

**BRIEF OF APPELLANT\***

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals  
[In The Supreme Court]

APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas  
Perry H. Gravely, Circuit Court Judge

Case No. 2016-CP-23-02113  
Appellate Case No. 2017-001147

Aminah A. Richburg,

Appellant,

v.

E.A. "Rico" Williams, Director,  
District One S.C. Basketball Officials  
Association, and the South Carolina  
High School League,

Respondent,

**RECEIVED**  
JUL 02 2018  
SC Court of Appeals

**BRIEF OF APPELLANT**

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Appellant,

v.

E.A. "Rico" Williams, District  
One S.C. Basketball Officials  
Association and the South  
Carolina High School League,

Respondent,

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[INITIAL] BRIEF OF APPELLANT

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## STATEMENT OF ISSUES ON APPEAL

1. Did the Court fail to recognize all motions to be heard on March 20, 2017 and proceeded on Motions favorable to the Respondents? (Rp.lines 15-20) , (Rp. 247 lines 8-18), (Rpp.90-163).
2. Did the Court fail to allow the Appellate to communicate to the court her motions to Dismiss Summary Judgement? (Rp. 255, line 25), (Rp. 256 lines 1-25), (Rp. 257 lines 1-25), (Rpp. 164-166).
3. Did the Court proceed fairly and justly towards the Appellate during the Hearing on March 20, 2017? (Rp. 250 lines 12-14), (Rp. 244 lines 6-25), Rp. 257 lines 1-25).
4. Did the Respondent Mr. E.A. "Rico" Williams purposefully create and communicate a false narrative to Respondent Mr. Skip Lax, Respondent Mr. Joedy Moots, Respondent Mr. Jerome Singleton and other Respondent South Carolina High School League Members, with misguided factual information for the 2015-2015 Basketball season pertaining to the Appellate performance as a basketball official, "From our records you are marked off by two schools" and failed to communicate the schools only represented the school the Appellate graduated from and the school that is located in the geographical location close to her home, the same standard required block that supposedly restricts all basketball officials from officiating at the schools due to their personal association with the schools? (Rp. 473), (Rp. 335), (Rp. 463), (Rp.81), (Rp.322), (Rpp.330-332), (Rpp. 176-183).

5. Did the Respondent Mr. E.A. "Rico" Williams fabricate a listing of ten basketball officials for the 2015-2016 basketball season that were assigned official paid basketball games with the Appellate during the 2015-2016 basketball season and blocked the Appellate during the 2015-2016 basketball season and communicated inaccurate statements to Respondent Mr, Skip Lax, Respondent Mr, Joedy Moots, Respondent Mr. Jerome Singleton and other Respondent South Carolina High School League Members? (Rp. 81), (Rp. 678), (Rp. 802), (Rpp. 299-300), (Rp. 303), Rpp. 319-323)
6. Did the Respondent Mr. E.A. "Rico" Williams knowingly create a false narrative communicating that ten basketball officials during the 2015-2016 basketball season that worked official paid basketball games with the Appellate communicated to the Respondent Mr. E.A. "Rico" Williams that the Appellate is unwilling to accept constructive criticism, advice, instruction, or any information given by them that the Appellate may deem unnecessary during the 2015-2016 Basketball season? (Rp. 473), (Rp. 802), (Rpp.322-334),(Rpp. 81-82), (Rp. 174)
7. Did the Respondent Mr. E.A. "Rico" Williams communicate that all District one basketball officials that officiate other sports would be required to attend four meetings and unfairly terminated the Appellate with different meeting attendance

standards than her fellow officials? (Rp. 433), (Rpp. 263 lines 13-21), (Rp. 776), (Rpp. 797-801).

8. Did the Respondent Mr. E.A. "Rico" Williams present District One Basketball Officials meeting attendance sign in sheets of all district one members for all meetings, communicating the arrival and departure time for members? (Rpp. 49-50), (Rp. 779), (Rp. 263 lines 13-21), (Rp. 79) (Rp. 433), (Rpp. 797-801)
9. Did the Respondent Mr. E.A. "Rico" Williams create a chart portraying falsified information depicting false arrival times for the Appellate and selected basketball officials for required South Carolina Basketball Officials District One meetings for the 2015-2016 year? (Rp. 779)
10. Did the Respondent Mr. E.A. "Rico" Williams communicate to the Appellate that the decision to terminate her membership resulted from her communications to the District Director, Rico Williams (Respondent), Mr. Joedy Moots (Respondent, Basketball Officials Association's Representative and South Carolina High School League's Executive Committee Member), along with the Appellate discontent and dissatisfaction with present and future leadership direction as well as the Appellate denunciation of Mr. Moots? (Rp. 309)
11. Did the Respondent Rico Williams persuade the District One Board of Directors to discontinue the paid membership of the Appellate with SCBOA District One for the future? (Rp. 309)

12. Did the Respondent Mr. E.A. "Rico" Williams create/concoct a false, unjustified, unprofessional and sexist narrative based on hearsay pertaining to the pants worn by the Appellate in a basketball game on February 2, 2016 and present his false accusations to Respondent Skip Lax, Respondent Joedy Moots the South Carolina Basketball Officials Association District One Board Members to discontinue the paid membership of the Appellate with SCBOA District One? (Rp. 473), Rp. 583 lines 1-25), (Rp. 586 lines 22-25), (Rp. 587 lines 1-25), (Rp. 588 lines 1-6), (Rp.310).
13. Did the Respondent Mr. E.A. "Rico" Williams generate false narratives in response to a text message sent by the Appellate to Mr. E.A. "Rico" Williams after a brief conversation with the Appellate in an act of malice to protect his business and the business of several SCBOA District One Board members of assigning basketball officials for nonofficial basketball games in the Upstate of South Carolina which violates the South Carolina Basketball Officials Association basketball contract? (Rp. 473), (Rp. 769), (Rp. 771)
14. Did the Respondent Mr. E.A. "Rico" Williams letter of termination communicated to the Appellate reflect the grounds for discipline or dismissal of a South Carolina Basketball officials paid membership according to the By-Laws and Constitution of the South Carolina Basketball Official's Association for the 2015-2016 basketball season. (Rpp. 365-380)

15. Was the Respondent Mr. Skip Lax, Assistant Commissioner of the South Carolina High School League negligent in his paid professional athletic administrative leadership position in the State of South Carolina, to properly investigate the allegations made by the Respondent Mr. E.A. "Rico" Williams against the Appellate Aminah A. Richburg according to the laws governing his organization as a Non-Profit Institution in the State of South Carolina as well as the Constitution and By-Laws of the South Carolina Basketball Officials Association and the South Carolina High School League? (Rp. 364), (Rp. 369), (Rp. 446), (Rpp. 365-380), Rpp. 447-462)
16. Did Respondent Skip Lax's failure to intervene in the matters of the Appellate Aminah A. Richburg with Respondent E.A. "Rico" Williams according to the SCBOA By-Laws and Constitution allow the Respondent E.A. Rico Williams to continue his unethical behavior towards the Appellate and thereby proceed with the termination of the Appellate membership as a South Carolina District One Basketball official? (Rpp. 687-689), (Rpp. 365-380).
17. Did Respondent Mr. Joedy Moots, the South Carolina Basketball Officials Representative, fail to properly investigate the pleas communicated by the Appellate as her representative according to the Constitution and Bylaws, enable and justify the unethical behaviors and decisions of the Respondent E.A. Rico Williams and the eventual termination of the Appellate paid membership with the

South Carolina Basketball Officials Association District One? (Rpp. 360-363), (Rpp.365-380).

18. Did Respondent Mr. Joedy Moots, the Basketball Officials Representative for the South Carolina Basketball Officials Association 2015-2016, commit defamation and act in an unethical way when he shared all confidential information to Respondent Rico Williams shared with him in confidence by the Appellate on her behalf seeking assistance from the Respondent Mr. Joedy Moots in the matter? (Rpp. 360-363), (Rp. 310).

19. Did the Respondent Mr. Jerome Singleton, Commissioner of the South Carolina High School League failure to properly investigate the actions and proceedings of the Respondent E.A. Rico Williams which lead to the Appellate termination of future membership of the South Carolina Basketball Officials Association District One? (Rpp. 687-689).

20. Did the Respondent E.A. "Rico" Williams abuse his leadership and power and manipulate the Respondents South Carolina High School League to support his position due to past and present relationships the Respondent has with Respondent Mr. Joedy Moots, Respondent Mr. Skip Lax and Respondent Mr. Jerome Singleton and use that support to bring defamation to the Appellate? (Rpp. 687-689).

