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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

SEP 28 2023
SC Court of Appeals

Maite Murphy, Circuit Court Judge

Appellant case No. 2023-001295

Richland County Court Case No. 2023-CP-40-00017

Willie J. Bennett.....Appellant,

Sasha N. Gray, Claire H. Eckert.....Respondent.
and Chick-Fil-a, Inc.

APPELLANT'S THIRD MOTION TO STAY ORDER

Appellant, Willie J. Bennett, Appellant's Motion appeals the order of the Honorable Maite Murphy dated, August 20, 2023, Order Granting Defendant's Chick-Fil-A Motion to Quash Subpoena Duces Tecum (**Exhibit A**), pursuant to Rule 45, SCRPC. Appellant received written notice of entry of this order by United States Mail, post marked, September 20, 2023, on September 23, 2023.

This negligence action arising out of a motor vehicle accident that occurred on July 17, 2023, at the parking lot of Chick-Fil-A restaurant located a 7424 Garners Ferry Road, Columbia, South Carolina 29209. Chick-Fil-A employee, Defendant Sasha N. Gray,

who was driving a 2019 Honda Chick-Fil-A image/logo vehicle that rear ended Appellant's vehicle while legally parked in a chick-Fil- designated customer parking area. The Columbia Police Department (CPD) stated in its incident report that Ms. Gray was at fault for the collision (**Exhibit B**), which caused Appellant property damage and personal injury.

Appellant requested discovery evidence pursuant to Rules 26, 33, and 45. SCRCP from Defendants' Attorneys, Ms. Brudvig and Ms. Mohan. Evidence requested were video surveillance of Chick-Fil-A parking on the hour and day of the accident, photograph of the 2019 Honda that shows positive identification of the vehicle that Ms. Gray operated at the time of the accident, insurance formation; correct insurance information of coverage of the 2019 Honda vehicle (Ms. Brudvig provided three (3) different policy numbers during the course of the case) and other evidence as identified in the attached Subpoena (**Exhibit C, D, and E**).

Ms. Brudvig failed to provide discovery on Defendant Claire H Eckert, stating that she is not a party of interest in this case. Ms. Eckert is a Defendant in this case. Rule 26, states that "Parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action...." To further emphasis Appellant's position, Ms. Eckert is the owner of the 2019 Honda Chick-Fil-A image/logo vehicle that rear ended Appellant's vehicle on June 17, 2023 and Defendant's Attorney has admitted that the same insurance company, Arch Insurance, that insures Chick-Fil-A Restaurant insures Ms. Eckert 2019 Chick-Fil-A image/logo Honda. It is of information and belief that Ms. Eckert has ownership of a fleet of Chick-Fil-A vehicles (multiple vehicles) that are/were used in the day-to-day business operations at Chick-Fil-A

Restaurant on June 17, 2022. Appellant needs and is entitled to discovery pursuant to Rules 26, 33, and 45 of SCRCP.

Motion Hearing of June 27, 2023, via WebEx, Judge Maite Murphy instructed/told Appellant not to prepare any proposed orders for the Court (transcript of hearing will be provided) that she would prepare the proposed orders in my behalf. Judge Murphy did not address any of motion concerns that Appellant had pending. Ms. Brudvig submitted her proposed orders without informing or providing Appellant a copy as required pursuant to SCRCP. The Court made its decision without the input and knowledge of the Appellant.

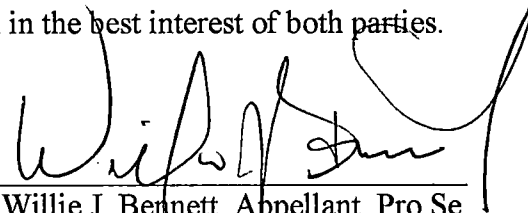
In paragraph 1, page 3 of 4 of Order dated September 20, 2023 (**Exhibit A**), the Court stated “However the Plaintiff has indicated he is seeking a repair estimate and has been treating with as physician while as the same has failed to provide any documentation supporting the same to date. Accordingly, the Court grants protection from the deposition appearance of Claire H Eckert as the same would impose an undue burden and expense on Defendants as Plaintiff has failed to provide requested information in written discovery to substantiate his claims for property damage and personal injury”. This is not a correct statement.

During the June 27, 2023, Motion Hearing, the Court gave Appellant 30 days to provide estimated cost of vehicle repair, cost and expense estimate, cost of medical treatment, and cost of medications. This information was provided to the Court and to the Attorneys of Record within the 30 days’ time frame, July 24, 2023 (**Exhibit F**).

Appellant ask the Court:

a. That Appellant is allowed to conduct discovery of Defendant, Claire H. Eckert and other Defendant as appropriate.

- b. That the Court allow Appellant to complete proper discovery.
- c. That the Court allow Appellant to proceed with his appeal and
- d. That the Court exercises its discretion in the best interest of both parties.



Willie J. Bennett, Appellant, Pro Se
113 Healing Springs Road
Hopkins, South Carolina 29061
(803) 319-5740 Cell

September 28, 2023
Hopkins, South Carolina.

Other Counsels of Record:

Collins Lacy, Attorney at Law
Kelsey J. Brudvig
1330 Lady Street, 6th Floor
Columbia, South Carolina 29201

Sweeny, Wingate & Barrow, P.A.
Christy E Mahon
1515 Lady Street
Columbia, South Carolina 29201

Collins Lacy, Attorney at Law
ATTN: Kyle L. Brady
1330 Lady Street, 6th Floor
Columbia, South Carolina 29201

EXHIBIT

A

of the Defendants and provided within the responses to the written discovery. Defendants also served supplemental responses to discovery, producing the applicable declaration page.

On the same date, Plaintiff served an identical subpoena *duces tecum* on Defendant Claire H. Eckert (requesting video, insurance information, and photographs and repair estimate of the involved vehicle), along with a Notice of Deposition for Claire H. Eckert, set for May 30, 2023.

Defendants filed a motion to quash or in the alternative, motion for protective order related to the May 8, 2023, subpoena *duces tecum* and Notice of Deposition served on Claire H. Eckert.

As articulated in the Court's Order granting Defendants' Motion to Substitute the Real Party in Interest, the proper defendants are Sasha N. Gray and 2CE, LLC. Per the Court's Order, Claire H. Eckert and Chick-fil-A, Inc. are not proper parties in interest and, therefore, are dismissed from this action.

Rule 45 of the South Carolina Rules of Civil Procedure states that "A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena." Rule 45(c), SCRPC. "The court on behalf of which the subpoena was issued shall enforce this duty" *Id.* Further, "[t]he scope of discovery allowed under a subpoena is the same as the scope of discovery allowed under Rule 26." See also Singletary v. Sterling Transp. Co., 289 F.R.D. 237, 241 (E.D. Va. 2012).¹ 9. Plaintiff has the burden "to explain why [he] cannot obtain the same information, or comparable information that would also satisfy [his] needs, from one of the parties to the litigation" *Virginia Dep't of Corr. v. Jordan*, 921 F.3d 180, 189 (4th Cir. 2019).

¹ Rule 45, SCRPC was modeled after the Federal Rules of Civil Procedure. See Rule 45, SCRPC cmt. ("Rule 45 is amended to conform to federal Rule 45, as amended in December 1991.").

