

STATE OF SOUTH CAROLINA)

IN THE FAMILY COURT)
NINTH JUDICIAL CIRCUIT)

COUNTY OF CHARLESTON)

JUSTIN M. McGEE)

Plaintiff,)

vs.)

LINDSAY F. McGEE)

Defendant.)

FILED FAMILY COURT COVERSHEET

2022 OCT 20 PM 4:44

JULIE DICKSON CLERK OF COURT

DR-10-3072

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

Submitted by: Jerry N. Theos, Esquire
Address: 11 State Street
Charleston, SC 29401
Email: jerry@theoslaw.com

SC Bar # 5518
Telephone # 843-577-7046
Fax # 843-203-4985
Other: _____

DOCKETING INFORMATION

- This case is subject to MEDIATION pursuant to the Family Court Alternative Dispute Resolution Rules.
- This case is exempt from ADR (certificate attached).

Nature of Action Codes (Check One)

Marital Dissolution

- Divorce (110)
- Annulment (120)
- Separate Support and Maintenance (130)
- Registration of Foreign Divorce Decree – without support/custody (190)
- Registration of Foreign Divorce Decree – with support/custody (191)
- Marital Dissolution – Other (199) _____

Abuse and Neglect

- Abuse and Neglect – Child (210)
- Abuse and Neglect – Adult (220)
- Abuse and Neglect – Other (299) _____

Juvenile Delinquency

- Truancy (311)
- Incurable (312)
- Runaway (313)
- Criminal Offense – Drug (315)
- Criminal Offense – Against a Person (316)
- Criminal Offense – Property (317)
- Criminal Offense – Public Order (318)
- Criminal Offense – Other (320)
- Juvenile Delinquency – Other (399) _____

Protection from Domestic Abuse

- Domestic Abuse – Intimate Partner (410)
- Domestic Abuse – Minor (420)
- Registration of Foreign Order of Protection (490)
- Domestic Abuse – Other (499) _____

Support

- Child Support – Private (501)
- Child Support – Administrative Process (502)
- Child Support – Judicial Process (503)
- Registration of Foreign Order of Support (504)
- UIFSA – Outgoing (505)
- UIFSA – Incoming (506)
- Modification of Child Support – Private (507)
- Modification of Child Support – DSS (508)
- Modification of Alimony (525)
- College Expenses (530)
- Support – Other (599) _____

Custody/Visitation

- Child Custody/Visitation (610)
- Modification of Custody/Visitation (615)
- Temporary Custody – Nonparent (616)
- Registration of Foreign Child Custody Order (690)
- Visitation Involvement Parenting (VIP) (DSS only) (691)
- Custody/Visitation – Other (699) _____

Miscellaneous Actions

- Name Change (710)
- Correction/Birth Record (720)
- Judicial Bypass (730)
- Adoption (740)
- Foreign Adoption (741)
- Post Dissolution Equitable Distribution (750)
- Paternity – Private (761)
- Paternity – DSS (762)
- Termination of Parental Rights – Private (771)
- Termination of Parental Rights – DSS (772)
- Miscellaneous Actions – Others (799) _____

Submitting Party Signature: _____

Date: _____

10/20/2022

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

SCCA 467 (4/2021)

Effective January 1, 2016, family court actions in all counties are subject to mediation. Under the provisions of the Supreme Court's Rules for Alternative Dispute Resolution (ADR), mediation is defined as an informal process in which a third-party mediator facilitates settlement discussions between parties. Any settlement is voluntary. In the absence of settlement, the parties lose none of their rights to trial.

Also under the ADR Rules, the parties may agree on a mediator or the Clerk of Court will appoint a mediator from the certified list. If the Clerk appoints a mediator from the list, the mediator will be certified by the Board of Arbitrator and Mediator Certification and may be either a lawyer, a licensed mental health professional or any other individual meeting the certification requirements.