21. Did the Respondent E.A. "Rico" Williams and Respondent Joedy Moots heinous behavior toward the Appellate manipulate the District One Board of Directors by sharing selective confidential information shared between the Appellate and the Respondent Joedy Moots to support the termination of the Appellate? (Rp. 774)
22. Did the Respondent E.A. "Rico" Williams communicate factual truths pertaining to the Appellate position with local and state leadership? (Rp. 473)
23. Did the SCBOA District One Board Members terminate the membership of the Appellate due to the working relationship they have with the Respondent with his business of assigning officials for non-official basketball games. (Rp. 243 lines 1-4), (Rp. 242 line 25), (Rp. 40), (Rp.465), (Rp. 434), (Rpp. 57-59), (Rp. 253 lines 24-25), (Rp. 254 lines 1-14), (Rpp. 40-41),(Rpp. 80-82).
24. Did the actions of all Respondents expose the Appellate to defamation, and public ridicule which caused her to be shunned and avoided (Recent rejection to officiate with the YBOA organization)? (Rpp. 311-316)
25. As a direct and proximate result of the Respondents(s) recklessness, willfulness and wantonness, does the Appellate continue to suffer damages from embarrassment; humiliation; mental suffering; lost earnings; loss of consortium; and cost of retaining an attorney to defend her from the false allegations made by

the Respondent(s) due to her inability for future membership expressed by the Respondents? (Rp. 778), (Rp. 316), (Rpp. 390-414)

26. Did the Respondents marginal and unprofessional behavior and actions toward the Appellate with malice, recklessness and intentional disregard of the Appellate rights, entitle the Appellate to a judgement against the Respondent(s), jointly and severally for actual damages; punitive damages, special damages? (Rp. 776), (Rp. 316), (Rpp. 390-414).
27. Did the Respondents(s) communicate to the Appellate that if there is any intent of the Plaintiff to apply for future membership in District One, the Plaintiff's application will not be accepted? (Rp. 778)
28. Did the Respondents commit discovery abuse by failing to provide all interrogatory documentation requested by the Appellate? (Rp. 253 lines 24-25), (Rp. 254 lines 1-14).
29. Did the Respondents commit perjury under oath by communicating they provided all interrogatory documentation requested by the Appellate? (Rp. 253 lines 24-25), (Rp. 254 lines 1-14).
30. Did the Respondents commit perjury under oath by communicating that the South Carolina High School League is a governmental entity, subject to the Tort Claims Act 15-78-60? (Rp. 272 lines 9-25)

31. Did the Respondents commit perjury under oath by communicating that the Respondents, the South Carolina High School League, are not liable for a loss resulting from the exercise of discretion or judgment by the governmental entity or employee, or the performance, or failure to perform any act or service which is in the discretion or judgment of the employee, governmental entity or employee. (Rp. 272 lines 9-25).
32. Should the Appellate receive judgement for loss of wages due to her inability to apply for membership with the SCBOA District One and officiate paid basketball games in the future expressed by the Respondents calculated for the next twenty five years based on years of peer officials in SCBOA District One calculated for the next twenty-five years averaged at three thousand dollars a year for the next twenty- five years? (Rp. 309), (Rpp. 40-41)
33. Should the Appellate receive judgement for loss of wages for Basketball tournaments assignment fee at four hundred dollars per tournament for eleven tournaments a year for the next twenty- five due to defamatory statements to a third party by the Respondents to (YBOA)? (Rpp. 311-317), (Rpp. 390-414)
34. Should the Appellate receive judgment for harassment pain and suffering at one hundred thousand dollars along with loss of fees due to the Respondents actions

after February 6, 2016? (Rp. 473), (Rp. 309), (Rp. 364), (Rpp. 360-363), (Rp. 310), (Rpp. 687-689).

### **Procedural History**

On March 31, 2016, the Appellate filed a complaint In the Court of Common Pleas, State of South Carolina, County of Greenville. (Rpp. 17-20)

The Appellate submitted A First Set of Request for Production to Defendant and First Set of Continuing Interrogatories to Defendants on June 20, 2016 and both Michael Montgomery and Sarah Day Hurley failed to respond to the Pro-Se Plaintiff within a thirty day period. (Rpp. 36-38), (Rpp. 42-44)

The Appellate filed a request for a hearing on August 1, 2016 (Rp. 85)

On September 16, 2016, the Appellate filed Request/Motion for Court of Common Pleas to Dissolve Terminate, Cancel Defendants Motion for Protective Order and Stipulation For Protective Order and Order Thereon. The Motion was not recognized by the Greenville County Court of Common Pleas. (Rpp. 87-89).

The matter came before the court on September 20, 2016, upon the Appellate Request for Hearing filed August 1, 2016. The Appellate was present and proceeded pro se. The Respondent South Carolina High School League was represented by Michael Montgomery, Esq., and the Respondent E.A. "Rico" Williams was represented by Sarah Day Hurley, Esq. The Appellate communicated her concerns that many documents were not produced by the Respondents

through the extension granted from the time between the filing of the Motion and the date of the Hearing. (Rp. 846 lines 1-25), (Rp. 847 lines 1-25), (Rp. 848 lines 1-25), (Rp. 849 lines 1-25), (Rp. 837 lines 4-25), (Rp. 838 lines 2-14), (Rp. 839 lines 11-25), (Rp. 840 lines 1-25), (Rp. 841 lines 1-25), (Rp. 843 lines 1-25), (Rp. 844 lines 1-25), (Rp. 845 lines 1-25), (Rpp. 45-54), Rpp. 65-69), (Rpp. 75-83), (Rpp. 70-74).

On October 11, 2016 the Appellate requested a hearing date be set to address a notice submitted along with a motion to compel discovery to acquire the information and documents requested according to definitions on June 20, 2016 through Appellate Aminah A. Richburg First Set of Continuing Interrogatories and First Set of Request for Production to the Respondents. (Rpp. 90-111).

On October 21, 2016 the Appellate requested a Second Set of Continuing Interrogatories to Respondents. (Rpp. 39-41)

On November 2, 2016 the Appellate was present before the Honorable Leitia Verdin Presiding Judge of the Greenville County Common Pleas. The Motion to Compel requested on October 11, 2016 was not addressed. The Presiding Judge allowed the Protection Order based on falsified documentation provided by the Respondents. (Rp. 804 lines 1-25), (Rp. 810 lines 1-25), (Rp. 811 lines 1-25), (Rp. 813 lines 3-16), (Rp. 814 lines 16-21), (Rp. 815 lines 13-25), (Rp. 817 lines 20-25), (Rp. 818 lines 1-25), (Rp. 819 lines 1-25), (Rp. 820 lines 20-25), (Rp. 821 lines 1-25), (Rp. 823 lines 12-17).

On November 21, 2016 the Appellate received minimal discovery information and documentation from the Second Set of Interrogatories and documentation from the Respondents the South Carolina High School League. The Appellate has not received any Second

Interrogatories information nor documentation from the Respondent E.A. Rico Williams. (Rpp. 36-38), (Rpp. 39-41), (Rp. 254 lines 6-14), (Rpp. 55-64), (Rp. 84)

On December 12, 2016 the Appellate filed a Request/Motion For Court of Common Pleas to Reverse Order For Protective Order including a hearing request to address Notice of Motion to Compel for 1<sup>st</sup> and 2<sup>nd</sup> Set of Interrogatories to Defendant. The Motion was not recognized by the Greenville County Court of Common Pleas. (Rpp. 112-117)

On December 20, 2016, the Appellate filed a Request/Motion For Court of Common Pleas to Reverse Order for Protective Order Including a Hearing Request to Address Notice of Motion to Compel for 1<sup>st</sup> and 2<sup>nd</sup> Set of Continuing Interrogatories to Respondents. The Motion was not recognized by the Greenville County Court of Common Pleas. (Rpp. 122-117)

On January 13, 2017, the Appellate filed a Second Notice of Motion to Compel for discovery information for the 1<sup>st</sup> and 2<sup>nd</sup> Interrogatories and Request for a Hearing. The Motion was not recognized by the Greenville County Court of Common Pleas. (Rpp. 118-153)

On January 18, 2017, the Appellate filed a Memorandum in Support of Motion to dismiss Protective Order, Reversal of Court Protection Order. The Motion was not recognized by the Greenville County Court of Common Pleas. (Rpp. 154-163)

On March 6, 2017, the Appellate filed, Challenge the Reliability and Validity of Affidavit of Defendant Skip Lax and E.A. Rico Williams. The Challenge was not recognized by the Greenville County Court of Common Pleas. (Rpp. 164-187)

On March 6, 2017, the Appellate filed, Notice to Dismiss Motion and Also Dismiss For Summary Judgement by Defendant Skip Lax and E.A. Rico Williams. The Motion was not recognized by the Greenville County Court of Common Pleas. (Rpp. 188-207)