As an initial matter, Claire H. Eckert is not a proper party to this action. The Court finds that because Claire H. Eckert is not a real party in interest to this action, Defendants would be prejudiced in permitting the deposition of Claire H. Eckert to be held prior to Plaintiff producing any supporting documentation regarding his claim. Plaintiff has the burden of proof in this case. If Plaintiff has not sought any treatment related to personal injuries or does not intend to seek a repair estimate, he must state the same in his discovery responses. However, Plaintiff has indicated he is seeking a repair estimate and has been treating with a physician, while at the same time has failed to provide any documentation supporting the same to date. Accordingly, the Court grants protection from the deposition appearance of Claire H. Eckert as the same would impose an undue burden and expense on Defendants as Plaintiff has failed to provide requested information in written discovery to substantiate his claims for property damage and personal injury.

Further, based on the affidavit submitted by Claire H. Eckert, she has no personal knowledge regarding the facts of this case including but not limited to the accident, training and supervision of employees, including Defendant Sasha N. Gray, or Plaintiff's damages. Accordingly, the Court further grants Defendant's Motion to Quash the Notice of Deposition issued to Claire H. Eckert, as it appears to the Court that the appearance at the deposition would impose an undue burden and expense on Defendants.

As it relates to the subpoena *duces tecum* served on Defendant Claire H. Eckert, the Court finds that the information has been previously provided by Defendants to Plaintiff through both written discovery responses, as well as a response to a similarly served subpoena *duces tecum* on the Restaurant. The subpoena *duces tecum* is duplicative of discovery requests and responses, the information requested has already been produced or responded to, and the subpoena imposes an unnecessary burden and expense on Defendant Claire H. Eckert. Accordingly, the Court grants

Defendant's Motion to Quash subpoena *duces tecum* as the information requested has already been provided through the course of discovery and/or response to an identical subpoena *duces tecum*.

IT IS SO ORDERED.

The Honorable Maite Murphy
Presiding Judge



Richland Common Pleas

Case Caption: Willie J Bennett vs Sasha N Gray , defendant, et al
Case Number: 2023CP4000017
Type: Order/Protective Order

So Ordered

s/ Maite Murphy 2166

Electronically signed on 2023-09-20 14:56:56 page 5 of 5

ELECTRONICALLY FILED - 2023 Sep 20 3:06 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4000017

EXHIBIT

B

Date: 06-17-2022 Time: 1 8 3 5 County: 40
 Collision Location (Rt. # / Name): 576 / GARNERS FERRY RD
 Miles: .01 Dir: N E S W
 (In) Near City or Town of: COLUMBIA

To Vehicle Owner/Operator: Failure to return this form to the Department of Motor Vehicles within 15 days from the date of the collision could result in the suspension of your driver license and registration privileges pursuant to South Carolina Code of Laws 56-9-351 and 56-10-530.

HH-906846	Driver/Pedestrian's Full Name LEGALLY PARKED	HH-906847	Driver/Pedestrian's Full Name GRAY SASHA NACOE
Unit # 01 #Occ 1	Street City, State, & Zip SC	Unit # 02 #Occ 1	Street 217 GUSTY LN City, State, & Zip HOPKINS SC 290619583
State SC	Driver's License # Insurance Company:	State SC	Driver's License # 104244633 D Insurance Company: ARCH INSURANCE
Year 2018	Body PK Vehicle Make GMC VIN # 3GTP1NEC8JG215178	Year 2019	Body 2S Vehicle Make HOND VIN # 3HGGK5H4XKM711249
State SC	Year 2099 License Plate # HV4007 Owner's D.L. # 4274225	State SC	Year 2023 License Plate # UCG972 Owner's D.L. # UNKNOWN
Home Telephone	Owner's Full Name BENNETT WILLIE J	Home Telephone	Owner's Full Name ECKERT CLAIRE HOLMES
Bus. Telephone	Street 113 HEALING SPRINGS RD	Bus. Telephone	Street 6005 HAMPTON RIDGE RD LOT33
Contributed To Collision Yes (No)	City, State, & Zip HOPKINS SC 290618318	Contributed To Collision Yes (No)	City, State, & Zip COLUMBIA SC 292091340

Unit #	Sex	Race	Street	Home Telephone	Owner's Full Name
#Occ	Birth Date	City, State, & Zip	Bus. Telephone	Street	
State	Driver's License #	Insurance Company:	Contributed To Collision Yes No	City, State, & Zip	
Year	Body	Vehicle Make	VIN #	Accident Insurance Information for Unit # 02	
All Units Insurance Information (to be completed by Investigating Officer)				Company Name	Area Code/Phone Number
				ARCH INSURANCE	()
				Agency Name	Policy Number
					31CAB1044800
Accident Insurance Information for Unit # 01			Accident Insurance Information for Unit #		
Company Name		Area Code/Phone Number		Company Name	
		()			
Agency Name		Policy Number		Agency Name	
		001761223U71075			

Automobile Liability Insurance Information

Notice of Requirement Accepted Signature _____ Y N Refused to Affix Signature?
 Y N Vehicle Subject to Registration in SC?

To Be Completed Below or Entered at WWW.SC-ALIR.COM By Insurance Company representative. This form should not be mailed to DMV if insurance information has been submitted electronically

Reference to Unit #: _____, I hereby affirm that to the best of my knowledge the vehicle described above was insured by the below stated insurance company on the date of the collision.

The information as contained herein is based solely upon my knowledge and belief as a representative of the above insurance company and no warranty of liability is imputed into the above mentioned insurance as I have listed herein

Insurance Company	Policy #:	Signature	Title
Beginning Date:	Ending Date:	Policy Holder:	NAIC# (Assigned by S.C. Dept. of Ins.)
			Bus. Telephone ()

Notice: If liability insurance was not in effect for your vehicle involved in the collision, the Department of Motor Vehicles could suspend your driver license and registration privileges pursuant to South Carolina Code of Laws 56-9-351 and 56-10-530.

If any of the below are applicable, Disregard the above portion.

Check here if a Form SR-23, Fleet policy of 25 or more vehicles is on file with the Department of Motor Vehicles covering the vehicle	Form FR-10 Not Issued: Section 56-10-520	
Check here if a certificate of self-insurance has been issued by the Department of Motor Vehicles covering the vehicle and indicate the certificate number: SI - _____		
Check here if liability insurance was not in effect to comply with South Carolina statutory requirements		
Signature	Date	No FR-10 Issued to Operator/ Owner of Unit #:
		Summons issued to:
		For operating or allowing the operation of an uninsured vehicle
		Summons Number:
		Signature

Investigating Officer's Name: HILL - AE Rank: PTL SCC-JA #: 7825-3834 Code: 4 0 0 1 Date: Reviewer's Name: Rank: Internal Agency Code: 220014778

ORIGINAL

SOUTH CAROLINA DPS/OHS & DMV USE ONLY

Page #

1

SOUTH CAROLINA TRAFFIC COLLISION REPORT FORM TR-310 (Rev. 04/2016)

Of Units 02

Amended - Attach Copy of Original Report

Notified 1840

Arrived 1855

Date: 06-17-2022, Time of Collision: 1835, County: 40, Collision Location: PP-GARNERS FERRY RD, COLUMBIA

