in this matter without an Answer being filed on behalf of Clinton R. Douglas is in default herein.

NOW, THEREFORE, on the Motion of Samuel L. Svalina, counsel for the Plaintiff, it is HEREBY ORDERED, that the above entitled matter be and the same hereby is declared to be in default, and that the same be scheduled by the Clerk of Court for a hearing for purposes of obtaining the relief requested in the previously filed pleadings herein, with appropriate notification to Clinton R. Douglas, at his last known address,

IT IS SO ORDERED.

S. J. Kosman
Presiding Judge
Fourteenth Judicial Circuit

Beaufort, South Carolina
7-1-4, 2012

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

IN THE COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUIT
CIVIL ACTION NO.: 11-CP-07-2743

KEVIN HOLMES,

Plaintiff,

CERTIFICATE OF FILING AND
SERVICE

vs:

STUDIO SEVEN CLUB, INC., ERIC
DOUGLAS, CLINTON R. DOUGLAS,
and SUSIE M. DOUGLAS,

Defendants.

The undersigned, an employee of Swallin Law Firm, P.A., hereby avers that on the 15th day of November, 2012, she caused with the Beaufort County Clerk of Court's Office the original Affidavit of Default, Affidavit of Non-Military Service and Entry of Default as to all Defendants in Civil Action No. 2011-CP-07-2743; and that on the 20th of November, 2012, she served copies of the same upon the following individuals by certified United States Mail, return receipt requested, with sufficient postage prepaid, at the addresses listed below:

Duke R. Highfield, Esquire
Young Clement Rivers, L.L.P.
Post Office Box 991
Charleston, South Carolina 29402-0999

Mr. Eric Douglas
23 Donaldson Camp Road
Beaufort, South Carolina 29906

Mr. Clinton R. Douglas
5704 Beattles Ford Road
Charlotte, North Carolina 28216

Ms. Susie M. Douglas
5704 Beattles Ford Road
Charlotte, North Carolina 28216

BY: *Kelli Fisher*
Kelli Fisher,
Paralegal



STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

IN THE COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUIT
CIVIL ACTION NO.: 11-CP-07-2743

KEVIN HOLMES,)

Plaintiff,)

vs.)

STUDIO SEVEN CLUB, INC., ERIC
DOUGLAS, CLINTON R. DOUGLAS,
and SUSIE M. DOUGLAS,)

Defendants.)

CERTIFICATE OF SERVICE

2015 NOV 13 PM 4:15
JERRI A. ROSEBREAD
CLERK OF COURT

This is to certify that the undersigned, on this date mailed via the United States Postal Service a true and correct copy of the foregoing Plaintiff's *Notice of Motion and Motion for Default Judgment, Request for Damages Hearing, and Notice of Hearing* with First Class Prepaid Postage to:

Mr. Clinton R. Douglas
5704 Beatties Ford Road
Charlotte, NC 28216
Defendant

The Estate of Susie M. Douglas
o/o Mr. Clinton R. Douglas as PR
5704 Beatties Ford Road
Charlotte, NC 28216
Defendant

Studio Seven Club, Inc.
44 Donaldson Camp Rd
Beaufort, SC 29906
Defendant

Studio Seven Club, Inc.
23 Donaldson Camp Rd
Beaufort, SC 29906
Defendant

Mr. Eric Douglas
23 Donaldson Camp Rd
Beaufort, SC 29906
Defendant

SVALINA LAW FIRM, P.A.

By: Clinton F. Redfern
Clinton F. Redfern

November 13, 2015
Beaufort, South Carolina



EXECUTION FILED 2018 FEB 27 2:03 PM - BEAUFORT - COMMON PLEAS - CASE#201801090702668

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

IN THE COURT OF COMMON PLEAS
FOR THE FOURTEENTH JUDICIAL
CIRCUIT
CASE NO.: 2011-CP-07-02743

Kevin Holmes,)
)
Plaintiff,)

v.)

EXECUTION OF JUDGMENT
Judgment Filed November 23, 2011
in the amount of \$483,000.00


Studio Seven Club Inc., Eric Douglas,)
Clinton R. Douglas, and Susie M. Douglas,)
)
Defendants.)

TO THE SHERIFF OF BEAUFORT COUNTY:

Judgment was rendered in the above-captioned action against Defendants Studio Seven Club Inc., Eric Douglas, Clinton R. Douglas, and Susie M. Douglas (the "Judgment Debtors") in favor of Kevin Holmes in the amount set forth above, together with any other amounts accruing pursuant to the Order Granting Judgment Against Defendants in Default, which has been entered in the Judgment Roll filed in the Office of the Clerk of Court for Beaufort County. A true and correct copy of the Order Granting Judgment Against Defendants in Default is attached hereto as Exhibit A. The judgment remains unpaid in its entirety.

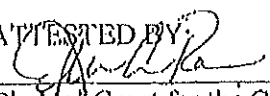
Therefore, we request that you satisfy the Judgment out of the personal property of Judgment Debtors within Beaufort County, or if sufficient personal property cannot be found, then out of the real property in Beaufort County belonging to Judgment Debtors on the day the judgment was docketed in Beaufort County or at any time thereafter in whose ever possession it may be, and return this Execution according to law to the Clerk of Court of Beaufort County.

GREGG LAW FIRM, LLC



Laura A. Gregg, Esquire
P.O. Box 601
Port Royal, SC 29935
(843) 505-6566
lgregg@gregglawsc.com
Attorney for Plaintiff

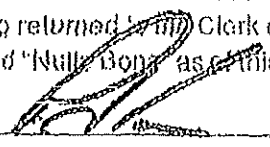
Beaufort, SC
December 29, 2017

ATTESTED BY:


Clerk of Court for the County of Beaufort
This 12 day of January 2017



"NULLA BONA" - 2-28-18 Hereby certify that after diligent search, I have been unable to locate any property in the name of the defendant on which to levy and the within execution is being returned to the Clerk of Court for Beaufort County, marked "Nulla Bona" as of this date.