On March 9, 2017, the Appellate was present before Judge Gravely for a "Status Conference Roster", during the meeting, the Honorable Judge Gravely presided with the Appellate (Pro Se) and legal representatives of the Respondents, the Appellate communicated that she had filed several Motions to Compel because the Respondents were not cooperative by providing factual data and information during the discovery process and therefore the discovery process had not been concluded. The Respondent communicated that mediation was necessary as well. The Honorable Judge Gravely appointed a mediator and encouraged the Respondents to provide discovery information and set the court date for August 7, 2017. (Rpp. 381)

The matter came before the court on March 20, 2017, upon the Appellate request for a Motion to Compel and Motion to Dismiss Summary Judgment. The Honorable Judge Gravely listened to arguments for summary judgment from the respondents and asked the Appellate to give specificity to the documents that should be produced based on her Motion to Compel. The Appellate asked if the Judge had a copy of her motion and the Appellate proceeded to communicate that she did not receive any documentation for the Second Interrogatories requested on October 21, 2017 from the Respondent E.A. "Rico" Williams and she received minimal documentation from the Respondent SCHSL for the Second Interrogatories. The Appellate communicated that on all 1<sup>st</sup> and 2<sup>nd</sup> Interrogatories requested the Respondents would

communicate that the SCHSL would not have access to documentation and they would refer to the Respondent E.A. Rico Williams for documentation and the Respondent E.A. Rico Williams would communicate that they do not have access to documentation and they would refer to the SCHSL to provide documentation. The Appellate communicated the number for each interrogatory where she received minimal or no information at all. The Appellate was not given an opportunity to present her case pertaining to her motion to Dismiss Summary Judgment. (Rp. 247 lines 16-18), (Rp. 247 lines 1-14), (Rp. 245 lines 1-25), (Rp. 246 lines 1-10), (Rp. 242 lines 15-25), (Rp. 846 lines 1-25), (Rp. 243 lines 1-14), (Rp. 846 lines 1-25), (Rp. 846 lines 1-25), (Rp. 846 lines 1-25), (Rpp. 50-53), (Rpp. 81-82), (Rp. 242 lines 14-25), (Rp. 243 lines 1-14)

On April 24, 2017, the Appellate filed, Request for Admission, Brief in Upholding the Plaintiff's Motion To Compel and Opposition to Defendants Motion for Summary Judgement, Notice to Dismiss Motion and Also Dismiss for Summary Judgement By Respondents South Carolina High School League and Rico Williams. The Appellate received Judge Gravely's order in the mail later in the evening after she filed all documentations. The Judge communicated that he would ask the Appellate for additional information so he could review all of the information. The Appellate never received any communication from Judge Gravely requesting additional information and the Order submitted by Judge Gravely only reflects communications, explanations and documentations presented by the Respondents in his judgements. Judge Gravely failed to read and consider any documentation presented by the Appellate or consider her previous Motion to Compel and Motion to Dismiss Summary Judgment based on the unprofessional behavior of the Respondents engaging in discovery abuse and obstruction of justice with public information that would allow the Appellate to meet her burden of Proof with

respect to her Motion to Compel and Motion to Dismiss Summary Judgment. (Rpp. 208-209), (Rpp. 211-225), (Rpp. 226-241), (Rp. 240), (Rp. 297 lines 1-24), (Rpp. 1-16), (Rpp. 90-110), (Rp. 255 lines 10-14), (Rp. 250 line 6), (Rp. 243 lines 18-19), (Rp. 15-16).

Aminah A. Richburg appeals the order [ORDER GRANTING DEFENDANTS' MOTIONS FOR SUMMARY JUDGMENT AND DENYING PLAINTIFF'S MOTION TO COMPEL] which the Honorable Perry H. Gravely dated April 19, 2017. Appellant received written notice of entry of this order [judgment] on April 24, 2017. (Rpp. 1-16)

#### STATEMENT OF THE CASE

The Appellate was denied the opportunity to have her case heard by a jury trial based on all documentation and all motions filed by the Appellate. The Appellate was treated unfairly and unjustly by the court and the legal counsel of the Respondents hoodwinked the court by presenting false, tampered and invalid documentation as well as engaging in discovery abuse. The court allowed the Respondents motions to be heard after initial filing of motions and request for hearings made by the Appellate. The Honorable Perry H. Gravely #2755, granted the Respondents Motions for Summary Judgment and denied the Appellate Motion to Compel as well as the Motion to Dismiss Summary Judgment which was not addressed by the Court. The Appellate has filed four to five Motions to Compel and the Motion the Dismiss Summary Judgment and wishes to be reimbursed for previous fees whereas the Motions were not addressed and all information presented was not considered or read in its entirety. (Rp. 250 lines 12-14), (Rp. 245 lines 7-25), (Rp. 247 lines 8-18), (Rp. 256 lines 7-9), (Rpp. 28-42), (Rp. 251 lines 7-

12), (Rp. 248 lines 7-25), (Rp. 249 lines 1-17), (Rp. 22-25), (Rp. 27), (Rpp. 299-302), (Rp. 306), (Rp. 310), (Rp. 53), (Rp. 253 lines 24-25), (Rp. 254 lines 1-14), (Rp. 250 lines 16-25), (Rp. 252 lines 12-22).

## FACTS

Light was not taken most favorable to the Appellate. The Appellate documentation was not considered. The Appellate filed the lawsuit on March 31, 2016 and her allegations arose out of a dispute between the Respondents Rico Williams and the South Carolina High School League. The Appellate alleged a cause of action for defamation and asserted that Respondent Rico Williams created a false narrative about the Appellate professional performance with other SCBOA District One officials to the SCBOA District One Board, SCHSL Representatives and other basketball affiliates. The communication at issue is the email the Respondent Rico Williams sent on February 5, 2016 to the Appellate, SCBOA District One Board Members, and the Respondents the South Carolina High School League. Ultimately the SCBOA District One Board Members voted on February 29, 2016, to inform the Appellate that any future application for membership would not be accepted. The Appellate alleged that the Respondents the South Carolina High School league failed to investigate the reports by the Respondent Rico Williams according to their paid position and responsibility according to the Constitution and By-Laws as an existing Non-Profit organization in the state of South Carolina before the Appellate paid membership was terminated. (Rpp. 319-323), (Rpp. 355-359), (Rp. 473), (Rpp. 793-796), (Rp. 463), (Rp. 335), (Rpp. 349-350), (Rpp. 309-310), (Rp. 29), (Rp. 446), (Rp. 669), (Rpp. 365-380).

On March 17, 2015, the Appellate paid thirty-eight dollars for membership to the South Carolina

Basketball Officials Association. The Appellate paid seventy-five dollars for membership to the South Carolina Football Officials Association in February and part of the membership is applied to the SCBOA membership.

On August 31, 2015 the Appellate attended the required SCBOA District One Meeting. (Rpp. 355-359). (Rp. 306)

On September 21, 2015 the Appellate attended the required SCBOA District One Meeting.

On October 19, 2015 the Appellate attended the required SCBOA District One Meeting.

On October 21, 2015, the Appellate attended the required South Carolina Basketball Officials Mandatory Clinic at Mauldin High School at 6:00 p.m. (Rp. 306)

On November 1, 2015, the Appellate communicated her intentions to remain an SCBOA member and communicated the requirements she completed in doing so. The Respondent Rico Williams sent an email message on October 27, 2015 inquiring about the Appellate intentions... (Rp. 305)

On November 2, 2015, the Appellate attended the required SCBOA District One Meeting. (Rp. 306).

On November 14, 2015, the Appellate traveled to Columbia, South Carolina for a required basketball officials meeting for all paid members for the South Carolina Basketball Officials Association at 10:30 a.m. at River Bluff High School. (Rp. 753)

The Appellate was assigned games with the SCBOA District One for the 2015-2016 beginning

Nov. 10, 2015, this is an indication according to the By-Laws, and Constitution and Contract that the Appellate met all requirements facilitate her membership with the organization. (Rp. 331)

On November 17, 2015 the Respondent Rico Williams officiated high school league basketball scrimmage games with the Appellate. The Respondent Rico Williams did not communicate to the Appellant that she was blocked by two schools and ten officials that were ranked higher than she communicated that she was unwilling to accept corrective criticism. The Respondent Rico Williams called and asked the Appellate two weeks later, if she was willing to serve on a basketball officials committee and communicated he would contact her soon for games assigned by his business. (Rp. 332), (Rp. 690-704), (Rp. 553 lines 1-25), (Rp. 554 lines 1-25), (Rp. 555 lines 1-25).