Base Intersection: /, Second Intersection: /, GPS COORDINATES: 33 57 58.82, 80 56 38.54

HH-906846 Driver: LEGALLY PARKED, HH-906847 Driver: SASHA NACOE

Unit # 01, Sex F, Race BK, Street 217 GUSTY LN, Birth Date 01-21-2002, City, State, & Zip HOPKINS SC 290619583

State SC, Driver's License # 104244933, Class D, Insurance Company ARCH INSURANCE

Year 2018, Body PK, Vehicle Make GMC, VIN # 3GTP1NEC6JG215178

State SC, Year 2019, Body ZS, Vehicle Make HOND, VIN # 3HGGK5H4XKM711249

State SC, Year 2009, License Plate # HV4007, Owner's D.L. # 4274225

State SC, Year 2023, License Plate # UCG972, Owner's D.L. # UNKNOWN

Home Telephone (893) 6756757, Owner's Full Name BENNETT WILLIE J

Home Telephone (803) 3278478, Owner's Full Name ECKERT CLAIRE HOLMES

Bus. Telephone (), Street 113 HEALING SPRINGS RD

Bus. Telephone (), Street 6005 HAMPTON RIDGE RD LOT33

Contributed To Collision Yes No, City, State, & Zip HOPKINS SC 290619319

Contributed To Collision Yes No, City, State, & Zip COLUMBIA SC 292091340

Estimated Speed 0, Speed Limit NP, CD.L. Req: Yes No, T/B S Req: Yes No, Alc/Drg Info (see back): Yes No

Estimated Speed 5, Speed Limit NP, CD.L. Req: Yes No, T/B S Req: Yes No, Alc/Drg Info (see back): Yes No

Dir. of Travel: Unit 1: (N) S E W, Unit 2: (D) S E W, Unit 3: N S E W

Unit 1 Dam. \$0, Unit 2 Dam. \$800, Unit 3 Dam. \$, Prop. Dam. 1 \$, Prop. Dam. 2 \$

Property Owner/Witness: Address

State Zip: Phone

Photo: Describe What Happened (Refer to Units by Number) Y N

UNIT 1 WAS LEGALLY PARKED. UNIT 2 WAS ATTEMPTING TO PARK LATERALLY ON THE LEFT OF UNIT 1. WHILE PULLING FORWARD UNIT 2'S PASSENGER SIDE FRONT BUMPER STRUCK UNIT 1'S REAR DRIVER SIDE BUMPER.

PRIVATE PROPERTY

NOTICE - THE TR-310 IS FOR STATISTICAL REPORTING PURPOSES ONLY AND IS A REFLECTION OF THE OFFICER'S BEST KNOWLEDGE, OPINION AND BELIEF COVERING THE COLLISION BUT NO WARRANT IS MADE AS TO THE FACTUAL ACCURACY THEREOF.

Investigating Officer's Name: HILL - AE, Rank: PTL, SCCJA #: 7825-3834, Jurisdiction Code: 4001, Review Date: 06-17-2022, Reviewer's Name: Scott Desrochers, Rank: Sgt., Internal Agency Code: 220014778

Unit#	Date of Birth	Sex	Race	Injury	Seat	R/S	A.B.D.	Eject	LAI	Tran	Name	Street Address	Zip Code
01					99						LEGALLY		
02	01-21-2002	F	BK	0	01	13	4	3	1	1	2	GRAY SASHA NACOE	217 GUSTY LN HOPKINS SC 290618583

Race	AP- Asian/Pacific Islander	W- White (Caucasian)	a) Injury Status	2- Suspected Minor Injury	Seating Loc.	20- Pedestrian	60- Sleeper of Cab	Restraint/Safety Device	
A- Alaskan Native or American Indian	MR- Multi-Racial	0- No Apparent Injury	3- Suspected Serious Injury	01 02 03	30- Trailing Unit	70- Riding on Unit Exterior	00- None Used	21- Child Safety Seat	
B- Black (African American)	H- Hispanic	1- Possible Injury	4- Fatal	04 05 06	40- Bus or Van (4th row or Higher)	60- Lap	11- Shoulder belt	68- Other	
C- Other	U- Unknown	b) 2 or 3 Wheel Motorized Vehicle Only		07 08 09	50- Other Enclosed Area (nontrailing)	60- Unk./NA	12- Lap Belt Only	69- Unknown	
Air Bag Deployment / Switch	Ejection	Head Injury		1- Yes	2- No	a) Transported to Medical Facility		Pedestrian, Motor/Pedalcycle Only	
1- Deployed Front	1- Not Ejected	Location After Impact		3- Freed (non-mech.)	1- Yes		2- No	3- Unknown	31- Helmet
2- Deployed Side	2- Part Ejected	1- Not Trapped		4- Not Applicable	b) By:		1- EMS	2- Police	6- Other
3- Deployed Both	3- Tot. Ejected	2- Ejected (Mechanical Means)		9- Unknown	7- Not Applicable		8- Unknown	8- Unknown	61- Lighting
4- Not Deployed	4- Unknown	Sequence of Events							

Non-Collision	04- Equipment Failure	08- Overturn/Rollover	Collision: Not Fixed	27- Pedestrian	Collision: Fixed Object	47- Embankment	55- Mail Box	68- Other
01- Cargo/Equip Loss or Shift	05- Fire/Explosion	09- Ran off Road Left	20- Animal (Deer Only)	28- Railway Veh.	40- Bridge Overhead Structure	48- Equipment	56- Median Barrier	69- Unknown
02- Cross Median/Center	06- Immersion	10- Ran off Road Right	21- Animal (All Other)	29- Work Zone Maint. Equip.	41- Bridge Parapet End	49- Fence	57- Overhead Sign Support	
03- Downhill Runaway	07- Jackknife	11- Separation of Unit	22- Motor Veh. (In Transport)	38- Other Movable Object	42- Bridge Pier or Abutment	50- Guardrail End	58- Other (Post, Pole, Support, Etc.)	
Event 1	Event 2	Event 3	Event 4	Most Harm	1st Harm	51- Guardrail Face	59- Other (Wall, Building, Tunnel, Etc.)	
1	1	1	1	1	1	52- Highway Traffic Sign Post	60- Tree	
2	2	2	2	2	2	53- Impact Attenuator/Crash Cushion	61- Utility Poles	
3	3	3	3	3	3	54- Light/Luminaire Support	62- Work Zone Maint. Equipment	

Manner of Collision (Struck Veh.)	30- Rear-to-Rear	60- Sideswipe Same Dir.	1st / Most Deformed Area	1st Deformed	Most Deformed							
00- Not Coll. w/ Motor Veh.	41- Angle (↘)	60- Sideswipe Opposite Dir.										
10- Rear End	42- Angle (→)	70- Backed Into	<table border="1"> <tr> <td>21- Pedestrian</td> <td>81- None</td> <td>92- Rollover</td> <td>93- Total</td> <td>94- Under Carriage</td> <td>98- Other</td> <td>99- Unknown</td> </tr> </table>			21- Pedestrian	81- None	92- Rollover	93- Total	94- Under Carriage	98- Other	99- Unknown
21- Pedestrian	81- None	92- Rollover	93- Total	94- Under Carriage	98- Other	99- Unknown						
20- Head On	43- Angle (↗)	89- Unknown										