Whether or not the mediator is a lawyer, if appointed by the court, the charge per hour is set at a specified amount under the provisions of ADR Rule 9. Parties are responsible for payment of the mediator as set out in ADR Rule 9.

SUPREME COURT RULES REQUIRE MEDIATION OF ALL CONTESTED DOMESTIC RELATIONS ACTIONS. IF THE DOCKETING INFORMATION ON PAGE 1 OF THIS COVERSHEET INDICATES THAT THIS CASE IS SUBJECT TO **MEDIATION** YOU ARE NOTIFIED THAT MEDIATED SETTLEMENT CONFERENCES ARE REQUIRED IN THIS CASE, AND THAT THE COURT-ANNEXED ADR RULES SHALL APPLY TO ALL CASES IN WHICH MEDIATION IS REQUIRED. FOR ADDITIONAL INFORMATION CONCERNING THE PROCESS AND TIME FRAMES, PLEASE CONSULT THE ADR RULES. KEY SECTIONS OF THE RULES ARE IDENTIFIED BELOW.

CONTESTED ACTIONS INVOLVING CUSTODY AND VISITATION

Rule 3	Actions Subject to ADR
Rule 4(d)(1)(3)(4) &(5)	Appointment of Mediator by Family Court
Rule 5(g)	Scheduling in Family Court
Rule 6(g)	Agreement in Family Court
Rule 7(f)	Reporting Results of Conference
Rule 9	Compensation of Neutral

ALL OTHER CONTESTED ACTIONS

Rule 3	Actions Subject to ADR
Rule 4(d)(2)(3)(4) &(5)	Appointment of Mediator by Family Court
Rule 5(g)	Scheduling in Family Court
Rule 6(g)	Agreement in Family Court
Rule 7(f)	Reporting Results of Conference
Rule 9	Compensation of Neutral

Indigent Cases: Where a mediator has been appointed, a party may move before the Chief Judge for Administrative Purposes to be exempted from payment of neutral fees and expenses based upon indigency. Determination of indigency shall be in the sole discretion of the Chief Judge for Administrative Purposes. Application of a party to be exempt from payment of neutral fees due to indigency should be filed prior to the scheduling of the ADR conference.

Please Note: Attendance at mediated settlement conferences is mandatory. You must comply with the Supreme Court rules regarding court-ordered mediation. Failure to do so may affect your case and may result in sanctions.

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

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

JUSTIN M. McGEE,)
)
Plaintiff,)
)
-vs-)
)
LINDSAY F. McGEE,)
)
Defendant.)
_____)

IN THE FAMILY COURT
NINTH JUDICIAL CIRCUIT

FILED

2022 OCT 20 PM 4:44

JULIE J. ARMSTRONG
CLERK OF COURT

SUMMONS

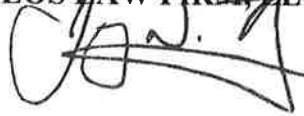
BY th

CASE NO. 2022-DR-10-307a

TO: DEFENDANT, LINDSAY F. McGEE:

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your Answer to the said Complaint on his attorney, Jerry N. Theos, at his office at Theos Law Firm, LLC, 11 State Street, Charleston, South Carolina, 29401, within thirty (30) days after service hereof, exclusive of the date of such service, and if you fail to answer the Complaint within the time aforesaid, the Plaintiff in this action will apply to the Court for judgment by default for the relief demanded in the Complaint.

THEOS LAW FIRM, LLC



JERRY N. THEOS, ESQUIRE

Attorney for Plaintiff
Theos Law Firm, LLC
11 State Street
Charleston, SC 29401
Phone: (843) 577-7046
Fax: (843) 203-4985

By order of the Chief Justice of the SC Supreme Court, all domestic relations cases shall be disposed of within 365 days of their filing. Failure to request a final hearing within this time may result in administrative dismissal of this case.