From November 10, 2015 through February 4, 2016, the Appellate officiated weekly basketball games for the South Carolina High School League and Non-official basketball games through Respondent Rico Williams basketball officials assigning business. The Appellant met all requirements and expectations as an official communicated by the By-Laws, Constitution and contract of the SCBOA and South Carolina High School League. (Rpp. 331-332), (Rpp. 415-445), (Rp. 769).

On February first through the third of 2016, the Respondent Rico Williams sent several text messages to the Appellate, asking her to call him at her convenience. The allegations of the Appellate arose out of a dispute with the Respondent Rico Williams based on one conversation between the Respondent and the Appellate on February 3, 2016. (Rp. 564 lines 1-25), (Rp. 565 lines 1-25), (Rp. 566 lines 1-25), (Rp. 567 lines 1-25), (Rp. 568 lines 1-16), (Rpp.176-180)

On February 3, 2016, the Appellate sent a text message to the Respondent Rico Williams communicating her dismay with the topic of the conversation based on the Respondents repeated communication, asking the Appellate to call him at her convenience. (Rp. 581 lines 14-25), (Rp. 473), (Rp. 582 lines 1-25), (Rp. 583 lines 1-25)

The Appellant's text message made comparisons to the professionalism of Jenny Norris former SCBOA District Director (female) who created a supportive working culture by mentoring the Appellate that made officiating enjoyable; it was apparent to the Appellate that this supportive culture had declined. The Appellate, in her text, communicated that she previously confirmed the officiating assignment at Furman University with the Respondent Rico Williams. (Rp. 769), (Rp. 589 lines 16-25), (Rp. 473), (Rpp. 415-445), (Rpp. 176-180).

The Appellate communicated that there was a conflict of interest with the Respondents initial topic of conversation pertaining to his personal business matters with the Appellate and then unprofessionally following-up with hearsay that "someone" communicated that the Appellate wore tight black sweat pants while officiating a SCHSL basketball game. (Rp. 598 lines 18-25)

The Appellant felt threatened by patriarchal and sexist approach of the Respondent Rico Williams that he would terminate future officiating opportunities for the Appellate. The Appellate communicated to the Respondent that she would report the conflict of interest the Respondent Rico Williams has with his business assigning Non-Affiliated SCHSL basketball games in Greenville, Spartanburg and Pickens county and his position as SCBOA District One Director granting him power to consider officials to officiate South Carolina High School League basketball games, which gives him all power like a tyrant. The Appellate communicated

that she would notify the SCHSL if she continued to be subjected to unprofessional communications and if she did not receive any more officiating assignments and opportunities. (Rp. 598 lines 1-25), (Rp. 547 lines 1-25), (Rp. 548 lines 1-25), (Rp. 549 lines 1-25), (Rp. 550 lines 1-25), (Rp. 528 lines 1-25), (Rp. 534 lines 1-25), (Rp. 535 lines 1-25), (Rp. 536 lines 1-25), (Rp. 537 lines 1-25), (Rp. 538 lines 1-25), (Rp. 539 lines 1-25), (Rp. 540 lines 1-25), (Rp. 541 lines 1-25), (Rp. 564 lines 1-25), (Rp. 565 lines 1-25), (Rp. 566 lines 1-25), (Rp. 568 lines 1-25), (Rp. 569 lines 1-25), (Rp. 570 lines 1-25), (Rp. 571 lines 1-25), (Rp. 572 lines 1-25), (Rp. 573 lines 1-25), (Rp. 574 lines 1-25), (Rp. 553 lines 1-25), (Rp. 616 lines 1-25), (Rp. 653 lines 1-25), (Rp. 657 lines 1-25).

On February 5, 2016, at 11:49 a.m., the Respondent Rico Williams abused his power and deliberately created an issue by sending an email with false narratives and purposefully included a written text sent by the Appellant to the Respondent Rico Williams to deliberately influence the SCBOA Board Members and the State Basketball Commissioner Skip Lax to terminate the Appellate paid membership with the SCBOA District I. (Rp. 600 lines 8-25), (Rp. 473).

On February 9, 2016, the Appellate read the message from the Respondent Rico William's and forwarded the message to Respondent Skip Lax requesting assistance because the Respondent Rico Williams communicated that he was his source of contact. The Appellate did not recognize many individuals the Respondent sent the email communication to. (Rp. 51)

On February, 10, 2016, the Respondent South Carolina Basketball Commissioner Skip Lax refused to intervene when contacted by the Appellate to assist with the matter. The Basketball Commissioner for the SCHSL communicated that it was an issue to be resolved at the district

level. There are no instructions in the South Carolina Basketball Officials Association Constitution and By-Laws on how to resolve district issues when they involve an official and the district director, which is why the Appellate sought assistance from Skip Lax the South Carolina High School League Basketball Commissioner. (Rp. 369), (Rp. 744), (Rpp. 365-380).

On February 11, 2016, the Appellate responded to the Respondent Skip Lax that her concerns were not a district matter and she would seek relief for her pain and suffering and lack of support she is receiving from the SCHSL from legal counsel. (Rpp. 682-685), (Rp. 751), (Rp. 761 ).

On February 16, 2016, the Appellate forwarded Respondent Rico Williams communication to Respondent Joedy Moots who is listed as the South Carolina Basketball Officials Representative. Several email communications took place between the Respondent Joedy Moots South Carolina Basketball Officials Representative and the Appellate. Unfortunately, the Basketball Officials Representative did not represent the Appellate according to the SCBOA Constitution and By-Laws. The Respondent Joedy Moots shared several confidential communications between him and the Appellate with the Respondent Rico Williams. (Rp. 744), (Rpp. 360-363), (Rp. 774), (Rp. 310), (Rp 472).

On March 11, 2016, the Appellate was offered membership with the Charleston Whistleblowers Basketball Officials to officiate YBOA/ AAU basketball tournaments during the spring and summer. (Rpp. 311-315).

On March 16, 2016, the Appellate received a communication from YBOA / AAU basketball official assigners that she would not be considered for assignments. (Rp. 313)

On March 23, 2016, the Appellate received a certified letter from the Respondent Rico Williams stating that the Greenville District (SCBOA District I) voted that if there is any intent of the Appellant to apply for future membership in District One, your application will not be accepted and if the Appellate desired to transfer to another SCBOA District, the Respondent Rico Williams will facilitate any communications needed. (Rp. 309)

The actions of all Respondents exposed the Appellate to public ridicule which caused her to be shunned and avoided. (Recent rejection to officiate with the YBOA organization). The serial defamation has caused the Appellate to sustain substantial injury to her professional reputation and her good will. (Rp. 51), (Rpp. 311-315), (Rpp. 390-414).

The Appellate officiated non-high school league basketball games for the Respondent for his private business. The Respondent communicated and interacted with the Appellant from November through February and never communicated any concerns that were communicated in the email the Respondent sent to SCBOA Board Members and Skip Lax, if it were an issue the Appellate would not have officiated any games prior to the transmission of the email and the false contents pertaining to the Appellate. As a direct and proximate result of the Respondents SCHSL recklessness, willfulness and wantonness by failure to intervene and properly investigate the false report submitted by Respondent Rico Williams, the Appellate has suffered damages from embarrassment; humiliation; mental suffering; lost earnings; loss of consortium; and cost of retaining an attorney to defend her from the false allegations made by the Respondents. The Appellate has a genuine issue and will present evidence to dismiss the summary judgement

granted by the Honorable Judge Gravely. (Rpp. 415-445) (Rp. 534 lines 21-25), (Rp. 535 lines 1-25), (Rp. 536 lines 1-25), (Rp. 537 lines 1-25), (Rp. 538 lines 1-25), (Rp. 539 lines 1-25), (Rp. 540 lines 1-25), (Rp. 541 lines 1-25), (Rp. 542 lines 1-25), (Rp. 547 lines 1-25), (Rp. 548 lines 1-25), ) (Rp. 549 lines 1-25), (Rp. 550 lines 1-25), (Rp. 551 lines 1-25), (Rp. 552 lines 1-25), (Rp. 553 lines 1-25), (Rp. 554 lines 1-25), (Rp. 564 lines 1-25), (Rp. 565 lines 1-25), (Rp. 566 lines 1-25), (Rp. 567 lines 1-25), (Rp. 568 lines 1-25), ) (Rp. 569 lines 1-25), (Rp. 570 lines 1-25), (Rp. 571 lines 1-25), (Rp. 572 lines 1-25), (Rp. 573 lines 1-25), (Rp. 574 lines 1-25), (Rp. 578 lines 1-25), (Rp. 579 lines 1-25), (Rp. 580 lines 1-25), (Rp. 581 lines 1-25), (Rp. 582 lines 1-25), ) (Rp. 583 lines 1-25), (Rp. 639 lines 13-25), (Rp. 640 lines 1-25), (Rp. 641 lines 1-25), (Rp. 642 lines 1-25), (Rp. 643 lines 1-25), (Rp. 644 lines 1-25), (Rp. 645 lines 1-25), (Rpp. 360-364), (Rp. 304), (Rpp. 311-318).