Vehicle Type	15- Full Size Van	27- Pedalcycle	61- School Bus	Alcohol / Drug Test Given	3- Given - Pending	Special Use Only	
01- Automobile	16- Mini Van	38- Animal Drawn Veh	62- Passenger Bus	1- Given - Known Results	4- None	1	2
12- Pickup Truck	17- Sport Utility	39- Animal (Hidden)	98- Other	2- Given - Unusable	5- Refused	3	4
19- Truck Tractor	25- Motorcycle	41- Pedestrian	99- Unk. (Hit and Run Only)			5	6
14- Other Truck	26- Other Motorbike	51- Train				7	8
Vehicle Use Code	04- Ambulance	08- Farm Use	12- Fire Fighting	Test Type	3- Urine	Override/Override	
01- Personal	05- Military	09- Wrecker or Tow	13- Logging	1- Breath (Alc Only)	4- Serum	1- Under - Compartment Intrusion	6- None
02- Driver Training	06- Transport Passengers	10- Police	18- Other	2- Blood	8- Other	2- Under - No Intrusion	4- Over - MV in transport
03- Construction/Maint.	07- Transport Property	11- Government	41- Pedestrian			3- Under - Unknown	5- Over - Other Vehicle
Vehicle Attachment	4- Utility Trailer	8- Towed Motor Vehicle	C- Other Tanker	Drug Results	3- Marijuana	Extent of Deformity	
1- None	5- Farm Trailer	9- Petroleum Tanker	D- Flat Bed	1- Amphetamines	4- Opiates	7- None	2- Functional Damage
2- Mobile Home	6- Trailer w/Boat	A- Lowboy Trailer	E- Twin Trailers	2- Cocaine	5- PCP	8- Other	3- Disabling Damage
3- Semi-Trailer	7- Camp Trailer	B- Autocamper Trailer	F- Other			0- None/Minor	4- Severe/Totalled
						3- Disabling Damage	5- Not Applicable

Action Prior to Impact (Vehicle)	01- Backing	06- Parked	21- Approaching/Leaving Vehicle	Alc Test Results	1- Two-way, Not Divided	3- Two-way, Divided, Barrier	Trafficway
02- Changing lanes	09- Stopping or Stopped in traffic	22- Entering/Crossing Location	24- Pushing Vehicle	A1-	2- Two-way, Divided, Unprotected Median	4- One-Way	8- Other
03- Entering traffic lane	10- Turning left	23- Playing/Working on Vehicle	25- Standing	A2-	1- Gore	9- Median	6- Roadway
04- Leaving traffic lane	11- Turning right	24- Pushing Vehicle	26- Walking, Playing, Cycling	A3-	2- Island	4- Roadside	8- Shoulder
05- Making U-turn	08- Other	89- Unknown	27- Working			7- Sidewalk	9- Unk.
07- Overtaking/passing						8- Outside Trafficway	b) X-walk
							1-Y 2-N 3-U

Weather Condition	3- Cloudy	6- Fog, Smog, Smoke	9- Unknown	11- RR (X-bucks, Lights & Gate)	22- Oncoming Emergency Vehicle	43- Yield Sign	51- Flashing Beacon
1- Clear (no adverse conditions)	4- Sleet, Hail	7- Blowing Sand, Oil, Dirt or Snow		12- RR (X-bucks & Lights)	31- Pavement Markings (only)	44- Work Zone	68- None
2- Rain	5- Snow	8- Severe Crosswinds		13- RR (X-bucks Only)	41- Stop Sign	45- Other Warning Signs	69- Unk.
Light Condition	3- Dusk	6- Dark (Street Lamp Not Lit)				School Bus Involved	
1- Daylight	4- Dark (Lighting Unspecified)	7- Dark (No lights)				1- Yes	2- No
2- Dawn	5- Dark (Street Lamp Lit)					Work Zone Location	
Junction Type	03- Five/More Points	07- Shared Use Paths or Trails	12- Y-Intersection			Work Zone Type	
01- Crossover	04- Four-way Intersection	08- T-Intersection	13- Nonjunction			Workers Present	
02- Driveway	05- Railway Grade Crossing	09- Traffic Circle	89- Unknown				

Primary Contributing Factors	01- Disregarded Signs, Signal, Etc.	02- Distracted/Inattention	03- Driving Too Fast for Conditions	04- Exceeded Authorized Speed Limit	05- Failed to Yield Right of Way	06- Ran off Road	07- Fatigued/Asleep	08- Followed Too Closely	12- Aggressive Operation of Vehicle	13- Over-correcting/Over-steering	14- Swerving to Avoid Object	15- Wrong Side or Wrong Way	16- Under the Influence	17- Vision Obscured (Within Unit)	18- Improper Lane Usage/Change	19- On Cell Phone	20- Texting	28- Other Improper Action	29- Unk.
Roadway	30- Debris	31- Non-highway Work	32- Obstruction in Roadway	33- Road Surface Condition (i.e. Wet)	34- Ruts, Holes, Bumps	35- Shoulders (None, Low, Soft, High)	36- Traffic Control Device (i.e. Missing)	37- Work Zone (Constr./Maint./Utility)	38- Worn, Travel-Polished Surface	46- Other	49- Unknown								
Non-Motorist	50- Inattentive	51- Lying &/or Illegally in Roadway	52- Failure to Yield Right of Way	53- Not Visible (Dark Clothing)	54- Disregard Signs, Signals, Etc.	55- Improper Crossing	56- Dangling	57- Wrong Side of Road	66- Under the Infl.	68- Other	67- Other Person Under Infl.	59- Unk.							
Environmental	60- Animal in Road	61- Glare	63- Weather Condition	69- Unknown					Vehicle Defect										
				70- Brakes	71- Steering	72- Power Plant	73- Tires/Wheel	74- Lights	75- Signals	76- Windows/Shield	77- Restraint System	78- Truck Coupling	79- Cargo	80- Fuel System	88- Other	89- Unk.			

EXHIBIT

C

**WILLIE J. BENNETT
113 HEALING SPRINGS ROAD
HOPKINS, SOUTH CAROLINA 29061
MOBLE: (803) 319-5740**

May 2, 2023

Re: Willie J. Bennett v. Sasha N. Gray, Claire H. Eckert, and Chick-Fil-A, Inc.
Civil Action No. 2023-CP-40-00017

Mrs. Claire H. Eckert:
6005 Hampton Ridge Road, Lot 33
Columbia, South Carolina 29209

Mrs. Eckert:

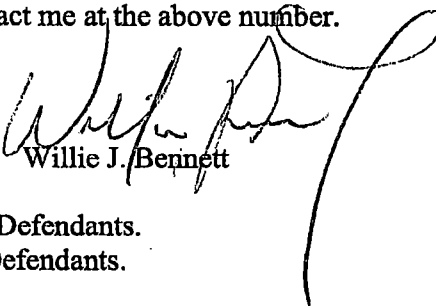
Plaintiff, Pro Se has legal actions in court against the above reference Defendants. Enclosed please find a Subpoena duces tecum served upon you which requires the production of documents identified in Exhibit A to the attached subpoena. This subpoena calls for documents to be produced to us on or before May 19, 2023. However, if these documents are available before this date, we will be happy to receive them early.