October 20, 2022
Charleston, South Carolina

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHARLESTON)
)
 JUSTIN M. MCGEE,)
)
 Plaintiff,)
)
 -vs-)
)
 LINDSAY FOREBACK MCGEE,)
)
 Defendant.)
 _____)

IN THE FAMILY COURT
 NINTH JUDICIAL CIRCUIT

FILED

2022 OCT 20 PM 4:44

JULIE J. ARMSTRONG
 CLERK OF COURT

BY *JH*

COMPLAINT

CASE NO. 2022-DR-10-3072

THE PLAINTIFF, Justin M. McGee (hereinafter the “Husband” or “Father”), complains against the Defendant, Lindsay F. McGee (hereinafter the “Wife” or “Mother”), and would show unto this Honorable Court as follows:

JURISDICTION AND VENUE

1. Plaintiff/Husband is a resident of Charleston County in the State of South Carolina and has so resided in South Carolina for a period of time in excess of one year prior to the commencement of this action.
2. Defendant/Wife is a resident of Charleston County in the State of South Carolina and has so resided in South Carolina for a period of time in excess of one year prior to the commencement of this action.
3. Plaintiff/Husband and Defendant/Wife were married to each other on March 10, 2012, in Charleston County, South Carolina.
4. The parties last resided together as husband and wife in Charleston County, South Carolina until they separated on or about May 30, 2022.
5. The parties have three (3) children born of this marriage-namely, a son, C.H.M. born in 2014; a son, H.M.M born in 2017; and a daughter, A.J.M. born in 2019. No other children have

been born or adopted of this marriage, and none are expected.

6. This Court has personal jurisdiction over the parties and subject matter jurisdiction over the matters contained herein, and venue is proper in Charleston County.

FOR A DIVORCE

7. Wife has engaged in, and continues to engage in, ongoing adulterous extramarital affairs with multiple men and such behavior on Wife's part has not been condoned by Husband.

8. Husband is informed and believes he is entitled to a divorce *a vinculo matrimonii* based upon the statutory ground of adultery.

9. Husband is entitled to an Order of Separate Support and Maintenance allowing him to live separate and apart from Wife and establishing the rights and responsibilities of each party, temporarily and permanently.

CUSTODY, VISITATION, & CHILD SUPPORT

10. Father has always been the minor children's primary caregiver and is a fit and proper person to have sole custody of the minor children, temporarily and permanently.

11. Alternatively, Father is a fit and proper person to serve as a joint legal and physical custodian of the minor children, with Father listed as primary custodian, as this would be in the minor children's best interests.

12. Upon information and belief, Mother is a habitual marijuana user and abuses alcohol. Father requests that Mother be ordered to immediately submit to drug and alcohol testing including, but not limited to, hair follicle, blood, and urine testing, and to provide the results of such testing to the Court. Father further requests that Mother be required to submit to additional and ongoing drug and alcohol testing and present negative drug and alcohol testing results prior to exercising any overnight visitation with the minor children, temporarily and permanently.

13. Upon information and belief, Mother has been engaged in ongoing extramarital affairs with unstable persons who have criminal records and/or are convicted felons and/or have a significant substance abuse history and that Mother has invited such persons into the former marital home on multiple occasions.

14. Mother has prioritized her own substance abuse and these ongoing extramarital affairs with over spending time with and protecting the minor children.

15. Mother's recent conduct and behavior, as well as general instability, is concerning and possibly indicative of an undiagnosed or untreated mental illness, such that Father requests that Mother be ordered to submit to a comprehensive psychological evaluation and be responsible for all costs associated with the same, temporarily and permanently.

16. Father respectfully requests an Order of this Court establishing a regular visitation schedule for the minor children and Mother, to include additional time for each parent during the holidays and summers, temporarily and permanently.

17. The minor children are capable of and enjoy electronic communication and video-chatting with family, and Father respectfully requests an Order of this Court establishing reasonable, regular electronic visitation between each party and the minor children while the minor children are with the other party, temporarily and permanently.