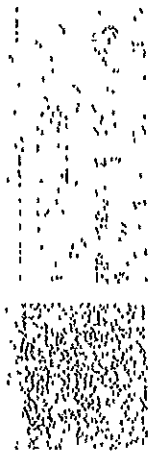


Sheriff

2011-2-27-13



JERRI ANN ROSENEAU
CLERK OF COURT
P.O. Drawer 1128
Beaufort, South Carolina 29901



2015 DEC -8 PM 2:22
CLERK OF COURT
BEAUFORT COUNTY, S.C.

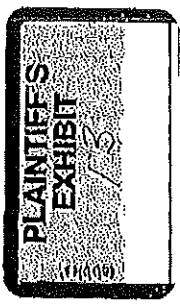
Wrong Address

Studio Seven Club, Inc
23 Donaldson Camp Road
Beaufort, SC 29906

NIXIE 295 FE 1809 2012/03/25
RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

SC: 29901112828 #0554-06621-15-62
[Barcode]

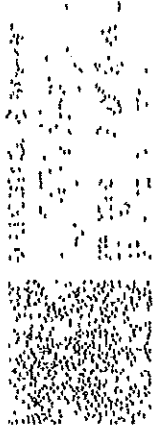
~~2015 DEC 11 2015~~



m k



JERRI ANN ROSENEAU
CLERK OF COURT
P.O. Drawer 1128
Beaufort, South Carolina 29901



2015 DEC -8 PM 2:22

JERRI ANN ROSENEAU
CLERK OF COURT
COUNTY OF BEAUFORT
S.C.

*Walt's Address
Detroit*

Susie M. Donaldson
44 Donaldson Camp Road
Beaufort, SC 29906

NAME ZSS FE 1888 822/83/35

NOT DELIVERABLE AS ADDRESSED
RETURN TO SENDER
UNABLE TO FORWARD

BC: 2990211282E *8554-8885-15-A2

~~XXXXXXXXXX~~ 2990211282E

2011-2743



JERRI ANN ROSENEAU
CLERK OF COURT
P.O. Drawer 1128
Beaufort, South Carolina 29901

CHARLESTON SC 294
20 NOV 2015 PM 2:22

2015 DEC -8 PM 2:22

JERRI ANN ROSENEAU
CLERK OF COURT
BEAUFORT COUNTY, S.C.

Susie M. Douglas
23 Donaldson Camp Road
Beaufort, Si

Wade Address

N 1.0

NIXIE 296 FE 1 8612/94/15

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

EC: 29901112828 *1988-08399-04-25

~~20190904 08:15 S~~

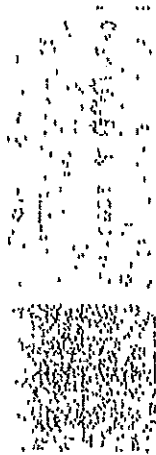
2011-274B



JERRI ANN ROSENEAU
CLERK OF COURT
P.O. Drawer 1728
Beaufort, South Carolina 29901

2015 DEC -8 PM 2:22

CLERK OF COURT
COUNTY OF BEAUFORT
SOUTH CAROLINA



W6015 Address

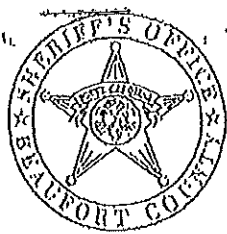
Clinton R. Douglas
23 Donaldson Camp Road
Beaufort, SC 29906

RECEIVED
200 FEB 10 2009 8:12/53/15
RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
URGENT TO FORWARD

BC: 2998112828 *0554-05583-16-42
[Barcode]

2998112828

2011 - 07/23



P. J. Tanner
Sheriff

OFFICE OF SHERIFF
BEAUFORT COUNTY
POST OFFICE BOX 1758
BEAUFORT, SOUTH CAROLINA 29901

AREA CODE (843)
SHERIFF 255-3720
CHIEF DEPUTY 255-3720
CRIMINAL RECORDS 255-3720
CRIMINAL WARRANTS 255-3720
CIVIL RECORDS 255-3720
JUDGMENTS 255-3720
FAX # 255-9811
WEB SITE www.bcsos.net

FILED FEB 23 2018 11:49 AM PM BEAUFORT COMMON PLEAS CASE#2019CP0702743

February 23, 2018

Laura A. Gregg, Esquire
Post Office Box 601
Port Royal, South Carolina 29935

Re: Kevin Holmes vs Studio Seven Club, Inc., Eric Douglas, Clinton R. Douglas, and
Susie M. Douglas
Judgment Roll No: 2011CP0702743

Dear Sir or Madam:

This is to inform you that the Execution Against Property in the above referenced matter is being forwarded to the Clerk of Court for Beaufort County and stamped as follows:

"NULLA BONA" February 23, 2018. I hereby certify that, after diligent search, I have been unable to locate any property in the name of the defendant on which to levy and the within Execution is being returned to the Clerk of Court for Beaufort County, "NULLA BONA", as of this date by request of the Plaintiff's Attorney.

Sincerely,

P. J. TANNER
SHERIFF

PJT/lot

cc: Clerk of Court

SCANNED
8/23/18



Beaufort County Sheriff's Office... "Dedicated, Professional Service."