#### STANDARD OF REVIEW

The Standard of Review presented by the Court based on the purpose of summary judgement, S. Glass & Plastics Co. v. Duke, 367 S.C. 421, 427, 626 S.E. 2d 19,22 (Ct. App. 2005) (quoting Geroge v. Fabri, 345 S.C. 440, 452, 548 S.E.2d 868,874 (2001)), does not apply. Summary Judgement was not rendered properly because the Appellate has a genuine issue and the Respondents were not entitled to judgment as a matter of law so Ellis v. Davidson, 358 S.C. 509, 517, 595 S.E.2d 817, 821 (Ct. App.2004), does not apply. The Respondents are guilty of discovery abuse, obstruction of justice, and deliberately failed to disclose evidence they have in their possession that is a matter of public record according to the Code of Laws- Title 33-Chapter 31- South Carolina Non-profit Corporation Act Article I General provisions Section 33-31-1602 Inspection of Records by members to enable the Appellate to provide evidence that would be

construed most strongly against the Respondents. The evidence the Appellate presented was not considered by the court and all evidence requested by the Appellate through five or six filed Motions to Compel and Motion to Dismiss Summary Judgment were not honored by the Court. Therefore the communication made by Judge Gravely that all ambiguities, conclusions, and inferences arising from the evidence “must be construed most strongly against the moving party”, does not apply. The Appellate provided evidence to support the judge’s communication for plain and palpable and undisputed facts by which a reasonable mind could differ. Any mind cannot fairly differentiate properly if all evidence is not considered. The Appellate was denied the opportunity to have her case heard by a jury based on falsified one sided evidence and arguments presented by the Respondents and accepted by the Court. (Rp. 253 lines 24-25), (Rp. 254 lines 1-4), (Rp. 447), (Rp. 461), (Rp. 454), (Rp. 449), (Rp. 453), (Rp. 456).

#### ARGUMENT/ANALYSIS

The SCHSL made defamatory communications toward the Appellate which is evident under South Carolina Law, the elements of defamation are evidenced by the following: (1) false statements communicated by all Respondents, the first by Respondent Rico Williams in his email communication on February 5, 2016. Respondent Skip Lax with his refusal to intervene and the false communications sent to the Appellate. Respondent Joedy Moots confidential false and defamatory statements toward the Appellate. (2) The unprivileged publication of the Appellate termination to the YBOA organization before she was notified of her termination from the SCBOA District One. (3) Fault on the part of the publisher can be witnessed through the apology from Respondent Joedy Moots to the Appellate communicating his unwillingness to intercede on her behalf and the Respondents failure to follow the Code of Laws-Title 33-Chapter 31- South

Carolina Non-profit Corporation Act Article One General Provisions.(4) The harm caused by the actions of the Respondents affected the Appellate swiftly and directly through her termination of membership with the YBOA organization and inability to officiate eleven or more tournaments yearly earning a minimum of four thousand dollars a year. Holtzscheiter v. Thomson Newspapers, Inc., 332 S.C. 502, 508, 506 S.E.2d 497, 501 (1998). (Rpp. 447-462), Rpp: 311-316).

The Court should review the Court of Common Pleas, State of South Carolina, County of Greenville justification that a summary judgment was needed to expedite dispositions of case which do not require the services of a factfinder. The Appellate received un-clerked memoranda and exhibit documents from the Respondents the day of trial and those documents were utilized by the Court during the deliberation of the case by Judge Gravely therefore due deliberation did not take place. The Appellate case requires factual information to allow the Appellate to meet her burden of proof. The Appellate was never given an opportunity to do so and the Respondents are guilty of discovery abuse and obstruction of justice. Halverson v. Yawn, 328 S.C. 618, 621, 493 S.E 883, 884 (Ct. App. 1997). (Rpp. 240-241), (Rp. 261 lines 12-25), (Rp. 262 lines 1-25), (Rp. 253 line 25), (Rp. 254 lines 1-14).

The Respondent(s) Members of the South Carolina High School League and Rico Williams made defamatory communications. The Respondent Joedy Moots made defamatory statements concerning the Appellate and published the confidential false statements to Respondent E.A. Rico Williams. Respondent E.A. Rico Williams sent the published false statements to SCBOA District One Board Members and the Members of the Board and the Respondents shared the unprivileged publication with members of the general public. The actions of all Respondents

exposed the appellee to public ridicule which caused her to be shunned and avoided due to the release of the publications shared by the Respondents with the general public (Recent rejection to officiate with the YBOA organization). The serial defamation has caused the Appellate to sustain substantial injury to her professional reputation and her good will. As a direct and proximate result of the Respondent(s) recklessness, willfulness and wantonness, the Appellate has suffered damages from embarrassment; humiliation; mental suffering; lost earnings; loss of consortium; and cost of retaining an attorney to defend her from the false allegations made by the Respondent(s). (Rp. 473), (Rpp. 360-363), (Rp. 310), (Rp. 774), (Rpp. 311-316).

The Court should review the question of whether the Respondent Skip Lax fulfilled his paid professional responsibility as the South Carolina Basketball Officials Commissioner according to Article X (Discipline of Officials – Discipline of officials shall be handled through the Commissioner of Officials and the Board of Directors.) The Appellate is a paid member of the SCBOA and is entitled to protection of her rights set according to the BY-LAWS/ Constitution of the South Carolina Basketball Officials Association. The Appellate contacted the Respondent Skip Lax due to his position power which reflects a true check and balance in organization management. The Appellate did not have to request that Respondent Commissioner Skip Lax intervene on her behalf the matter itself holds the Respondent Skip Lax accountable to the Appellate therefore the summary judgement is not appropriate for the SCHSL on the basis that the Respondent Commissioner Skip Lax did not make or publish any defamatory statement to a third party. In the complaint, Respondent Mr. Skip Lax, Assistant Commissioner of the South Carolina High School League was negligent in his leadership to properly investigate the allegations made by the Respondent Mr. E.A. “Rico” Williams according to the By-Laws and

Constitution that govern the organization as a Non-Profit Organization in the state of South Carolina. The Respondent Mr. Skip Lax disregarded the pleas of the appellate for assistance and only communicated that the South Carolina High School League do not share blocks by schools or peers and also stated that the Appellate concerns were a local matter to be handled at the district level. The Respondent Skip Lax response gave the Respondent E.A. "Rico" Williams his support and guidance to continue his unethical behavior towards the Appellate and thereby proceed with the termination of the Appellate membership as a South Carolina District One Basketball official. Summary judgment is not appropriate based on the foregoing and Holtzscheiter, 332 S.C. at 508, 506 S.E.2d at 501 does not apply. (Rp. 364), (Rp. 369), (Rp. 449), (Rpp. 365-380), (Rp. 449), (Rp. 29), (Rp. 364), (Rp.3)

The Court acknowledged the Constitution and By-Laws of the SCBOA but failed to hold the Respondents accountable based on the false testimony of the Respondents SCHSL organizational existence in the state of South Carolina and its professional responsibility to paid membership of the Appellate with South Carolina Basketball Officials affiliated with the South Carolina High School League. (Rpp. 14-15), (Rp. 449)

The Appellate presented evidence that all statements made by the Respondent Joedy Moots were false and therefore summary judgment was not appropriate. The court should review the question of whether the erroneous standard utilized by Judge Gravely, Erickson v. Jones Street Publisher, LLC, 368 S.C. 444, 471, 629 S.E.2d 653, 658 (2006) (stating that the law of defamation does not prevent a person from expressing and publishing truthful or non-defamatory statements- including pointed criticism- of a guardian's actions in a particular case, regardless of whether the guardian is designated a public official, public figure, or private figure"). The Appellate provided

documentation with the Respondent Joedy Moots admitting that the Appellate was correct when addressing the false statements expressed and published by the Respondent Joedy Moots and the Respondent E.A. Rico Williams. The Appellate also addressed the unfounded criticism communicated by the Respondent Joedy Moots directed at the Appellate and the Respondent Joedy Moots rescinded the statements. The Appellate has provided sufficient evidence of defamatory statements made by the SCHSL and therefore summary judgment is not appropriate. (Rpp. 211-239).