18. Mother has engaged in a pattern of conduct which obfuscates custody exchanges with the minor children and as such, the Court should issue an Order requiring that the party receiving the minor children for visitation be responsible for transportation from the other party's home or, if applicable, from the minor children's school, temporarily and permanently.

19. In the event Mother contests custody, Father requests the appointment of a Guardian *ad Litem* to represent the minor children's best interests and conduct a complete investigation for the

Court's review and, further, that Mother be solely responsible for all fees and costs associated with the Guardian *ad Litem*'s services, temporarily and permanently.

20. Mother should be ordered to pay child support to Father in accordance with the South Carolina Department of Social Services' Child Support Guidelines, temporarily and permanently.

21. Mother is a licensed attorney in South Carolina capable of earning a substantial income and that, even in the event Mother remains unemployed or becomes subsequently underemployed, the Court should impute income to Mother consistent with her earning potential.

22. Father provides health insurance coverage for the minor children and believes he should be required to maintain such health insurance coverage with the cost being factored into the child support calculation, temporarily and permanently.

23. Father has been paying for work-related childcare services for the minor children and believes he should be required to maintain such childcare with the costs being factored into the child support calculation, temporarily and permanently.

24. Father respectfully requests that any uncovered medical expenses of the minor children be divided between Mother and Father on a *pro rata* basis pursuant to the South Carolina Child Support Guidelines.

25. Father respectfully prays for an Order of this Court establishing Mother's monthly child support obligation, with all such payments being made through the Support Division Unit of the State of South Carolina, with the applicable surcharge added thereto, temporarily and permanently.

SPOUSAL SUPPORT AND ALIMONY

26. Wife is statutorily and forever barred from receiving alimony or spousal support as a consequence of her adulterous conduct, temporarily and permanently.

27. Husband is able to provide for his own support and is not in need of any form of spousal

support or alimony of and from Wife.

INSURANCE & HEALTHCARE RELATED COSTS

28. Husband currently provides health insurance for Wife and believes that he should be required to maintain such health insurance coverage for Wife unless and until Wife is able to procure alternative coverage, but that Wife should be responsible for the cost of her health insurance and reimburse Husband for this expense as well as be solely responsible for the cost of any uncovered medical expense she incurs, temporarily and permanently.

29. The parties each have life insurance policies and the parties should be required to maintain such life insurance policies currently in place, with the other party listed as the beneficiary and restrained from withdrawing or accessing any cash value existing in these policies, and each party should be solely responsible for the cost of premiums associated with his or her policy or policies, temporarily and permanently.

EQUITABLE APPORTIONMENT

30. Throughout the course of the marriage, the parties have accumulated marital property and incurred marital debts and Husband is entitled to an Order of this Court identifying, valuing, and equitably apportioning all of the parties' marital property and debts.

31. The marital estate includes two parcels of real property: (i) a residential property located at 664 McCutchen Circle in Charleston, South Carolina (hereinafter "McCutchen") titled in Wife's name only and where Wife currently resides, and (ii) a residential property located at 7312 Eddy Farm Road in Meggett, South Carolina (hereinafter "Eddy Farm") titled in Husband's name only and where Husband currently resides.

32. Each party should be granted the exclusive use and possession of one of the two residential properties in the marital estate and should thereafter being solely responsible for all costs

associated with the residence he/she receives including, but not limited to, mortgage(s) payments, utilities, insurance(s), homeowners' association dues and fees, maintenance, upkeep, and *ad valorem* taxes, temporarily and permanently.

33. The parties own a business together, namely McGee Law Firm, LLC (hereinafter the "Firm"), where Husband is currently employed and through which Husband earns income. Wife has not been employed by or generated any significant income for the Firm since 2020. Wife left the Firm for other employment, while Husband's contributions to the business's operations, growth in value, and continuity substantially outweigh Wife's contributions to the business. Husband has remained active in the management of the business from its creation to the present; contrarily, Wife's role in the Firm was overwhelmingly passive and, at times, non-existent.