GEORGIA DEATH CERTIFICATE

State File Number: 2010GA000064119

1. DECEDENT'S LEGAL FULL NAME (First, Middle, Last) CLINTON R DOUGLAS		1a. IF FEMALE, ENTER LAST NAME AT BIRTH		2. SEX MALE	2a. DATE OF DEATH (Mo., Day, Year) ACTUAL DATE OF DEATH 08/29/2010
3. SOCIAL SECURITY NUMBER 250-44-9020	4a. AGE (Years) 86	4b. UNDER 1 YEAR Mos. Days Hours Mins.	4c. UNDER 1 DAY	5. DATE OF BIRTH (Mo., Day, Year) 00/05/1934	
6. BIRTHPLACE SOUTH CAROLINA	7a. RESIDENCE - STATE NORTH CAROLINA	7b. COUNTY MECKLENBURG		7c. CITY, TOWN CHARLOTTE	
7d. STREET AND NUMBER 5704 BEATTIES FORD ROAD	7e. ZIP CODE 28216	7f. INSIDE CITY LIMITS? YES	8. ARMED FORCES? YRS.		
8a. USUAL OCCUPATION SELF EMPLOYED		8b. KIND OF INDUSTRY OR BUSINESS ENTERTAINMENT			
9. MARITAL STATUS WIDOWED	10. SPOUSE NAME SUSIE MAE SINGLETON		11. FATHER'S FULL NAME (First, Middle, Last) JOHN DOUGLAS		
12. MOTHER'S MAIDEN NAME (First, Middle, Last) HATTIE BROWN	13a. INFORMANT'S NAME (First, Middle, Last) BONNIE DOUGLAS		13b. RELATIONSHIP TO DECEDENT SON		
13c. MAILING ADDRESS 3716 PINNACLE PLACE DRIVE HEPHIZIBAH GEORGIA 30815		14. DECEDENT'S EDUCATION HIGH SCHOOL GRADUATE OR GED COMPLETED			
15. ORIGIN OF DECEDENT (Italian, Mex., French, English, etc.) NO, NOT SPANISH/HISPANIC/LATINO		16. DECEDENT'S RACE (White, Black, American Indian, etc.) (Specify) BLACK OR AFRICAN-AMERICAN			
17a. IF DEATH OCCURRED IN HOSPITAL INPATIENT		17b. IF DEATH OCCURRED OTHER THAN HOSPITAL (Specify)			
18. HOSPITAL OR OTHER INSTITUTION NAME (if not in either give street and no.) DWIGHT DAVID EISENHOWER ARMY MED CENTER		19. CITY, TOWN or LOCATION OF DEATH FORT GORDON		20. COUNTY OF DEATH RICHMOND	
21. METHOD OF DISPOSITION (specify) BURIAL		22. PLACE OF DISPOSITION SUNSET MEMORY GARDENS 8901 LAWYERS ROAD MINT HILL NORTH CAROLINA 28227		23. DISPOSITION DATE (Mo., Day, Year) 09/07/2010	
24a. EMBALMER'S NAME BRIAN E. CLYBURN	24b. EMBALMER LICENSE NO. 2183	25. FUNERAL HOME NAME LONG AND SON MORTUARY SERVICE INC.			
26a. FUNERAL HOME ADDRESS 2312 BEATTIES FORD ROAD DURHAM NORTH CAROLINA 26210		26b. FUN. DIR. LICENSE NO. 3477	AMENDMENTS		
27. DATE PRONOUNCED DEAD (Mo., Day, Year) 08/20/2010		28. HOUR PRONOUNCED DEAD 23:10 MILITARY		29. DATE SIGNED 08/30/2010	
29a. PRONOUNCER'S NAME SAMUEL BURKETT		29b. LICENSE NUMBER 39063	30. TIME OF DEATH 23:10 MILITARY		
31. WAS CASE REFERRED TO MEDICAL EXAMINER NO		32. PART II Enter the chain of events, diseases, injuries or complications that directly caused the death. DO NOT enter terminal events such as cardiac arrest, respiratory arrest, or venous thromboembolism (stroke, PE) UNLESS THEY ARE THE CAUSE OF DEATH. DO NOT ABBREVIATE.			
IMMEDIATE CAUSE (Final disease or condition resulting in death)		A. PNEUMONIA Due to, or as a consequence of		Approximate Interval between onset and death 24 HOURS	
		B. DEMENTIA Due to, or as a consequence of		UNKNOWN	
		C. PARKINSON'S DISEASE Due to, or as a consequence of		UNKNOWN	
		D.			
Part II. Enter significant conditions contributing to death but not related to cause given in Part I. If female, indicate if pregnant or birth occurred within 90 days of death. HYPERNATREMIA, RENAL FAILURE		33. WAS AUTOPSY PERFORMED? NO		34. WHERE AUTOPSY FINDINGS AVAILABLE TO COMPLETE THE CAUSE OF DEATH?	
36. TOBACCO USE CONTRIBUTED TO DEATH NO		35. IF FEMALE (range 30-54) PREGNANT NOT APPLICABLE		37. ACCIDENT, SUICIDE, HOMICIDE, UNDETERMINED (Specify) NATURAL	
38. DATE OF INJURY (Mo., Day, Year)	39. TIME OF INJURY	40. PLACE OF INJURY (Home, Farm, Street, Factory, Office, Etc.) (Specify)		41. INJURY AT WORK? (Yes or No)	
42. LOCATION OF INJURY (Street, Apartment Number, City or Town, State, Zip, County)		43. DESCRIBE HOW INJURY OCCURRED			
45. To the best of my knowledge death occurred at the time, date and place and due to the cause(s) stated. (Name, Title, License No.) SAMUEL BURKETT, MD, 39063		46. On the basis of examination and/or investigation, in my opinion death occurred at the time, date and place and due to the cause(s) stated. (Name, Title, License No.)			
46a. DATE SIGNED (Mo., Day, Year) 08/30/2010	46b. HOUR OF DEATH 23:10 MILITARY	46c. DATE SIGNED (Mo., Day, Year)	46d. HOUR OF DEATH		
47. NAME, ADDRESS, AND ZIP CODE OF PERSON COMPLETING CAUSE OF DEATH SAMUEL BURKETT 300 B HOSPITAL ROAD FORT GORDON GEORGIA 30005		48. REGISTRAR (Signature) 75/DONNA L. MOORE			
48. REGISTRAR (Signature)		49. DATE FILED - REGISTRAR (Mo., Day, Year) 09/19/2010			



ELECTRONICALLY FILED 2020 SEP 23 4:33 PM BY EAGLE CREDIT ADVISORY SERVICES CASE#2019080701995



ELECTRONICALLY FILED - 2020 Jul 21 4:03 PM - BEAUFORT - COMMON PLEAS - CASE#2019CP0701995

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

IN THE COURT OF COMMON PLEAS FOR
THE FOURTEENTH JUDICIAL
CIRCUIT

Kevin Holmes,

Plaintiff,

v.

