

Subsequently, the defendants submitted the communications between Richard Hunt McDuff and defendant Riley Morningstar as privileged.

On March 22, 2023, the Court ruled that ,*“After in-camera review of the Privilege Log and submitted correspondence between Mr. McDuff and his client, Journal Reporter Riley Morningstar, the Court finds that such information is privileged and shall not be subject to discovery by the Plaintiff.”*

The plaintiff contends that there is no evidence of an attorney-client relationship between Riley Morningstar and Richard Hunt McDuff. In their defamatory publications, defendant Richards Hunt McDuff, did not provide legal advice to the Riley Morning star on the issues pertaining to the defamatory publications. Instead, defendant Richard Hunt McDuff, used his friendship with defendant Riley Morningstar to publish the said defamatory articles to help the case of his other client Jared Adam Pierce.

Furthermore, according to the Journal, defendants’ response to the plaintiff’s interrogatories, Defendant Richard Hunt McDuff provided all articles to be published. He was a source. The plaintiff further avers that communication between Richard Hunt McDuff and Riley Morningstar is not protected by Qualified privilege. The South Carolina General Assembly adopted a shield law as Act No. 138 of 1993. The Act became effective upon the signature of the governor on June 14, 1993. The enactment is codified as S.C. Code Ann. §19-11-100 (Supp. 2001) and provides: (A) A person, company, or entity engaged in or that has been engaged in the gathering and dissemination of news for the public through a newspaper, book, magazine, radio, television, news or wire service, or other medium has a qualified privilege against disclosure of any information, document, or item obtained or prepared in the gathering or dissemination of

news in any judicial, legislative, or administrative proceeding in which the compelled disclosure is sought and where the one asserting the privilege is not a party in interest to the proceeding. In this case, both defendants are not protected by the shield privilege because he is named in the lawsuit.

Plaintiff, therefore, moves this court to set aside the current Order and reconsider the decision to compel the defendants to hand over all communications between defendants Richard Hunt McDuff and Riley Morningstar.

Respectfully Submitted,

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April 3, 2023
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CERTIFICATE OF SERVICE

I certify that on April 03, 2023, I served the foregoing Motion to reconsider to Defendants utilizing electronic mail and First-Class US Certified Mail, with appropriate postage thereon, upon all parties of record, as follows.

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