34. Husband should be entitled to sole ownership of the Firm and be responsible for all debt, expenses, and liabilities associated with the business and as such, he agrees to indemnify and hold Wife harmless from said debts or liabilities, temporarily and permanently.

35. The parties also own several other businesses that were created during the marriage, namely (i) Charleston Legal Group, LLC, (ii) McGee Family Law Firm, LLC, and (iii) Eddy Farm, LLC. The above-named businesses, though dormant, are marital assets and, as such, are subject to equitable apportionment and Husband is informed and belief the parties should be restrained from taking any action regarding these entities absent written agreement between the parties, temporarily and permanently.

36. Wife formed a business on or about February 23, 2022, named Canna Consulting, LLC, which was/is, upon information and belief, to be used by Wife to participate in the cannabis or marijuana industry in South Carolina, and for which Husband has no other information. Husband believes that Wife should be entitled to sole ownership of Canna Consulting, LLC, and be

responsible for all debts, expenses, and liabilities associated with said business, and indemnify and hold Husband harmless from any and all debt(s) or liabilities, temporarily and permanently.

37. Each party has a motor vehicle or vehicles in his or her possession and each should be entitled to maintain sole possession of and be solely responsible for the cost of the vehicle(s) in his or her possession including, but not limited to, the cost or purchase money loan payments, insurance, taxes, gas, and maintenance, temporarily and permanently.

38. Both parties have credit card debts in his and her names individually, and each party should be responsible for the payment of those debts in their individual names, temporarily and permanently.

39. The parties should be restrained from accumulating or incurring any debt for which the other party may be held responsible and from disposing of, dissipating, or encumbering any marital property, temporarily and permanently.

OTHER RESTRAINTS

40. Each of the parties should be subjected to prohibitions against the following acts, temporarily and permanently:

- a. Discussing the present litigation with or in the presence of the minor children;
- b. Disparaging the other parent to the minor children, in their presence, or allowing third parties to do so;
- c. Exposing the minor children to any paramour or romantic companion unless and until the parties are divorced;
- d. Exposing the minor children to overnight visitors who are or could be construed to be a paramour or a romantic companion;

- e. Exposing the minor children to any unsafe, illegal, violent, or immoral environment or people;
- f. Having any verbal or physical confrontation in front of the minor children or allowing any third party to do so;
- g. Exposing the minor children to entertainment or media which are not age-appropriate; and
- h. Harming, harassing, bothering, molesting, or otherwise disturbing another party, either in person, via telecommunication or other electronic or digital means, at home, work, or otherwise.

41. Mother should be restrained from the use and consumption of alcohol in the presence of the minor children or during her parenting time, and Father should be restrained from the excessive use of alcohol in the presence of the minor children or during his parenting time.

42. The parties should be mutually restrained from the use illegal narcotics or abusing prescription medication, whatsoever, and from allowing third parties to do so in the presence of the minor children.

43. Wife has specifically and intentionally undertaken efforts to spoil, delete, and dispose of materially significant electronic data and/or relevant electronic communications between herself and third parties since, at least, the commencement of her ongoing extramarital affairs, including but not limited to the use of ephemeral messaging applications on her electronic devices, the purchase of an additional cellular telephone, and the addition of a new and separate cellular telephone number.

44. Wife should be restrained from destroying, spoiling, deleting any electronic data or communications between herself and any third parties and/or from allowing any such data and/or

communications from being deleted, and/or using ephemeral messaging applications for communications, and/or taking any action to hinder the discovery of photographs, videos, emails, text messages, chat messages, other electronic messages, search history, social media account history, data related to location history, and all other data contained on her electronic devices or any cloud drive associated therewith, or from any other source within her custody and control, temporarily.

ATTORNEY FEES AND INVESTIGATOR COSTS

45. Wife's illegal, immoral, and irresponsible conduct and deceit necessitated the use of a private investigator and caused Husband to incur such costs, therefore Husband believes Wife should be responsible for such costs he incurred and respectfully prays for an Order granting this relief, temporarily and permanently.