The Estates of Clinton R. Douglas and Susie M. Douglas; John Doe and Richard Roe, as Representatives of all Heirs and Devisees of Clinton R. Douglas and Susie M. Douglas, and all persons entitled to claim under or through them; also, all other persons or corporations unknown claiming any right, title, interest in or lien upon the real estate described herein, any unknown adults, whose true names are unknown, being as a class designated as John Doe, and any unknown infants, persons under disability, or persons in the Military Service of the United States of America, whose true names are unknown, being as a class designated as Richard Roe; Eric J. Douglas; Ronnie L. Douglas; Jacqueline Walker; Donna Harding; Brenda Spears; Darrell Douglas;

Defendant(s).

ORDER DENYING DEFENDANTS' MOTION
TO DISMISS DEFAULT JUDGMENT¹

CASE NO.: 2018-CP-07-00881

THIS CAUSE having come before the Court on a Motion to Dismiss Default Judgment filed on behalf of Defendants Estate of Clinton R. Douglas, Estate of Susie M. Douglas, Eric J. Douglas, Ronnie L. Douglas, Jacqueline Walker, Donna Harding, Brenda Spears, and Darrell Douglas,¹ the Court makes the following findings:

Laura A. Gregg, Samuel Svalina, and Clinton F. Redfern appeared on behalf of Plaintiff, and James H. Moss appeared on behalf of Defendants named above at the hearing scheduled May 20, 2019 before the Honorable Marvin H. Dulce, III.

¹ Attorney for Defendants, James H. Moss, clarified at the hearing that he represented not only the Estates of Clinton R. and Susie M. Douglas but also the entire "Douglas family," which would presumably include all the Defendants listed in the caption, with the exception of John Doe and Richard Roe.

On April 20, 2018, Plaintiff filed a Summons and Complaint of Foreclosure. None of the Defendants filed an answer and an entry of default was entered. On October 18, 2018, a default Final Hearing of Foreclosure was scheduled to foreclose the judgment lien attached to the Subject Properties at issue. Mr. Moss, representing Defendants, appeared at that hearing and requested a continuance to investigate the underlying judgment subject to foreclosure, which was granted by the Court.

On April 4, 2019, a second default Final Hearing of Foreclosure was held. Prior to the hearing, Mr. Moss moved the Court to dismiss a default judgment entered by the Beaufort County Court of Common Pleas on November 23, 2015 (Case Number 2011-CP-07-02749), in the underlying case that gave rise to the judgment Plaintiff seeks to foreclose. Defendants did not and have not filed a separate motion in the Court of Commons Pleas to overturn the default judgment in the 2011 case; therefore, that order is still in effect.

In response to Defendants' motion, Plaintiffs filed a Motion to Strike Defendants' Motion to Dismiss based on the fact that Defendants are currently in default and there had been no motion filed, or court order, to set aside the entry of default.

The Court heard both parties' motions, allowed testimony from Ronnie L. Douglas and Eric J. Douglas, and accepted exhibits in evidence. Based on the evidence presented at the hearing, I make the following findings.

The Court has concerns about whether the Court of Common Pleas had jurisdiction over Susie M. Douglas in the underlying case from 2011 based on service of process. The death certificate of Susie M. Douglas showed she died intestate in North Carolina on April 8, 2009. However, no probate estate was ever opened for Susie M. Douglas in North Carolina or South Carolina. Therefore, there was no personal representative to serve. According to the Affidavit of Personal Service, Susie M. Douglas was served on July 26, 2011 by leaving a copy of the summons and complaint at her usual place of abode with Donna Harding, her adult daughter who also resided there. Whether service of Susie Douglas was proper, however, does not affect the judgment against her husband, Clinton R. Douglas, and issue, Eric J. Douglas, in the same lawsuit. Because property

owned by Susie M. Douglas passed by operation of law to Clinton R. Douglas and Eric J. Douglas, the judgment lien still attaches to their interest in the real estate subject to foreclosure.

As to jurisdiction over Studio Seven Club, Inc., service was accomplished by serving Eric J. Douglas, who qualifies as a "managing or general agent" of Studio Seven Club, Inc. See Rule 4(d)(3), SCRCP. Rule 4(d)(3), SCRCP allows a corporation to be served by delivering a copy of the summons and complaint to a registered agent or a managing/general agent. It is undisputed that Studio Seven Club, Inc. did not have an accurate registered agent listed with the Secretary of State, and the corporation failed to update or keep accurate this information as provided by South Carolina Code section 33-5-102. Specifically, the registered agent named was "Headquarters" and neither Eric J. Douglas nor Ronnie L. Douglas knew who owned or had control of the address listed for service of the registered agent.

However, service on a corporation's registered agent is not the only means by which service can be properly effected on the corporation, as Rule 4(d)(3), SCRCP allows for service of a managing or general agent. Eric J. Douglas's status as a managing or general agent was shown through evidence submitted by both parties at the hearing. First, it was demonstrated by his signature on the Articles of Dissolution of Studio Seven Club, Inc., in which he identified himself as "Vice President" of the corporation. See *Rodhe v. Young Bros., Inc. of Florence*, 31 S.C. 207, 210 (1995) (finding individual "as vice president of [Defendant Corporation] was an officer of the corporation upon whom service could be made under Rule 4(d)(3), SCRCP"). I do not find credible Eric J. Douglas's testimony that he was not actually the vice president of the corporation and that him signing the Articles of Dissolution in that capacity was of no consequence. Second, the mere fact that Eric J. Douglas had the authority to execute the paperwork to dissolve the corporation is evidence that he qualifies as a managing agent for service of process. Third, Eric J. Douglas testified that he managed the business affairs of Studio Seven Club, Inc., and the Last Will and Testament of Clinton R. Douglas directed that Eric J. Douglas should "continue managing and operating the day to day functions of the business" of Studio Seven Club, Inc. Therefore, his duties with the corporation are

sufficient to qualify him as the managing agent. Based on this evidence, I find Eric J. Douglas was a proper party for service of Studio Seven Club, Inc.

Moreover, because Defendants failed to follow South Carolina law requiring them to have an accurate registered agent listed with the Secretary of State, service of Clinton R. Douglas, who owned Studio Seven Club, Inc. and the property on which the club was located, provided additional notice to Studio Seven Club, Inc., as he would also qualify as a managing or general agent.

It is important to note, however, that whether service of Studio Seven Club, Inc. was proper in the 2011 action does not affect the foreclosure action. There is no evidence the corporation owned the real estate that is subject to foreclosure.