Please note this is a Subpoena for records only. A personal appearance is not required. I am also enclosing an Affidavit of Records Custodian which should be signed in front of a notary. Please return the documents along with the enclosed Certificate of Authenticity stating that the copies are true, accurate and complete copies of all the requested documents maintained in your file. Please provide records in paper for and video in the form of a USB Thumb Drive or CD ROM. Please provide the records via United States Mail to the address above.

I will reimburse you for any reasonable expenses incurred in complying with this request. However, if you anticipate the expense of complying with the request should exceed \$150.00, you are required to contact me at the above address or telephone.

By copy of this correspondence, I am advising Ms. Brudvig, Defendants' Attorney, that these records have been requested from you.

If I can be of further assistance, please contact me at the above number.


Willie J. Bennett

Enclosures cc: Kelsey J. Brudvig, Attorneys for Defendants.
Christy E. Mahon, Attorney for Defendants.

STATE OF SOUTH CAROLINA

ISSUED BY THE COMMON PLEAS COURT IN THE COUNTY OF RICHLAND

Willie J. Bennett, Plaintiff

v.

SUBPOENA IN A CIVIL CASE

Sasha N. Gray, Claire H. Echert and Chick-Fil-A, Defendant

Case Number: 2023-CP-40-00017

Pending in Richland County

TO: Claire H. Echert, 6005 Hampton Ridge Road, Lot 33, Columbia, South Carolina 29209 road

YOU ARE COMMANDED to appear in the above named court at the place, and time specified below to testify in the above case.

PLACE OF TESTIMONY COURTROOM DATE AND TIME, AM

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION DATE AND TIME

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects in your possession, custody or control at the place, date and time specified below (list documents of objects:

PLEASE SEE ATTACHE EXHIBIT "A"

PLACE DATE AND TIME May 19, 5:00 PM Willie J. Bennett, 113 Healing Springs Road, Hopkins, South Carolina 29061

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES DATE AND TIME, AM

ANY SUBPOENAED ORGANIZATION NOT A PARTY TO THIS IS HEREBY DIRECTED TO RULE 30(b)(6), SOUTH CAROLINA RULES OF CIVIL PROCEDURE, TO FILE A DESIGNATION WITH THE COURT SPECIFYING ONE OR MORE OFFICERS, DIRECTORS, OR MANAGING AGENTS, OR OTHER PERSONS WHO CONSENT TO TESTIFY ON ITS BEHALF, SHALL SET FORTH, FOR EACH PERSON DESIGNATED, THE MATTERS ON WHICH HE WILL TESTIFY OR PRODUCE DOCUMENTS OR THINGS. THE PERSON SO DESIGNATED TESTIFY AS TO MATTERS KNOWN OR REASONABLY AVAILABLE TO THE ORGANIZATION

I CERTIFY THAT THE SUBPOENA IS ISSUED IN COMPLIANCE WITH RULE 45(c)(1), AND THAT NOTICE AS REQUIRED BY RULE 45(b)(1) HAS BEEN GIVEN TO ALL PARTIES.

Attorney/Issuing Officer's Signature Indicate if Attorney for Plaintiff or Defendant Attorney's Address and Telephone Number:

2 MAY 2023 Date

WILLIE J. BENNETT Print Name

Janette W McFarland Clerk of Court/Issuing Officer's Signature Pro Se Litigant's Name, Address and Telephone Number: Willie J. Bennett, 113 Healing Springs Road, Hopkins, South Carolina 29061, (803) 319-5740 Date: 5/2/23 Print Name

PROOF OF SERVICE

SERVED	DATE	FEES AND MILEAGE TO BE TENDERED TO WITNESS UPON DAILY ARRIVAL <input type="checkbox"/> YES <input type="checkbox"/> NO AMOUNT \$
	PLACE	
SERVED ON		MANNER OF SERVICE
SERVED BY		TITLE

DECLARATION OF SERVER

I certify that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, South Carolina Rules of Civil Procedures, Parts (c) and (d):

(c) Protection of Persons Subject to Subpoenas.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated electronically stored information, books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial. A party or an attorney responsible for the issuance and service of a subpoena for production of books, papers and documents without a deposition shall provide to another party copies of documents so produced upon written request. The party requesting copies shall pay the reasonable costs of reproduction.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises—or to producing electronically stored information in the form or forms requested. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time in the court that issued the subpoena for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued, or regarding a subpoena commanding appearance at a deposition, or production or inspection directed to a non-party, the court in the county where the non-party resides, is employed or regularly transacts business in person, shall quash or modify the subpoena if it:

(i) fails to allow reasonable time for compliance; or

(ii) requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to travel more than 50 miles from the county where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held; or

(iii) requires disclosure of privileged or otherwise protected matter and no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) If a subpoena:

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to incur substantial expense to travel from the county where that person resides, is employed or regularly transacts business in person, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to Subpoena.

(1)(A) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(B) If a subpoena does not specify the form or forms for producing electronically stored information, a person responding to a subpoena must produce the information in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) A person responding to a subpoena need not produce the same electronically stored information in more than one form.

(D) A person responding to a subpoena need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or to quash, the person from whom discovery is sought must show that the information sought is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(6)(B). The court may specify conditions for the discovery.

(2)(A) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

(B) If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has and may not use or disclose the information until the claim is resolved. A receiving party may promptly present the information to the court under seal for a determination of the claim. If the receiving party disclosed the information before being notified, the receiving party must take reasonable steps to retrieve the information. The person who produced the information must preserve the information until the claim is resolved.

SUBPOENA EXHIBIT "A"

TO CLAIRE H. ECKERT

**RE: WILLIE J. BENNETT V. SASHA N. GRAY, CLAIRE H. ECKERT AND CHICK-FIL-A,
INC.**

Civil Action No. 2023-CP-40-00017

Please produce copies of video surveillance camera footage, 15 minutes before the accident and 30 minutes after the accident, on thumb drive or CD ROM in possession of Claire H. Eckert or any of its subsidiaries, affiliates, or agents related to the below accident. If the requested video surveillance camera footage is not in Ms. Eckert possession, indicate agency/agent that have possession, agency/agent telephone number, and street address. The below information following is related to this request.

An accident which occurred on or about 6:30 pm, June 17, 2022, assigned Claim Nos. 31CAB1044800 or 31CAB1044803 occurred at Chick-Fil-A, 7424 Garners Ferry Road, Columbia, South Carolina 29209 involving Mr. Willie J. Bennett and Ms. Sasha N. Gray. Vehicle involved in accident: 2019 Honda, South Carolina License plate UCG972. VIN No. 3HGGK5H4XKM711249

Also, please produce copies of any and all materials in paper form of coverage by Arch Insurance Company and Sedgwick Claims Management in referenced to the above accident that are in possession of Claire H. Eckert or any of its subsidiaries, affiliates, or agents related to the accident. If the requested information is not in Ms. Eckert possession, indicate agency/agent that have possession, agency/agent telephone number, and street address.