The statements made by Respondent E.A. Rico Williams were not true and the Respondents have not asserted the absolute defense of truth in this case. Judge Gravely flawed ruling based on false evidence does not support South Carolina courts have held that truth of the matter is a complete defense to an action based on defamation when the statements made by the Respondent E.A. Rico Williams were not true. Ross v. Columbia Newspapers, Inc., 266 S.C. 75, 80, 221 S.E.2d 770, 772 (1976), does not apply. In fact, the defense of truth is sufficient where the evidence establishes that the statement was substantially true communicated by Judge Gravely is not sufficient because all evidence presented by the Respondents had been falsified. Dauterman v. State-Record Co., 249 S.C. 512, 514, 154 S.E. 2d 919, (1967) (emphasis added does not apply. The Honorable Judge Gravely communicated mistakenly that all falsified liable statements made the Respondents were true pertaining to the Appellate by the Respondents and they assert absolute defense of truth in this case. The inaccurate factual statements are; (1) The Appellate was marked off/blocked by two schools and ten basketball officials; the Appellate officiated Basketball games for Southside High School and Mauldin High School, therefore the Appellate

was not blocked at all. The dates provided for the supposed blocks were November 6, 2013, therefore the schools did not block the Appellate as communicated by the Respondent Rico Williams. The Appellate officiated her first paid basketball game at League Middle School Academy on December 5, 2013. The Appellate provided evidence that the ten officials presented by the Respondents did not block the Appellate. (2) All of the basketball officials that had blocked the Appellate were rated higher than the Appellate. The Appellate provided evidence that ten officials did not block the Appellate therefore the ratings of the falsely identified officials does not support the Respondent Rico Williams statement; and (3) the Appellate had technically not attended all of the required District One meetings, the Appellate attended all of the required meetings and has evidence to prove her attendance. (Rp. 330), (Rp. 310), (Rp. 331), (Rpp. 299-302), (Rp. 463); (Rp. 306), (Rp. 335), (Rp. 320), (Rp. 307 ), (Rpp. 355-359), (Rpp.690-704).

#### Blocks by Schools

The Honorable Judge Gravely communicated that the Respondent E.A. Rico Williams statements were true. The Appellate has documentation that the factual statements communicated by the Judge are not true pertaining to blocks by schools. The Appellate has evidence that she officiated Basketball games for Southside High School and Mauldin High School. The dates provided for the supposed blocks were November 6, 2013, therefore the schools did not block the Appellate as communicated by the Respondent Rico Williams. The Appellate officiated her first paid basketball game at League Middle School Academy on December 5, 2013, therefore the statements made by the Respondents supported by Judge Gravely are untrue. (Rp. 463), (Rp. 306), (Rp. 335), (Rpp. 330-331), (Rp. 310), (Rpp. 299-302).

### Ratings and Blocks of Officials Who Blocked the Appellate

The Appellate was not blocked by ten basketball officials in SCBOA District One as communicated by the Honorable Judge Gravely, the documentation to support the Appellate is under Protection Order IN THE COURT OF COMMON PLEAS, COUNTY OF GREENVILLE. The Honorable Judge Gravely allowed the Respondents to present seven officials that are not SCBOA basketball officials as a part of the ten basketball officials alleged by the Respondents and the Respondents created another falsified list with officials whereas two the officials presented had games with the Appellate during the alleged block. All documents provided by the Respondents have been falsified with hand written dates as well as implied dates communicated in written format with no official documentation to support the allegation. All information provided by the Respondents and favored by the Honorable Judge Gravely were indeed falsified and are invalid. (Rpp. 299-302), (Rp. 320), (Rpp. 690-704).

The Honorable Judge Gravely communicated that the list are not identical due to the fact that the Respondent SCHSL would have had access to officials blocks against the Appellate in all varsity sports and on the list provided by the Respondent SCHSL three officials are Basketball officials and seven officials are not basketball officials. Therefore it is not true that ten basketball officials blocked the Appellate. The various official's sports organizations within the South Carolina High School League operate and function separately. The official's association for football is not connected to basketball therefore the basketball officials director in basketball could not gain access to blocks in other sports because they function separately. The South Carolina High School League documentation is falsified, with the list provided, only three of the officials have

officiated games with the Appellant, the names of the seven officials provided have never officiated a game with the Respondent for any other sport she officiates with other sports organizations within the South Carolina High School League. None of the individuals listed have officiated any sports with the Appellate in any varsity football game, varsity volleyball game, varsity lacrosse game, varsity softball game or varsity basketball game.

The Honorable Judge Gravely ruled and communicated that all of the ten basketball officials that blocked the Appellate were rated higher than the Appellate, the Honorable Judge Gravely failed to acknowledge that seven of the basketball officials under protective order are not basketball officials in the State of South Carolina, therefore all of the basketball officials that blocked the Appellate communicated by the Honorable Judge Gravely were not rated higher than the Appellate. The basketball officials on the created list provided by Respondent E.A. Rico Williams, more than three basketball officials had scheduled games with the Appellate therefore again the statement regarding the blocks in the February 5<sup>th</sup> email are indeed untrue. The Plaintiff provided the evidence that questions the authenticity of the documents provided by the Respondents. (Rp. 307), (Rp. 320), (Rp. 323), (Rpp. 690-704)

The ratings of the ten basketball officials provided are state wide not self-contained within SCBOA, District One, therefore the relevance of rating was unimportant due to the formula that factors in years of experience when the Appellant only had two years of experience prior to her third year as an official in 2015-2016. There is no distinction of Sub-Varsity and Varsity basketball officials only the game assignments and the position. The Appellate has evidence to refute Judge Gravely's judgement in response to the Respondents evidence that influenced his

communication in the matter of Ratings of Officials Who Blocked the Appellate. (Rp. 307), (Rp. 308), (Rpp. 690-704)

#### Appellate Failure to Attend Meetings

The Honorable Judge Gravely ruled and communicated that the Appellate had technically not attended all of the required District One Meetings. The Appellate has proof that officials were only required to attend four meetings and the Appellate attended all of the required meetings. The Appellate has evidence that she responded to an email sent by the Respondent E.A. "Rico" Williams on October 27, 2015 determining her certification and membership with SCBOA District One and on November 10, 2015 she was assigned games for the 2015-2016 Basketball Season indicating that she met all requirements. The Appellate asked for copies of all sign-in sheets for all SCBOA Members including arrival times of all members to ensure equity for all members not just the Appellate or selected members that officiate volleyball created on a chart. The Respondents failed to provide the documentation. The Respondents created a falsified chart with meeting attendance dates and arrival times for selected members that officiate volleyball. The Appellate officiates football and volleyball in the fall. The documents presented by the Respondents are not authentic and are falsified. There are clear discrepancies in the falsely created arrival times of the Appellate in all falsely created documentations presented by the Respondents. Judge Gravely failed to observe the supportive data in the created chart that supports the required number of four meetings represented by Crotts, Michael, Greer, Gordon, and Wnukowski, Bob and the original email sent by the Respondent Rico Williams, this is not apparent by coincidence. The Respondent E.A. Rico Williams communicated that basketball officials were only required to attend a minimum of four meetings. Many members of SCBOA

District One did not attend any meetings or fewer meetings and unlike the Appellate there membership status was not reviewed by the SCBOA District One Board of Directors on February 29, 2016. The Appellate communicated that she met all requirements to officiate basketball games for the SCHSL by attending all of the required meetings which included the three District meetings along with the required Mechanic meeting facilitated by Skip Lax and other members of the South Carolina High School League which can also be identified as the requirement practice by Wnukowski, Bob, Gordon Greer. Bob Wnukowski has the responsibility to notify SCBOA District One Members if they fail to accept games in the Arbiter System and he was also identified in the February 5, 2016 email on behalf of the Appellate for information pertaining to her records. The defense of truth was not established by the Respondents and Judge Gravely ruling is incorrect in this matter. (Rpp. 355-359), (Rpp. 304-308), (Rp. 331), (Rp. 50), (Rp. 371)

The statements made by the Respondent E.A. Rico Williams are indeed untrue and the Appellate provided the evidence numerous times by providing documentation in all motions to refute the Respondent. The documentation was constantly ignored in the Court of Common Pleas, State of South Carolina, County of Greenville. The Appellate presented the evidence and all speculation communicated by the Appellate can be defended with evidence therefore the Appellate had sufficient grounds to defeat the summary judgement. Shupe v. Settle, 315 S.C., 510, 516, 517, 445 S.E.2d 651 (Ct. App. 1994) and Felty v. graves-Humpreys Co., 818 F2d. 1126, 1128 (4<sup>th</sup> Cir. 1987) does not apply and are inaccurate when referenced by Judge Gravely. (Rpp. 204-207), (Rpp. 188-203), (Rpp. 167-187), (Rpp. 112-113), (Rpp. 118-166).