As to whether the Court of Commons Pleas had personal jurisdiction of the other defendants—Eric J. Douglas and Clinton R. Douglas—in the 2011 action, I find service of process was proper and the judgment entered by the Court of Common Pleas stands against those defendants.

Turning to service of process in the related foreclosure proceeding, Eric J. Douglas argued the entry of default should be set aside as to him because he was not properly served. He testified that although his name is signed on the certified mail return receipt submitted by Plaintiff's counsel in the Affidavit of Service, he did not actually sign for the mailing that contained the foreclosure summons and complaint. Because it appears that delivery was not restricted to the addressee of the certified mailing, Eric J. Douglas will not be held in default and may answer the complaint in the foreclosure action when it is served upon him. However, the entry of default stands as to all other defendants.

Now therefore, IT IS ORDERED that Defendants' Motion to Dismiss Default Judgment is hereby DENIED, Plaintiff's Motion to Strike is DENIED, and Eric J. Douglas is allowed to answer the complaint filed in the current foreclosure action.

The Honorable Marvin H. Dukas,
Beaufort County Master-In-Equity

_____, 2019



Beaufort Common Pleas

Case Caption: Kevin Holmes VS Clinton R Douglas , defendant, et al
Case Number: 2018CP0700831
Type: Master/Order/Other

So Ordered;

s/Marvin H. Dukes III #3069

Electronically signed on 2019-07-02 11:43:35 page 6 of 6

ELECTRONICALLY FILED - 2020 Jul 21 4:03 PM - BEAUFORT - COMMON PLEAS - CASE#2019CP0701995

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

IN THE COURT OF COMMON PLEAS
FOR THE FOURTEENTH JUDICIAL
CIRCUIT

Kevin Holmes,

Plaintiff,

v.

The Estates of Clinton R. Douglas and Susie M. Douglas, John Doe and Richard Roe, as Representatives of all Heirs and Devisees of Clinton R. Douglas and Susie M. Douglas, and all persons entitled to claim under or through them; also, all other persons or corporations unknown claiming any right, title, interest in or lien upon the real estate described herein, any unknown adults, whose true names are unknown, being as a class designated as John Doe, and any unknown infants, persons under disability, or persons in the Military Service of the United States of America, whose true names are unknown, being as a class designated as Richard Roe; Eric J. Douglas; Ronnie L. Douglas; Jacqueline Walker; Donna Harding; Brenda Spears; Darrell Douglas;

Defendant(s).

AMENDED LIS PENDENS
(Non-Jury)
Foreclosure of Judgment Lien

CASE NO.: 2018-CP-07-00831

NOTICE IS HEREBY GIVEN THAT an action has been or will be commenced in this Court upon complaint of the above-named Plaintiff against the above-named Defendants for the foreclosure of a certain judgment lien against Defendants, filed November 23, 2015 and entered in the Judgment Roll filed in the Office of the Clerk of Court for Beaufort County (hereinafter, "Judgment Lien").



FILED FOR RECORD 2018 JUL 27 11:18 AM - BEAUFORT - COMMON PLEAS - CASE#2018CP0700831

The premises covered and affected by the Judgment Lien and by the foreclosure thereof were, at the time of the making thereof and at the time of the filing of this notice, more particularly described as:

All of that piece, parcel, or lot of land, located, lying, and being on Port Royal Island, Beaufort County, South Carolina, and containing one (1) acre. The said (1) acre is described as follows: Beginning at the point which is located on the Eastern shore of Habersham Creek and on the boundary line between Lots 25 and 40, Section 9, 132W, Beaufort County; thence East along this boundary line for a distance of Two Hundred Twenty-Four (224.0) feet to a point; thence North for a distance of Two Hundred Ninety-Five (295.0) feet to a point on the high water mark to the point of origin. This is thence Southwesterly along the said high water mark to the point of origin. This is the same parcel described on a plat prepared for Clinton Douglas by R.D. Trogdon, Jr. on January 11, 1977, said plat being attached herewith.

This parcel was the subject of a quiet title action undertaken by the Grantor against Heirs of Stephen Ramsey. Decree in favor of Grantor filed on January 21, 1976, in the office of the Clerk of Court for Beaufort County, Judgment Roll No. 23948.

Parcel No: R100 028 000 090A 0000
Property Address: 23 Donaldson Camp Rd., Beaufort, SC 29906

All that piece, parcel, or lot of land located, lying, and being on Port Royal Island, Beaufort County, South Carolina, and being part of Lot 39, Section 9, 132W, and containing 5.93 acres. This parcel is further described as follows: Beginning at a cement marker which is located at the intersection of Lots 40, 39, 26, and 25, thence East for a distance of 279.91 feet to another cement marker; thence S 89 30 40 S for a distance of 380.09 feet to an iron pipe or pin; thence 8 0 24 20 W for a distance of 392.0 feet to a cement marker; thence N 89 43 W for a distance of 656.55 feet to another cement marker; thence N 0 05 50 W for a distance of 392 feet to the point of origin.

Parcel No: R100 028 000 089A 0000
Property Address: 44 Donaldson Camp Rd., Beaufort, SC 29906

All that certain piece, parcel, or lot of land, situate, lying, and being on Port Royal Island, Beaufort County, South Carolina, containing 2.54 acres as shown on plat prepared for the Heirs of Stephen Ramsey by Rod C. Spann dated January 17, 1983 and recorded in

the Office of the Clerk of Court for Beaufort County in Book 31 of Plats, at Page 80. Said property is bounded on the North by the marshes of Habersham Creek, Northwest by property now belonging to the Heirs of Stephen Ramsey, East by property to be conveyed to Eugene Pringle, South by property now belonging to Clinton R. Douglas, and West by Property now belonging to Clinton R. Douglas.

Being a part of the property conveyed to the Grantors by W. Henry Jackson, Clerk of Court for Beaufort County, by Deed dated January 17, 1980 and recorded in the Office of the Clerk of Court for Beaufort County, South Carolina, in Book 295 of Deeds, at Page 465.