Please produce of any and all materials in paper form of damages and repairs to the 2019 Honda, South Carolina License plate UCG972. VIN No. 3HGGK5H4XKM711249. Provide the name of the repair shop, telephone number of the repair shop, and the street address. Provide a full-length photo of the 2019 Honda with Chick-Fil-A Image.

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)
)
Willie J. Bennett,)
)
)
Plaintiff,)
)
)
vs.)
)
Sasha N. Gray, Claire H. Eckert, and)
Chick-Fil-A, Inc.,)
)
)
Defendants.)
)
_____)

IN THE COURT OF COMMON PLEAS

FIFTH JUDICIAL CIRCUIT

Civil Action No.: 2023-CP-40-00017

**AFFIDAVIT OF RECORDS
CUSTODIAN**

PERSONALLY APPEARED BEFORE ME, _____, who being
duly sworn, deposes and says:

1. I am an agent and/or employee of _____ and its custodian or other qualified person with personal knowledge of the facts contained herein.

2. I furnished to Collins & Lacy, P.C. the attached records which are a true, accurate and genuine copy of any and all documentation in response to a subpoena for the production of documents, records, or things, a copy of said documents, records, or things being attached hereto, and attest and certify that the documents, records, or things were:
 - (a) made at or near the time by – or from information transmitted by – someone with knowledge;
 - (b) kept in the course of the regularly conducted activity; and
 - (c) made by the regularly conducted activity as a regular practice.

Date: _____

BY: _____

Print Name: _____

SWORN to and SUBSCRIBED before me

this ____ day of _____, 2023

(L.S.)
NOTARY PUBLIC for _____
My Commission Expires: _____

EXHIBIT

D

**WILLIE J. BENNETT
113 HEALING SPRINGS ROAD
HOPKINS, SOUTH CAROLINA 29061
MOBLE: (803) 319-5740**

May 2, 2023

Re: Willie J. Bennett v. Sasha N. Gray, Claire H. Eckert, and Chick-Fil-A, Inc.
Civil Action No. 2023-CP-40-00017

Chick-Fil-A
7424 Garners Ferry Road
Columbia, South Carolina 29209

Chick-Fil-A:

Plaintiff, Pro Se has legal actions in court against the above reference Defendants. Enclosed please find a Subpoena duces tecum served upon you which requires the production of documents identified in Exhibit A to the attached subpoena. This subpoena calls for documents to be produced to us on or before May 19, 2023. However, if these documents are available before this date, we will be happy to receive them early.

Please note this is a Subpoena for records only. A personal appearance is not required. I am also enclosing an Affidavit of Records Custodian which should be signed in front of a notary. Please return the documents along with the enclosed Certificate of Authenticity stating that the copies are true, accurate and complete copies of all the requested documents maintained in your file. Please provide records in paper for and video in the form of a USB Thumb Drive or CD ROM. Please provide the records via United States Mail to the address above.

I will reimburse you for any reasonable expenses incurred in complying with this request. However, if you anticipate the expense of complying with the request should exceed \$150.00, you are required to contact me at the above address or telephone.

By copy of this correspondence, I am advising Ms. Brudvig, Defendants' Attorney, that these records have been requested from you.

If I can be of further assistance, please contact me at the above number.


Willie J. Bennett

Enclosures cc: Kelsey J. Brudvig, Attorney for Defendants.
Christy E. Mahon, Attorney for Defendants.

STATE OF SOUTH CAROLINA

ISSUED BY THE COMMON PLEAS COURT IN THE COUNTY OF RICHLAND

Willie J. Bennett, Plaintiff

v.

SUBPOENA IN A CIVIL CASE

Sasha N. Gray, Claire H. Echert and Chick-Fil-A, Defendant

Case Number: 2023-CP-40-00017

Pending in Richland County

TO: Chick-Fil-A 7424 Garners Ferry Road, Columbia, South Carolina 29209 road

[] YOU ARE COMMMANDED to appear in the above named court at the place, and time specified below to testify in the above case.

PLACE OF TESTIMONY COURTROOM DATE AND TIME , AM

[] YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION DATE AND TIME

[X] YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects in your possession, custody or control at the place, date and time specified below (list documents of objects:

PLEASE SEE ATTACHE EXHIBIT "A"

PLACE DATE AND TIME May 19, 5:00 PM Willie J. Bennett, 113 Healing Springs Road, Hopkins, South Carolina 29061

[] YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES DATE AND TIME , AM

ANY SUBPOENAED ORGANIZATION NOT A PARTY TO THIS IS HEREBY DIRECTED TO RULE 30(b)(6), SOUTH CAROLINA RULES OF CIVIL PROCEDURE, TO FILE A DESIGNATION WITH THE COURT SPECIFYING ONE OR MORE OFFICERS, DIRECTORS, OR MANAGING AGENTS, OR OTHER PERSONS WHO CONSENT TO TESTIFY ON ITS BEHALF, SHALL SET FORTH, FOR EACH PERSON DESIGNATED, THE MATTERS ON WHICH HE WILL TESTIFY OR PRODUCE DOCUMENTS OR THINGS. THE PERSON SO DESIGNATED TESTIFY AS TO MATTERS KNOWN OR REASONABLY AVAILABLE TO THE ORGANIZATION

I CERTIFY THAT THE SUBPOENA IS ISSUED IN COMPLIANCE WITH RULE 45(c)(1), AND THAT NOTICE AS REQUIRED BY RULE 45(b)(1) HAS BEEN GIVEN TO ALL PARTIES.

Attorney/Issuing Officer's Signature Indicate if Attorney for Plaintiff or Defendant Attorney's Address and Telephone Number:

Date

Print Name

2 May 2023

WILLIE J. BENNETT

Jeannette Whitehead

Clerk of Court/Issuing Officer's Signature Pro Se Litigant's Name, Address and Telephone Number: Willie J. Bennett, 113 Healing Springs Road, Hopkins, South Carolina 29061, (803) 319-5740

Date

Print Name

5/2/23

PROOF OF SERVICE

SERVED	DATE	FEES AND MILEAGE TO BE TENDERED TO WITNESS UPON DAILY ARRIVAL <input type="checkbox"/> YES <input type="checkbox"/> NO AMOUNT \$
	PLACE	
SERVED ON		MANNER OF SERVICE
SERVED BY		TITLE

DECLARATION OF SERVER

I certify that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, South Carolina Rules of Civil Procedures, Parts (c) and (d):

(c) Protection of Persons Subject to Subpoenas.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated electronically stored information, books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial. A party or an attorney responsible for the issuance and service of a subpoena for production of books, papers and documents without a deposition shall provide to another party copies of documents so produced upon written request. The party requesting copies shall pay the reasonable costs of reproduction.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises—or to producing electronically stored information in the form or forms requested. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time in the court that issued the subpoena for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued, or regarding a subpoena commanding appearance at a deposition, or production or inspection directed to a non-party, the court in the county where the non-party resides, is employed or regularly transacts business in person, shall quash or modify the subpoena if it:

(i) fails to allow reasonable time for compliance; or

(ii) requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to travel more than 50 miles from the county where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held; or

(iii) requires disclosure of privileged or otherwise protected matter and no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) If a subpoena:

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to incur substantial expense to travel from the county where that person resides, is employed or regularly transacts business in person, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to Subpoena.