Respondent E.A. "Rico" Williams statements were not protected by a qualified privilege.

The Appellate has proven that the Respondent acted with actual malice toward the Appellate. Murray v. Holnan, Inc., 334 S.C. 129, 139, 542 S.E. 2d 743, 748 (ct. App. 2001) The Scope of Privilege was exceeded by the Respondent E.A. Rico Williams and the Respondent SCHSL, none of the communications and professional actions were made in good faith according to the By-Laws and Constitution of the South Carolina Basketball Officials Association and the laws in the State of South Carolina governing the administrative duties of Non-Governmental organizations and paid staff professionals toward the Appellate. All statements communicated by all Respondents were false and malicious toward the character of the Appellate. Swinton Creek Nursery v. Edisto Farm Credit, ACA, 334 S.C. 469, 485, 514 S.E. 2d 126, 134 (1999). The Appellate believes that the Respondent E.A. Rico Williams had a motive to act towards the Appellate with malice after the text message was sent by the Appellate to the Respondent E.A. "Rico" Williams. The Respondent E.A. "Rico" Williams with the assistance of SCHSL members denied the Appellate opportunity to earn money by officiating for SCBOA District One and local organizations where the Appellate resides in the Upstate in South Carolina. The Appellate was referred to other basketball organizations in South Carolina to earn money officiating basketball games and her opportunities have been diminished by the actions of the Respondents. The summary judgment is not appropriate on the basis of qualified privilege. The language used in all communications were threatening and harsh and aligned to terminate the membership of the Appellate and the scope of the privilege was exceeded. The Appellate provided documentation of her employment with the Respondent E.A. Rico Williams with his business, assigning basketball officials for organizations in Upstate South Carolina with all communications from 2013 through

2016. Murray, 344 S.C. at 140, 542 S.E. 2d at 749. During the 2015-2016 Basketball season the Respondent E.A. Rico Williams never communicated any deficiencies with the Appellate membership when the Respondent E.A. Rico Williams communicated his assigned games for the Appellate during the 2015-2016 season for his business. Id. At 140-41,542 S.E.2d at 749. The Respondent E.A. Rico Williams had officiated games with the Appellate during the 2015-2016 year and never mentioned any issues with her membership with SCBOA District One where he served as the newly elected Director for the 2015-2016 basketball season. The Respondent E.A. Rico Williams reacted with malice when the Appellate compared his level of professionalism to the prior SCBOA District Director Jenny Norris. The Appellate communicated that the level of professionalism provided by Ms. Norris made officiating enjoyable and unfortunately the Respondent E.A. Rico Williams attention to hearsay statements from someone about the Appellate attire dismissing the Appellate physical performance in officiating the girls and the boys middle school basketball games were harassing and insulting to the Appellate. The Respondent E.A. Rico Williams made several attempts to contact the Appellate prior to the brief conversation held between the Appellate and the Respondent E.A. Rico Williams. The Respondent E.A. Rico Williams asked if the Appellate could contact him at her earliest convenience, therefore the Appellate did not consider any emergency in the matter. The Appellate confirmed earlier during the prior week that she would officiate assigned games through the Respondent E.A. Rico Williams business at Furman University. The Appellate asked the Respondent to discontinue the harassing phone calls to protect her own interest in officiating Basketball for SCBOA District One. The Appellate communicated that she would contact the leadership at the SCHSL to communicate the monopoly status the Respondent has

with assigning officiating opportunities for basketball officials in the Upstate of South Carolina for his business which is in violation according to the code of Laws- Title 33-Chapter 31- South Carolina Non-profit Corporation Act Article I General Provisions Section 33-31-831. Director conflict of interest as well as the SCBOA District I Contract #24 and if she did not receive any more assignments she would communicate her disdain to the SCHSL. The Respondent E.A. Rico Williams in an act of malice created a false narrative, to terminate the Appellate membership with SCBOA District One. None of the Statements made by the Respondent E.A. Rico Williams were made in good faith. Fountain v. First Reliance Bank, 398 S.C. 434, 444, 730 S.E.2d 305, 310 (2012); Murray, 344 S.C. at 142, 542 S.E.2d at 749 (in defamation action, if defendant proves qualified privilege, plaintiff may not recover unless he overcomes privilege by proving actual malice). In the absence of a controversy as to the relevant facts, it is for the court to say whether the privilege has been abused or exceeded. Fountain, 398 S.C. at 444, 730 S.E.2d at 310. (Rp. 473), (Rpp. 365-380), (Rpp. 309-318), (Rp. 360-364), (Rp. 360-363), (Rp. 446), (Rp. 449), (Rpp. 415-445), (Rpp. 390-414), (Rp. 369), (Rp. 564 lines 1-25), (Rp. 565 lines 1-25), (Rp. 566 lines 1-25), (Rp. 567 lines 1-25), (Rp. 568 lines 1-25), (Rp. 569 lines 1-25), (Rp. 570 lines 1-25), (Rp. 571 lines 1-25), (Rp. 616 lines 4-22).

The Board Members of the SCBOA work for the Respondent E.A. Rico Williams business, therefore the matter was not submitted out of fairness to the Appellate. The Appellate in her interrogatories asked for the names of SCBOA District One Board Members that work for the Respondent E.A. Rico Williams business along with their game assignments, this evidence and documentation in her interrogatories were never provided by the Respondents. The Respondent Rico Williams acted in malice and animosity in reaction to the Appellate communicating the

conflict of interest with his position under the South Carolina Non-profit Corporation Act. The Respondent Rico Williams asked the Appellate to serve on a committee with the SCBOA which supports the Appellate argument that the email and all Respondent communications were used to blight to Appellate to cover the interest and behavior of the Respondent Rico Williams. (Rp. 553 lines 15-25), (Rp. 554 lines 1-8), (Rpp. 57-58).

The Appellate in her interrogatories asked for documentation on termination and disciplinary issues with SCBOA District One members for the past five years and the Appellate did not receive any information and documentation from the Respondents. The issue with the Appellate and the Respondent E.A. Rico Williams was not a disciplinary issue, according to the By-Laws and Constitution of the SCBOA. The false narrative created by the Respondent E.A. Rico Williams that influenced SCHSL Respondents based on his positional power is proof of the Respondent E.A. Rico Williams malice in his communications to blight the Appellate and terminate her membership with SCBOA District One, summary judgement should not be upheld on the basis of qualified privilege. (Rp.59), (Rpp. 365-380)

Respondents The SCHSL were negligent by "failing to intervene"

At the hearing and in various court filings the appellate provided evidence that the Respondent Commissioner Lax and Respondent Joedy Moots the Basketball officials representative were negligent in failing to properly investigate the actions of Respondent E.A. Rico Williams. The evidence the Appellate provided satisfied the three elements based on the Appellate paid membership with the South Carolina Basketball Officials Association, South Carolina Officials Association and the South Carolina High School League: (1) a duty of care owed by the

respondents to the Appellate; (2) a breach of that duty by a negligent act or omission; and (3) damages proximately caused by a breach of duty.” Vinson v. Hartley, 324 S.C. 389, 399, 477 S.E.2d 715,720 (Ct. App. 1996). (Rpp. 365-380), (Rp. 449), (Rp. 29)

According to the Code of Laws –Title 33-Chapter 31- South Carolina Non-profit Corporation Act, Article I General Provisions Section 33-31-140 Definitions (23)a –“Member means a person entitled pursuant to a domestic or foreign corporation’s articles or bylaws without regard to what a person is called in the articles or bylaws. (24) Membership refers to the rights and obligations a member has pursuant to a corporation’s articles, bylaws, and this chapter. Section 33-31-621- Termination (a) No member of a public benefit or mutual benefit corporation may be expelled or suspended and no membership or memberships in such corporations may be terminated or suspended except pursuant to a procedure that is fair and reasonable and is carried out in good faith, b. A procedure is fair and reasonable when either (1) the articles or bylaws set forth a procedure that provides (i) not less than fifteen days prior written notice of the expulsion, suspension, or termination and the reasons therefore; and (ii) an opportunity for the member to be heard, orally or in writing, not less than five days before the effective date of the expulsion, suspension, or termination by a person or persons authorized to decide that the proposed expulsion, termination, or suspension not take place; or (2) it is fair and reasonable taking into consideration all of the relevant facts and circumstances. (Rp. 651 lines 1-25), (Rp. 652 lines 1-25), (Rpp. 365-380)

All of the elements were met in this case. First, the SCHSL owes a duty to the Appellate as a paid member of the South Carolina Basketball Officials Association which is governed by the

South Carolina High School League as a Non-Profit Organization in the State of South Carolina with a governing By-Law and Constitution to protect South Carolina Citizens that pay to join the organization. The Appellate presented the evidence that required the Respondents the SCHSL to unilaterally adjudicate the dispute the evidence was ignored by Judge Gravelly. (Rp. 463), (Rpp. 365-380).