Parcel No: R100 028 000 089E 0000

Property Address: 44 Donaldson Camp Rd., Beaufort, SC 29906

/s/ Laura A. Gregg

Laura A. Gregg, Esq., SC Bar No.: 100531

GREGG LAW FIRM, LLC

P.O. Box 601

Port Royal, SC 29935

P: (843) 505-6566

E: lgregg@gregglawsc.com

Attorney for Plaintiff

Beaufort, SC
July 19, 2018

RECORDED ELECTRONICALLY FILED 2018 JUL 19 10:52 AM - BEAUFORT - COMMON PLEAS - CASE#201807190001

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF BEAUFORT	)	CASE NUMBER: 2019-CP-07-01995
Ronnie L. Douglas, Eric J. Douglas,	)	SUPPLEMENT TO MEMORANDUM
Jacqueline Walker, Donna Harding,	)	IN OPPOSITION TO DEFENDANT'S
Diane Brenda Spears,	)	MOTIONS TO DISMISS TO INCLUDE
	)	EXHIBIT 18
Plaintiffs,)	
v.)	
)	
Kevin Holmes,)	
)	
Defendant.)	
_____)		

The Plaintiff's Ronnie L. Douglas, Eric J. Douglas, Jacqueline Walker, Donna Harding, and Diane Brenda Spears would submit the following Supplement to Memorandum in Opposition to Defendant's Motion to Dismiss to include Exhibit 18.

Respectfully submitted,

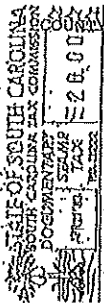
MOSS, KUHN & FLEMING, P.A.

By: s/James H. Moss
 James H. Moss, Esquire
 SC Bar #4220
 1501 North Street
 Post Office Drawer 507
 Beaufort, South Carolina 29901-0507
 Telephone: (843) 542-3373
 Facsimile: (843) 524-1307
 ATTORNEYS FOR THE PLAINTIFFS

Beaufort, South Carolina
July 23, 2020

State of South Carolina

Form 14-1 (file to Real Estate) Revised 1078



OF BEAUFORT

FILED IN REAL EST-BOOK 366 PAGE 1966
FILED AT 17.00.90 ON 04/11/83

KNOW ALL MEN BY THESE PRESENTS, THAT

WE, SAMMIE JENKINS, HERBERT M. RAMSEY and CLARENCE STEWART, as Trustees
for the Heirs at Law of Stephen Ramsey,

in the State aforesaid _____ for and _____ in consideration of the sum of
TEN THOUSAND AND NO/100 (\$10,000.00) DOLLARS

to _____ to hand paid at and before the sealing of these presents by CLYNTON R. DOUGLAS AND
SUSIE H. DOUGLAS, 613 Duke Street, Beaufort, SC 29902

in the State aforesaid _____ the receipt whereof is hereby
acknowledged, have granted, bargained, sold and released, and by these Presents do grant, bargain, sell and
release unto the said CLYNTON R. DOUGLAS AND SUSIE H. DOUGLAS, their heirs and
Assigns Forever, the following described real estate, to-wit:

All that certain piece, parcel or lot of land, situate,
lying and being on Port Royal Island, Beaufort County,
South Carolina, containing 2.54 acres as shown on plat
prepared for the Heirs of Stephen Ramsey by Rod D. Spain
dated January 17, 1983 and recorded in the office of the
Clerk of Court for Beaufort County in Book 27 of Plats,
at Page 82. Said property is bounded on the North by
the marshes of Habersham Creek, Northeast by property
now belonging to the Heirs of Stephen Ramsey, East by
property to be conveyed to Eugene Pringle, South by pro-
perty now belonging to Clinton R. Douglas and West by
property now belonging to Clinton R. Douglas.

Being a part of the property conveyed to the Grantees by
W. Henry Jackson, Clerk of Court for Beaufort County,
by deed dated January 17, 1980 and recorded in the Office
of the Clerk of Court for Beaufort County, South Caro-
lina, in Book 29 of Deeds, at Page 468.

This deed was prepared by the law firm of Devin, Stone,
Davis & Grimsley, P.A., 613 Craven Street, Beaufort,
South Carolina 29902.

BEAUFORT COUNTY TAX MAP REFERENCE				
Dist	Map	Subseq	Revised	Block
100	27			845

FILED IN REAL EST BOOK 366 PAGE 1067
FILED AT 12:00:00 ON 04/11/83

TOGETHER with all and singular, the Rights, Members, Hereditaments and Appurtenances to the said Premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said Premises hereunto mentioned unto the said CLIFFORD B. DOUGLAS AND SUSIE M. DOUGLAS, THEIR Heirs and Assigns forever.

and ourselves and our Heirs

and forever defend, all and singular, the said Premises unto the said CLIFFORD B. DOUGLAS, THEIR

Heirs, and

assigns forever.

Witness my hand and seal this 11th day of April 1983.

AND we do hereby bind ourselves and our Heirs, Assigns, Executors and Administrators, to warrant and forever defend, all and singular, the said Pretator with the said CLINTON K. DOUGLAS AND RUSIE M. DOUGLAS, THEIR

Heirs and Assigns, against us and our Heirs, and all persons whomsoever, lawfully claiming, or to obtain the same or any part thereof.

WITNESS: our Hand and Seal, this 28th day of February in the year of our Lord one thousand nine hundred and eighty three and in the two hundred and seventh year of the Sovereignty and Independence of the United States of America.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF: 1. Donald Rogers (Witness as to Barbara Jenkins); 2. William A. Ramsey (Witness as to Herbert M. Ramsey); 3. Clarence Stewart (Witness as to Clarence Stewart)

The State of South Carolina, New York County.

PERSONALLY appeared before me 3 Donald Rogers and made oath that s/he say the within named BARBARA JENKINS and that with 1 William A. Ramsey witnessed the execution hereof.

SWORN to before me, this 28th day of February, A.D. 1983. Notary Public of South Carolina, New York My Commission Expires 3-21-84. RENUNCIATION OF DOWER NO DONORS NECESSARY - GRANTORS CONVEYING AS TRUSTEES

do hereby certify unto all whom it may concern, that Mrs. the wife of the within named did this day appear before me, and upon both privately and separately examining by me, did declare that she does freely, voluntarily and without any compulsion, dread or fear of any person, or persons whatsoever, consent, revoke and forever relinquish unto the within named

Her full estate, all her interest and estate, and also all her right and claim of dower, of, in or to all and singular the premises within mentioned and released. Given under my Hand and Seal, this day of Anno Domini 1983.