46. Wife's conduct necessitated the filing of this action and Husband has incurred attorney fees and costs unnecessarily and Husband believes Wife should be responsible for all such fees and costs incurred and respectfully prays for an Order granting this relief, temporarily and permanently.

WHEREFORE, having full set out his Complaint herein, Plaintiff respectfully requests an Order as follows:

- A. Granting all relief sought herein above;
- B. Granting Plaintiff a divorce *a vinculo matrimonii* based upon the statutory ground of adultery;
- C. Granting Plaintiff an Order of Separate Support and Maintenance allowing him to live separate and apart from Wife and establishing the rights and responsibilities of each party, temporarily and permanently;

- D. Granting Plaintiff sole legal and physical custody of the minor children, temporarily and permanently;
- E. Alternatively, granting the parties joint legal and physical custody of the minor children, with Father listed as primary custodian;
- F. Requiring Defendant to immediately submit to drug and alcohol testing, including but not limited to hair follicle, blood, and urine testing, and to provide the results of such testing to the Court;
- G. Requiring Defendant to submit to additional and ongoing drug and alcohol testing and present negative drug and alcohol testing results prior to exercising any overnight visitation with the minor children, temporarily and permanently;
- H. Requiring Defendant to submit to a comprehensive psychological evaluation and be responsible for all costs associated with the same, temporarily and permanently;
- I. Establishing a regular visitation schedule for the minor children and Mother, to include additional time for each parent during the holidays and summers, temporarily and permanently;
- J. Establishing reasonable, regular electronic visitation between each party and the minor children while the minor children are with the other party, temporarily and permanently;
- K. Requiring that the party receiving the minor children for visitation be responsible for transportation from the other party's home or, if applicable, from the minor children's school, temporarily and permanently;
- L. Appointing a Guardian *ad Litem* to represent the minor children's best interests and conduct a complete investigation for the Court's review and, further, that Mother be solely responsible for all fees and costs associated with the Guardian *ad Litem*'s services, temporarily and permanently;

- M. Requiring Mother to pay child support to Father in accordance with the South Carolina Department of Social Services' Child Support Guidelines, with all such payments being made through the Support Division Unit of the State of South Carolina, with the applicable surcharge added thereto, temporarily and permanently;
- N. Imputing income to Mother consistent with her earning potential;
- O. Requiring Plaintiff to continue to provide health insurance coverage for the minor children with the cost being factored into the child support calculation, temporarily and permanently;
- P. Requiring Plaintiff to maintain work-related childcare services for the minor children with the cost being factored into the child support calculation, temporarily and permanently;
- Q. Requiring any uncovered medical expenses of the children to be divided between the parties on a *pro rata* basis pursuant to the South Carolina Child Support Guidelines;
- R. Barring Wife from receiving alimony or spousal support as a consequence of her adulterous conduct, temporarily and permanently
- S. Requiring Plaintiff to maintain health insurance coverage for Wife unless and until Wife is able to procure alternative coverage, but requiring Wife to be responsible for the cost of her health insurance and reimburse Husband for this expense as well as be solely responsible for the cost of any uncovered medical expense she incurs, temporarily and permanently;
- T. Requiring the parties to maintain the life insurance policies currently in place, with the other party listed as the beneficiary, and each be solely responsible for the cost of premiums associated with his or her policy or policies, temporarily and permanently
- U. Identifying, valuing, and equitably apportioning the parties' marital property and estate;
- V. Granting each of the parties the exclusive use and possession of one of the two residential properties in the marital estate and requiring thereafter the parties to be solely responsible for all

costs associated with the residence he/she receives, including but not limited to mortgage payments, utilities, insurances, homeowners' association dues and fees, maintenance, upkeep, and *ad valorem* taxes, temporarily and permanently;

W. Entitling each party to maintain sole possession of and be solely responsible for the cost of the vehicle(s) in his or her possession, including but not limited to the cost or purchase money loan payments, insurance, taxes, gas, and maintenance, temporarily and permanently;