The Respondent Commissioner Skip Lax failed to intervene in the strict sense of the word due to his responsibility stated in the South Carolina Basketball Officials Association Constitution and By-Laws as well as his leadership requirement at all District and Statewide meetings for paid members of the South Carolina Basketball Officials Association. The Respondent Skip Lax and Respondent Joedy Moots sought the leadership positions by which they serve and as leaders they are held to professional requirements and standards and those professional requirements are in the South Carolina Basketball Officials Association Constitution and By-Laws. (Rpp. 365-380)

The Respondent Skip Lax had a breach of duty when he failed as the paid professional Basketball Commissioner for the State of South Carolina to honor the By-Laws and Constitution in his paid position he is charged to supervise and perform administratively as the paid professional failed to intervene as a professional by responding to the Appellate. It was the duty of the Respondent Skip Lax and the duty of Respondent Joedy Moots to properly assess the situation in a professional manner and they did not.

Respondent Skip Lax is charged with his position by the By-Laws and Constitution of the SCBOA to be the professional and assist with matters such as the one that involved the Appellate with novice individuals that are members of the SCBOA District One Board and the

unprofessional Respondent E.A. Rico Williams a newly appointed SCBOA District One Director. The lack of professional responsibility on the part of Respondent Skip Lax , Respondent Jerome Singleton and Respondent Joedy Moots to defer that administrative responsibility to novice SCBOA District One Board of Director members and the unprofessional Respondent E.A. Rico Williams newly elected District One Director for the 2015-2016 basketball season proves the third element of negligence.

During the court hearings Judge Gravely never asked the Appellate what her intentions were when she contacted the Respondent Skip Lax and Respondent Joedy Moots. The Judge did not inquire to the Appellate what was her emotional or physical state of being when she communicated by email transmission with Respondent Skip Lax and the Respondent Joedy Moots. The Appellate was not granted an opportunity for that discussion. The intentions of the Appellate with her communications as well as physical and emotional state of the Appellate will never be known or determined by Judge Gravely. (Rp. 559 lines 1-25), (Rp. 560lines 1-25), (Rp. 561 lines 1-25), (Rp. 627 lines 10-25), (Rp. 628 lines 1-25), (Rp. 629 lines 1-25), (Rp. 630 lines 1-25), (Rp. 631 lines 1-25), (Rp. 632 lines 1-25), (Rp. 633 lines 1-25), (Rp. 634 lines 1-25), (Rp. 635 lines 1-25).

If Judge gravely can determine the Appellate emotional and physical state then the same should be afforded with the Appellate and the argument must be supported that the Respondent E.A. Rico Williams acted in malice when he sent the email communication to terminate the membership of the Appellate with SCBOA District One where he serves as the new director for the 2015-2016 Basketball Season in the State of South Carolina. Judge Gravely is inaccurate in his decision that there are no grounds for a negligence claim. (Rp. 473), (Rp. 616 lines 1-25),

(Rp. 617 lines 1-7).

Judge Gravely is mistaken with the type of entity the South Carolina High School League is categorized as. The SCHSL is not a governmental entity subject to the South Carolina Tort Claims Act and is not entitled to discretionary immunity pursuant to the South Carolina Code section 15-78-60(5). S.C. Code Ann. §§ 15-78-10 through -220. (Rp. 446)

The SCHSL is not immune from liability under South Carolina Code section 15-78-60(4), because the South Carolina High School League exists as a Volunteer Non-Profit Organization in the State of South Carolina therefore the organization can be held liable for loss resulting from the “adoption, enforcement, or compliance with any law or failure to adopt or enforce any law, whether valid or invalid, including, but not limited to, any charter, provision, ordinance, resolution, rule, regulation, or written policies”. (Rp. 446), (Rp. 810 lines 6-25), (Rp. 811 lines 1-25).

For the reasons stated above, the appellate has set forth evidence sufficiently state that the SCHSL is not entitled to judgement as a matter of law.

#### APPELLATES MOTION TO COMPEL

At the hearing held on March 20, 2017 the Appellate communicated that she was entitled to additional documents that had not been produced by the Respondents. The Appellate identified all documentation needed with specificity. The Appellate made attempts to communicate to the Honorable Judge Gravely that the Respondents are guilty of discovery abuse. (Rp. 819 lines 1-25), (Rp. 242 lines 10-25), (Rp. 243 lines 1-25), (Rp. 815 lines 18-25), (Rp. 816 lines 1-25), (Rp.

817 lines 1-25), (Rp. 846 lines 1-25), (Rp. 818 lines 1-25).

The Honorable Judge Gravely is mistaken that the Respondents provided evidence that they had fully responded to the Appellate discovery request. The Respondents have never complied and the Appellate has four or more Motions to Compel requesting documentation since August 1, 2016. The Appellate finally got an opportunity to have a ruling on the matter and the Honorable Judge Gravely erroneously ruled that the Appellate did not meet her burden of proof with respect to her Motion to Compel and all motions are moot in light of the court's ruling on the Respondents Motion for Summary Judgement. (Rp. 819 lines 1-25), (Rp. 820 lines 1-25), (Rp. 821 lines 1-25), (Rp. 824 lines 6-25), (Rp. 813 lines 17-25), (Rp. 814 lines 1-25), (Rp. 823 lines 6-25), (Rp. 804 lines 1-25), (Rp. 825 lines 7-11), (Rp. 837 lines 1-25), (Rp. 838 lines 1-25), (Rp. 839 lines 1-25), (Rp. 840 lines 1-25), (Rp. 841 lines 1-25), (Rp. 842 lines 1-25), (Rp. 843 lines 1-25), (Rp. 844 lines 1-25), (Rp. 845 lines 1-25), (Rp. 846 lines 1-25), (Rp. 847 lines 1-25), (Rp. 848 lines 1-25), (Rp. 849 lines 1-25), (Rp. 850 lines 1-25), (Rp. 851 lines 1-25), (Rp. 852 lines 1-25), (Rp. 853 lines 1-25), (Rp. 854 lines 1-25), (Rp. 855 lines 1-25), (Rp. 56 lines 1-25),

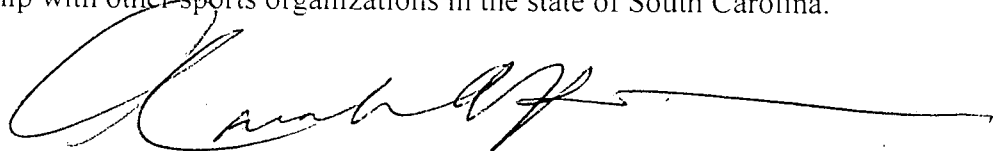
#### APPELLATE MOTION TO DISMISS SUMMARY JUDGMENT

At the hearing held on March 20, 2017 the Appellate communicated that she filed a motion to dismiss the summary judgment. The Appellate was not given an opportunity to present evidence to the Honorable Judge Gravely to plead her case to dismiss summary judgment against the Respondents. (Rp. 862 lines 4-25), (Rp. 863 lines 5-9), (Rp. 864 lines 11-24), (Rp. 866 lines 16-25), (Rp. 867 lines 1-25).

## CONCLUSION

For the reasons stated this Court should reverse the judgment of the circuit court. The Honorable Judge Gravely's reasoning to grant Summary Judgment for the Respondents and deny the Appellate Motion to Compel and deny the Appellate an opportunity to present evidence to dismiss Summary Judgment is unjust, unsound and fallacious. The Honorable Judge Gravely dismissed or failed to peruse any material submitted by the Appellate in light of his court ruling and a majority of his communications in his ruling as based on inaccurate documentation provided by the Respondents. Based on the evidence set forth herein, the Appellate pleads with The Court of Appeals to dismiss/ reverse the Summary Judgement granted by the Honorable Judge Gravely, reopen the Appellate Case and grant the Motion to Compel, and Motion to Dismiss Summary Judgment and allow the Appellate to meet her burden of proof and present evidence needed for her case before a jury at trial or based on the evidence rule in favor of the Appellate due to the obstruction of justice committed by the Respondents. The Respondents are now sending false communications with the South Carolina Football Officials Association District One that the Appellate has contacted the South Carolina High School League in reference to game assignments and created new problems with her membership with the SCFOA. The Appellate ask the court to address the destructive behavior of the Respondents in this matter and ask them to discontinue their deceitful behavior in purposefully creating problems with the Appellate with her membership with other sports organizations in the state of South Carolina.

Respectfully Submitted,



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