Notary Public of South Carolina My Commission Expires

FILED IN REAL EST BOOK 386 PAGE 17.00.00 ON 04/11/83

STATE OF NEW YORK
COUNTY OF

PROBATE

PERSONALLY appeared before me Thomas H. Smith and made oath that s/he saw the within named FRANK M. RANNEY sign, seal and as his act and deed deliver the within written deed and that s/he with William H. Cappoppo witnessed the execution thereof.

sworn to before me this

28 day of February, 1983.

Thomas H. Smith

William H. Cappoppo
Notary Public for New York
My Commission Expires 3/25/84

William H. Cappoppo
Notary Public for New York
No. 410204670
County of Richmond
Commission Expires 03/25/84

State of South Carolina

FILED TO REAL ESTATE

TO

Filed _____ A.D. 18 _____

of _____ State of _____

and recorded in Book _____ Page _____

F.M.C. or C.L.E. or C.E. or C.S. _____ County, S.C.

Recorded this _____ day of _____ 1983

at _____ o'clock _____ P.M.

Notary Public _____ My Commission Expires _____

STATE OF SOUTH CAROLINA
COUNTY OF DRAWORTH

PROBATE

PERSONALLY appeared before me Barbara H. Shepherd and made oath that s/he saw the within named CLARENCE STEWART sign, seal and as his act and deed deliver the within written deed and that s/he with Kimberly T. Krieger witnessed the execution thereof.

sworn to before me this

28 day of February, 1983.

Barbara H. Shepherd

Kimberly T. Krieger
Notary Public for South Carolina
My Commission Expires 5/25/81

785

FILED IN REAL EST BOOK 306 PAGE 1849
FILED AT 12.00.00 ON 04/11/03
FILING FEE 4.00
STATE STAMPS 20.00
COUNTY STAMPS 11.00
TOTAL FEES 35.00
HENRY JACKSON
CLERK OF COURT DISTRICT, 50

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

IN THE COURT OF COMMON PLEAS FOR
THE FOURTEENTH JUDICIAL
CIRCUIT

Kevin Holmes,

Plaintiff,

v.

The Estates of Clinton R. Douglas and Susie M. Douglas; John Doe and Richard Roe, as Representatives of all Heirs and Devisees of Clinton R. Douglas and Susie M. Douglas, and all persons entitled to claim under or through them; also, all other persons or corporations unknown claiming any right, title, interest in or lien upon the real estate described herein, any unknown adults, whose true names are unknown, being as a class designated as John Doe, and any unknown infants, persons under disability, or persons in the Military Service of the United States of America, whose true names are unknown, being as a class designated as Richard Roe; Eric J. Douglas; Ronnie L. Douglas; Jacqueline Walker; Donna Harding; Brenda Spears; Darrell Douglas;

Defendant(s).

MOTION TO VACATE FORECLOSURE
JUDGEMENT AND NOTICE OF SALE

CASE NO.: 2018-CP-07-00831

Comes now the Plaintiff, Kevin Holmes, by and through undersigned counsel, and hereby files his Motion to Vacate the Foreclosure Judgment and Notice of Sale, as it was inadvertently entered on April 9, 2019.

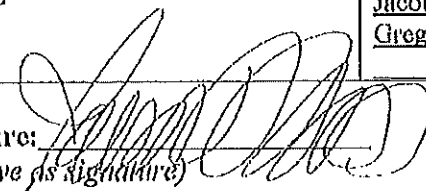
Beaufort, SC
April 10, 2019

/s/ Laura A. Gregg
Laura A. Gregg, Esq., SC Bar No. 100531
GREGG LAW FIRM, LLC
P.O. Box 601, Port Royal, SC 29935
P: (843) 505-6566
E: lgregg@gregglawsc.com

Transcript Request Form

Pursuant to Rule 207 and 607 of the South Carolina Appellate Court Rules, the transcribed paper copy is the official record of court proceedings. You may request a transcript by completing this form and emailing it to the Court Reporter and to South Carolina Court Administration at transcripts@sccourts.org. [Click here](#) for instructions on how to find the court reporter's email and mailing addresses. Once the court reporter receives your request, it will be processed pursuant to Rule 207 and 607 of the SCACR. Rule 607(h) governs the fees for transcripts, which are not provided for free or at reduced rates to any party. Please send by mail a money order or certified bank check to the court reporter in order to obtain the transcript. Some court reporters may accept personal checks. Please check with the court reporter to see if this option is available. Once your request is received, you will receive a copy of this form with the bottom portion completed. Please promptly submit your payment in order for the transcript to be provided. If you need to cancel the transcript request for any reason, you are responsible for paying for the pages of the transcript that have already been completed at the time of the cancellation.

Requestor's Information			
Full Name <u>James H. Moss</u>	Phone Number <u>843-524-3373</u>	Email Address <u>jim@mossandkuhn.com</u>	
Mailing Address <u>P.O. Drawer 507</u>	City <u>Beaufort</u>	State <u>SC</u>	Zip Code <u>29901</u>
Transcript Information			
Docket Number <u>2019-CP-07-01995</u>	Case Caption (i.e. State v. John Doe or Smith v. Smith) <u>Ronnie Douglas et al v. Kevin Holmes</u>		
Date(s) of Proceeding <u>07/22/2022</u>	Circuit <input checked="" type="checkbox"/> Family <input type="checkbox"/>	County <u>Beaufort</u>	
Presiding Judge <u>Honorable R. Ferrell Cothran, Jr.</u>	Expedited Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Court Reporter(s) <u>Loralne Harris, DCRP</u>	Opposing Counsel <u>Jacob Hughes, Samuel S. Svalina, and Laura Gregg</u>		

Requestor's Signature: 
(Typed name will serve as signature)

Date: 08/02/2022

Note: If you are ordering a transcript pursuant to Rule 207(a)(1), SCACR, you must contemporaneously furnish all parties, the Office of Court Administration, and the clerk of the appellate court with copies of all correspondence with the court reporter.