X. Requiring each party to be responsible for the payment of the credit card debts in their respective names, temporarily and permanently;

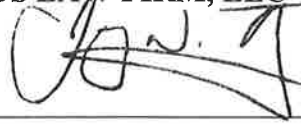
Y. Restraining the parties from accumulating or incurring debt for which the other party may be held responsible and from disposing of, dissipating, or encumbering any marital property, temporarily and permanently;

Z. Subjecting each of the parties to the following prohibitions against the following acts, temporarily and permanently:

- a.* Discussing the present litigation with or in the presence of the minor children;
- b.* Disparaging the other parent to the minor children, in their presence, or allowing third parties to do so;
- c.* Exposing the minor children to any paramour or romantic companion prior unless and until the parties are divorced;
- d.* Exposing the minor children to overnight visitors that are or could be construed to be a paramour or a romantic companion;
- e.* Exposing the minor children to any unsafe, illegal, violent, or immoral environment or people;

- f.* Having any verbal or physical confrontation in front of the minor children or allowing any third party to do so;
 - g.* Exposing the minor children to entertainment or media which are not age-appropriate; and
 - h.* Harming, harassing, bothering, molesting, or otherwise disturbing another party, either in person, via telecommunication or other electronic or digital means, at home, work, or otherwise.
- AA. Restraining Defendant from the use and consumption of alcohol in the presence of the minor children or during her visitation time and restraining Plaintiff from the excessive use of alcohol in the presence of the minor children or during his visitation time;
- BB. Mutually restraining the parties from the use illegal narcotics or abusing prescription medication, whatsoever, and from allowing third parties to do so in the presence of the minor children;
- CC. Restraining Defendant from destroying, spoiling, deleting any electronic data or communications between herself and third parties and/or from allowing any such data and/or communications from being deleted, and/or taking any action to hinder the discovery of photographs, videos, emails, text messages, chat messages, other electronic messages, search history, social media account history, data related to location history, and all other data contained on her electronic devices or any cloud drive associated therewith, or from any other source within her custody and control, temporarily and permanently;
- DD. Requiring Defendant to be responsible for Plaintiff's attorney's fees and costs, including private investigator costs, that he has incurred, temporarily and permanently; and
- EE. Granting such other and further relief as this Court may deem just and proper.

THEOS LAW FIRM, LLC



JERRY N. THEOS, ESQUIRE

Attorney for Plaintiff

Theos Law Firm, LLC

11 State Street

Charleston, SC 29401

Phone: (843) 577-7046

Fax: (843) 203-4985

October 20, 2022

Charleston, South Carolina

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY FAMILY COURT

Appellate Case No. 2023-001376

Justin McGee

Respondent,

v.

Lindsay F. McGee

Petitioner.

**Affidavit of Daniel Walden
In Opposition to Petitioner's Amended Motion to Suppress**

I, Daniel Walden, testify under penalty of perjury that:

1. I am over 18 years old and competent to testify to the matters set forth below.
2. I testify from my own personal knowledge.
3. I have an iPhone that is now and has always been named "Dan's iPhone." I also have an iPad that is now and has always been named "Daniel's iPad (2)" (see screenshot attached hereto as Exhibit A).
4. I am married to Justin McGee's mother and I have been very involved with these parties and their minor children for the duration of their marriage. I visited the home at 664 McCutchen Street when the whole family, including Justin, were living there and I connected my iPhone and iPad to the wireless internet while there. This occurred in June 2021.
5. As I understand it, Lindsay McGee submitted a report purportedly indicating that my iPhone connected to the wireless internet at 664 McCutchen Street on Monday, June 12, 2023. This is false and not possible. I was in the State of Minnesota for the entire day on June 12,

2023, and I attended an elder meeting at church that evening. Neither myself nor my iPhone were anywhere near the house at 664 McCutchen Street on June 12, 2023.