(1)(A) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(B) If a subpoena does not specify the form or forms for producing electronically stored information, a person responding to a subpoena must produce the information in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) A person responding to a subpoena need not produce the same electronically stored information in more than one form.

(D) A person responding to a subpoena need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or to quash, the person from whom discovery is sought must show that the information sought is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(6)(B). The court may specify conditions for the discovery.

(2)(A) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

(B) If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has and may not use or disclose the information until the claim is resolved. A receiving party may promptly present the information to the court under seal for a determination of the claim. If the receiving party disclosed the information before being notified, the receiving party must take reasonable steps to retrieve the information. The person who produced the information must preserve the information until the claim is resolved.

SUBPOENA EXHIBIT "A"

TO Check-Fil-A

RE: WILLIE J. BENNETT V. SASHA N. GRAY, CLAIRE H. ECKERT AND CHICK-FIL-A,
INC.

Civil Action No. 2023-CP-40-00017

Please produce copies of video surveillance camera footage, 15 minutes before the accident and 30 minutes after the accident, on thumb drive or CD ROM in possession of Chick-Fil-A or any of its subsidiaries, affiliates, or agents related to the below accident. If the requested video surveillance camera footage is not in Chick-Fil-A possession, indicate agency/agent that have possession, agency/agent telephone number, and street address. The below information following is related to this request.

An accident which occurred on or about 6:30 pm, June 17, 2022, assigned Claim Nos. 31CAB1044800 or 31CAB1044803 occurred at Chick-Fil-A, 7424 Garners Ferry Road, Columbia, South Carolina 29209 involving Mr. Willie J. Bennett and Ms. Sasha N. Gray. Vehicle involved in accident: 2019 Honda, South Carolina License plate UCG972. VIN No. 3HGGK5H4XKM711249

Also, please produce copies of any and all materials in paper form of coverage by Arch Insurance Company and Sedgwick Claims Management in referenced to the above accident that are in possession of Chick-Fil-A or any of its subsidiaries, affiliates, or agents related to the accident. If the requested information is not in Chick-Fil-A possession, indicate agency/agent that have possession, agency/agent telephone number, and street address.

Please produce of any and all materials in paper form of damages and repairs to the 2019 Honda, South Carolina License plate UCG972. VIN No. 3HGGK5H4XKM711249. Provide the name of the repair shop, telephone number of the repair shop, and the street address. Provide a full-length photo of the 2019 Honda with Chick-Fil-A Image.

EXHIBIT

E

WILLIE J. BENNETT
113 HEALING SPRINGS ROAD
HOPKINS, SOUTH CAROLINA 29061
MOBLE: (803) 319-5740

May 3, 2023

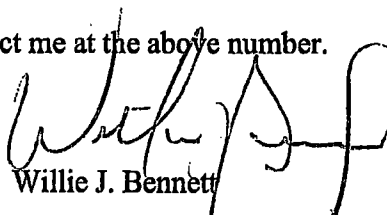
Re: Willie J. Bennett v. Sasha N. Gray, Claire H. Eckert, and Chick-Fil-A, Inc.
Civil Action No. 2023-CP-40-00017

Mrs. Claire H. Eckert:
6005 Hampton Ridge Road, Lot 33
Columbia, South Carolina 29209

Mrs. Eckert:

Enclosed is a Subpoena for Deposition May 30, 2023, at 1:00 pm, Richland County Court, 1701 Main Street, Columbia, South Carolina 29201. See attached Subpoena.

If I can be of further assistance, please contact me at the above number.


Willie J. Bennett

Enclosures cc: Kelsey J. Brudvig, Attorney for Defendants.
Christy E. Mahon, Attorney for Defendants.

STATE OF SOUTH CAROLINA

ISSUED BY THE COMMON PLEAS COURT IN THE COUNTY OF RICHLAND

Willie J. Bennett, Plaintiff

v.

SUBPOENA IN A CIVIL CASE

Sasha N. Gray, Claire H. Echert and Chick-Fil-A, Defendant

Case Number: 2023-CP-40-00017

Pending in Richland County

TO: Claire H. Echert, 6005 Hampton Ridge Road, Lot 33, Columbia, South Carolina 29209 road

[] YOU ARE COMMMANDED to appear in the above named court at the place, and time specified below to testify in the above case.

PLACE OF TESTIMONY COURTROOM DATE AND TIME , AM

[X] YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case. See Attached Exhibit "A"

PLACE OF DEPOSITION DATE AND TIME

[] YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects in your possession, custody or control at the place, date and time specified below (list documents of objects:

PLACE DATE AND TIME

[] YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES DATE AND TIME , AM

ANY SUBPOENAED ORGANIZATION NOT A PARTY TO THIS IS HEREBY DIRECTED TO RULE 30(b)(6), SOUTH CAROLINA RULES OF CIVIL PROCEDURE, TO FILE A DESIGNATION WITH THE COURT SPECIFYING ONE OR MORE OFFICERS, DIRECTORS, OR MANAGING AGENTS, OR OTHER PERSONS WHO CONSENT TO TESTIFY ON ITS BEHALF, SHALL SET FORTH, FOR EACH PERSON DESIGNATED, THE MATTERS ON WHICH HE WILL TESTIFY OR PRODUCE DOCUMENTS OR THINGS. THE PERSON SO DESIGNATED TESTIFY AS TO MATTERS KNOWN OR REASONABLY AVAILABLE TO THE ORGANIZATION

I CERTIFY THAT THE SUBPOENA IS ISSUED IN COMPLIANCE WITH RULE 45(c)(1), AND THAT NOTICE AS REQUIRED BY RULE 45(b)(1) HAS BEEN GIVEN TO ALL PARTIES.

Attorney/Issuing Officer's Signature Date Print Name Willie J. Bennett 3 may 2023

Clerk of Court/Issuing Officer's Signature Date Print Name Jeanette W McLeod 5/3/23

Pro Se Litigant's Name, Address and Telephone Number: Willie J. Bennett, 113 Healing Springs Road, Hopkins, South Carolina 29061, (803) 319-5740

PROOF OF SERVICE

SERVED	DATE	FEES AND MILEAGE TO BE TENDERED TO WITNESS UPON DAILY ARRIVAL <input type="checkbox"/> YES <input type="checkbox"/> NO AMOUNT \$
	PLACE	
SERVED ON		MANNER OF SERVICE
SERVED BY		TITLE

DECLARATION OF SERVER

I certify that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, South Carolina Rules of Civil Procedures, Parts (c) and (d):

(c) Protection of Persons Subject to Subpoenas.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated electronically stored information, books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial. A party or an attorney responsible for the issuance and service of a subpoena for production of books, papers and documents without a deposition shall provide to another party copies of documents so produced upon written request. The party requesting copies shall pay the reasonable costs of reproduction.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises—or to producing electronically stored information in the form or forms requested. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time in the court that issued the subpoena for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued, or regarding a subpoena commanding appearance at a deposition, or production or inspection directed to a non-party, the court in the county where the non-party resides, is employed or regularly transacts business in person, shall quash or modify the subpoena if it:

(i) fails to allow reasonable time for compliance; or

(ii) requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to travel more than 50 miles from the county where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held; or

(iii) requires disclosure of privileged or otherwise protected matter and no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) If a subpoena:

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to incur substantial expense to travel from the county where that person resides, is employed or regularly transacts business in person, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to Subpoena.