For Court Reporter Use Only			
Full Name _____	Date Received _____	Email Address _____	
Notice of Estimate to Requestor Party Date: _____ Number of Pages: _____ Estimated Amount _____			
Mailing Address for Payment _____	City _____	State _____	Zip Code _____

SVALINA LAW FIRM, P.A.

ATTORNEYS AT LAW
186 SEA ISLAND PARKWAY
POST OFFICE DRAWER 1207

SAMUEL S. SVALINA
SAMUEL L. SVALINA
(1935 - 2013)

BEAUFORT, SOUTH CAROLINA 29901
TELEPHONE: (843) 524-0333 • FAX: (843) 524-4233
EMAIL: Jacob@svalinalawfirm.com

JACOB M. HUGHES
ASSOCIATE

June 27, 2022
VIA ELECTRONIC MAIL

The Honorable R. Ferrell Cothran, Jr.
Circuit Court Judge
Post Office Box 32
3 West Keitt Street
Manning, South Carolina 29102
RCothranSC@sccourts.org

Re: *Ronnie L. Douglas et al. v. Kevin Holmes*
Civil Action No.: 2019-CP-07-01995

Dear Judge Cothran:

On July 22, 2022, the Court heard oral argument regarding Defendant's Motion for Summary Judgment in this matter. At the conclusion of the summary judgment hearing, the Court allowed Plaintiffs' counsel ten (10) days to supplement any information relevant to the issues raised at the hearing, after which point the Court would rule.

I am writing in response to Plaintiffs' counsel's correspondence, dated today, supplementing the Form 4 Order denying Defendant's Motion to Dismiss, entered July 28, 2020.

First, at the summary judgment hearing on July 22, 2022, the Court well understood the procedural posture of this action and was not "of the opinion that th[e] case had been dismissed."

Furthermore, at the summary judgment hearing, the Court specifically considered the order that Plaintiffs' counsel supplements. As the Court observed during the hearing, Defendant's Motion to Dismiss was made pursuant to Rule 12(b)(6), SCRPC, and a decision denying the motion rendered accordingly. *See United Educ. Distribs., LLC v. Educ. Testing Serv.*, 350 S.C. 7, 13, 564 S.E.2d 324, 328 (Ct. App. 2002) ("A ruling on a motion to dismiss a claim pursuant to Rule 12(b)(6), SCRPC, must be based solely on the allegations set forth on the face of the complaint.").

Finally, the Order denying Defendant's Motion to Dismiss is not relevant to the issues raised at the summary judgment hearing, nor responsive to the Court's instructions. Therefore, there is no basis to reschedule Defendant's Motion for Summary Judgment, as this matter was duly and properly heard.

Letter to Judge Cothran
July 27, 2022
Page 2

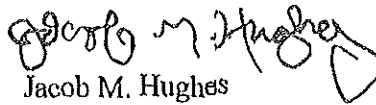
Following the expiration of time allowed by the Court, we would respectfully request that the Court issue its ruling.

Thank you.

With kindest regards, I am

Sincerely,

SVALINA LAW FIRM, P.A.

A handwritten signature in black ink, appearing to read "Jacob M. Hughes". The signature is written in a cursive style and is positioned above the printed name.

Jacob M. Hughes

cc: James H. Moss, Esquire
Laura Alliman Gregg, Esquire

LAW OFFICES
MOSS & KUHN, P.A.

JAMES H. MOSS
H. FRED KUHN, JR.

1501 North Street, P. O. Drawer 507, Beaufort, South Carolina 29901-0507
TELEPHONE: 843-524-3373
FAX: 843-524-1302

July 27, 2022
Via Email Only
RCothranSC@sccourts.org

Honorable R. Ferrell Cothran

RE: Ronnie L. Douglas, et al. V. Kevin Holmes
Case Number: 2019CP0701995

Dear Judge Cothran:

As you know, this matter was set before you on July 22, 2022, in Beaufort County on Defendant's Motion for Summary Judgment. Your Honor was of the opinion that this case had been dismissed by Judge Jefferson. Your Honor asked me to provide documentation to show otherwise within ten (10) days.

Enclosed is a copy of the Order denying the Defendant's Motion to Dismiss that was entered by Judge Jefferson in this matter on July 28, 2020. This very order is the reason that the Defendant filed a Motion for Summary Judgment on September 15, 2021, and a supplement on June 15, 2022. You will note that the order information clearly states, "This Order does not end the case."

The e-filed documents in this case show the progression of filings since this Order. They include the Defendant's Motion for Summary Judgment as well as a Scheduling Order filed on November 9, 2021. If this case was dismissed there would not have been a need for these filings.

There is another case involving these parties and counsel that is still pending under civil action number 2018CP0700831 which should not be confused with this case.

Please ask the Clerk to reschedule the Motion for Summary Judgment in this matter as soon as possible.

MOSS & KUHN, P.A.

James H. Moss
:kmc
Enclosure

C: Laura A. Gregg, Esquire
Samuel L. Svalina, Esquire
Jacob M. Hughes, Esquire

RECEIVED

Aug 21 2023

SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM THE BEAUFORT COUNTY
COURT OF COMMON PLEAS

HONORABLE R. FERRELL COTHRAN, JR.

CASE NO.: 2019-CP-07-01995
APPELLATE CASE NO : 2022-001600

Ronnie L. Douglas,
Eric J. Douglas,
Jacqueline Walker,
Donna Harding, and
Diane Brenda Spears,

Appellants,

vs.

Kevin Holmes

Respondent.

CERTIFICATE OF COUNSEL

Pursuant to Rule 210(g) SCRAP, the undersigned Counsel for Appellants certifies that the Record on Appeal contains all material proposed to be included by the parties and not any other material.

By: 

James H. Moss
MOSS & KUHN, P.A.
1501 North Street
Post Office Drawer 507
Beaufort, South Carolina 29901
(843)524-3373 - Telephone
(843)524-1302 - Facsimile
Email: jim@mossandkuhn.com

Beaufort, South Carolina
August 21, 2023

Attorneys for the Appellants