(1)(A) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(B) If a subpoena does not specify the form or forms for producing electronically stored information, a person responding to a subpoena must produce the information in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) A person responding to a subpoena need not produce the same electronically stored information in more than one form.

(D) A person responding to a subpoena need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or to quash, the person from whom discovery is sought must show that the information sought is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(6)(B). The court may specify conditions for the discovery.

(2)(A) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

(B) If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has and may not use or disclose the information until the claim is resolved. A receiving party may promptly present the information to the court under seal for a determination of the claim. If the receiving party disclosed the information before being notified, the receiving party must take reasonable steps to retrieve the information. The person who produced the information must preserve the information until the claim is resolved.

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)
)
Willie J. Bennett,)
)
)
Plaintiff,)
)
)
vs.)
)
Sasha N. Gray, Claire H. Eckert, and)
Chick-Fil-A, Inc.,)
)
)
Defendants.)
_____)

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT
Civil Action No.: 2023-CP-40-00017

**AFFIDAVIT OF RECORDS
CUSTODIAN**

PERSONALLY APPEARED BEFORE ME, _____, who being
duly sworn, deposes and says:

1. I am an agent and/or employee of _____ and its custodian or other qualified person with personal knowledge of the facts contained herein.
2. I furnished to Collins & Lacy, P.C. the attached records which are a true, accurate and genuine copy of any and all documentation in response to a subpoena for the production of documents, records, or things, a copy of said documents, records, or things being attached hereto, and attest and certify that the documents, records, or things were:
 - (a) made at or near the time by – or from information transmitted by – someone with knowledge;
 - (b) kept in the course of the regularly conducted activity; and
 - (c) made by the regularly conducted activity as a regular practice.

Date: _____

BY: _____

Print Name: _____

SWORN to and SUBSCRIBED before me
this ____ day of _____, 2023

(L.S.)
NOTARY PUBLIC for _____
My Commission Expires: _____

SUBPOENA EXHIBIT "A"

TO CLAIRE H. ECKERT

RE: WILLIE J. BENNETT V. SASHA N. GRAY, CLAIRE H. ECKERT AND CHICK-FIL-A, INC.

Civil Action No. 2023-CP-40-00017

You are commanded to appear at the Second Floor, Room 205 (Clerk of Court's Conference Room), of the Richland County Court located at 1701 Main Street, Columbia, South Carolina, May 30, 2023, at 1:00 pm to testify at the taking of a deposition in the above case.

EXHIBIT

F

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

Willie J. Bennett,

Plaintiff,

v.

Sasha N. Gray, Claire H. Eckert, and
Chick-Fil-A, Inc.,

Defendants.

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

Civil Action No.: 2023-0-40-00017

PLAINTIFF'S RESPONSE TO ORDER
GRANTING DEFENDANT'S MOTION
TO COMPEL

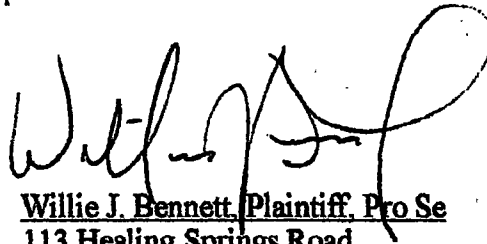
2023 JUL 24 AM 9:21
EANNETT M. MCBRIDE
CLERK, S.C. J.C. & F.C.

RICHLAND COUNTY
FILED

In reference to the Order Granting Defendant's Motion to Compel, the following document are provided to Defendant. Exhibit A, cost and expense estimates. Exhibit B, estimate of vehicle repair and cost. Exhibit C, pharmacy medication and cost. Exhibit D, physical therapy and cost. Exhibit E, treatment records and costs.

Records in exhibits C through E are marked confidential and are not intended for the public domain but has been provide to attorney record. If the Court requires a copy, the Plaintiff will provide copies.

Due to the nature of Plaintiff's injuries, he continues to receive ongoing medical treatment from his providers. Update will be provided as requested.



Willie J. Bennett, Plaintiff, Pro Se
113 Healing Springs Road
Hopkins, South Carolina 29061
(803) 319-5740 Cell

July 23, 2023
Hopkins, South Carolina.

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the enclosed Plaintiff's Response to Order Granting Defendant's Motion to Compel have been sent to the below attorneys of records via United State Mail, postage prepaid, July 23, 2023.

PARTIES SERVED:

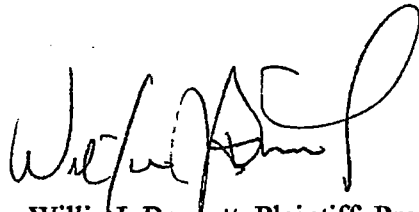
Collins Lacy, Attorney at Law
ATTN: Kelsey J. Brudvig
1330 Lady Street
Columbia, South Carolina 29211

Sweeny, Wingate & Barrow, P.A.
ATTN: Christy E Mahon
1515 Lady Street
Columbia, South Carolina 29211

July 23, 2023
Hopkins, South Carolina.

RECEIVED

SEP 28 2023
SC Court of Appeals



Willie J. Bennett, Plaintiff, Pro Se
113 Healing Springs Road
Hopkins, South Carolina 29061
(803) 319-5740 Cell

JEANETTE W. McBRIDE
C.C.P., G.S., & E.C.

2023 JUL 24 AM 9:21

RICHLAND COUNTY
FILED

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Maite Murphy, Circuit Court Judge

Appellant case No. 2023-001295

Richland County Court Case No. 2023-CP-40-00017

RECEIVED

SEP 28 2023

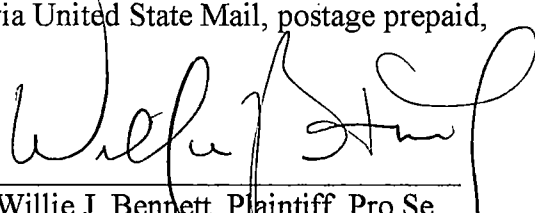
SC Court of Appeals

Willie J. Bennett.....Appellant,

Sasha N. Gray, Claire H. Eckert,
and Chick-Fil-a, Inc..... Respondent.

PROOF OF SERVICE

The undersigned certifies that a copy of the enclosed Appellant's Third Motion to Stay of Appeal has been sent to the below attorneys of records via United State Mail, postage prepaid, September 28, 2023.



Willie J. Bennett, Plaintiff, Pro Se
113 Healing Springs Road
Hopkins, South Carolina 29061
(803) 319-5740 Cell

September 28, 2023
Hopkins, South Carolina.

Other Counsels of Record:

Collins Lacy, Attorney at Law
Kelsey J. Brudvig
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Columbia, South Carolina 29201

Sweeny, Wingate & Barrow, P.A.
Christy E Mahon
1515 Lady Street
Columbia, South, Carolina 29201

Collins Lacy, Attorney at Law
ATTN: Kyle L. Brady
1330 Lady Street, 6th Floor
Columbia, South Carolina 29201