6. As I understand it, this report also purportedly indicates that my iPad connected to the wireless internet at 664 McCutchen Street on Saturday, June 24, 2023. This is false and not possible. I was in Knoxville, Tennessee on June 24, 2023. Neither myself nor my iPad were anywhere near the house at 664 McCutchen Street on June 24, 2023.

7. I have not been to the house at 664 McCutchen Street at all during 2023.

8. I was in Charleston visiting for the Thanksgiving holiday in November 2022. I went to the house at 664 McCutchen Street once during this visit but was only present there for a few minutes (after we all went to the Christmas Light Show at Charleston County Park). I do not believe my iPhone connected to the wireless internet during the few minutes I was at that home, but it's possible. I did not have my iPad with me, so my iPad would not and could not have connected to the wireless network there in November 2022.

9. I was not present at the house at 664 McCutchen Street between June 2021 and that short visit in November 2022.

10. I believe the last time either of my Apple devices connected to the wireless network at 664 McCutchen Street was in June 2021.

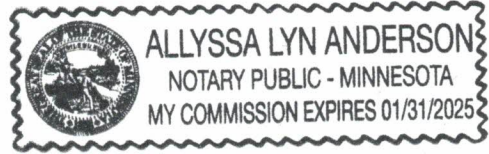
11. Any report, document, or testimony claiming that my iPhone (named "Dan's iPhone") connected to the wireless network at 664 McCutchen Street at any point in time after November 2022 is just simply not accurate.

12. Any report, document, or testimony claiming that my iPad (named "Daniel's iPad (2)") connected to the wireless network at 664 McCutchen Street at any point in time after June 2021 is just simply not accurate.

Allyssa Anderson
Signature

Sworn and subscribed to before me
on September 28th, 2023

Allyssa Anderson
Notary Public for St. Louis Co
Print: Allyssa Anderson
My Commission Expires: 1-31-2025



**Exhibit AA (Text Messages Between Lindsay McGee And Justin McGee
Regarding CLE Compliance Form)**

Lindsay F.



SC Bar called the office about having not received your CLE compliance report. I found them on SP exchange and emailed them in. They were about to suspend your license (not joking).

But it's taken care of now and no \$200 late fee.

What?!? I have an email and submitted and paid online.

I even was reimbursed by NCGS

And the bar shouldn't have that number anymore?!?

Melissa (my cousin)



iMessage



Exhibit BB (Affidavit of John Clayton filed on June 20, 2023)

Lowcountry PI

John Clayton

June 12, 2023

Status

Report To: Justin McGee

From: John Clayton
Private Investigator

Reference: Investigation

Case: McGee v. McGee

Introduction:

In June 2022, John Clayton of Lowcountry PI Services licensed as a private investigator in the state of South Carolina, was hired to conduct an investigation for Mr. Justin McGee. Mr. McGee believed that his wife, Mrs. McGee was having or could commence an adulterous affair, explaining that he believed Lindsay had created a profile on a dating website. Mr. McGee wanted Mrs. McGee's activities documented. They have three children from this marriage. Mr. McGee signed a contract for investigative services and a retainer of \$1,500.00 was paid.

Mr. McGee stated that Mrs. McGee drives a silver Lexus SUV bearing South Carolina vehicle license H [REDACTED] 5. A GPS tracking device was attached to Lindsay's vehicle to document her activities.

Adultery:

1. On September 3, 2022, at 9:40 p.m., I visited the Merchant Village shopping center in James Island, S.C as the GPS tracker was showing Mrs. McGee's vehicle was present at this location closest to the Firestone Tire Store at 520 Folly Rd. Charleston, S.C. I observed Mrs. McGee's vehicle. (Exhibit #1) I waited for Mrs. McGee to return to her vehicle. At 2:42 a.m, five hours later I observed Mrs. McGee and another female walk from the direction of O'briens Bar & Grill at 520 Folly Road in Charleston, S.C. Mrs. McGee was obviously grossly intoxicated as she walked staggering and sloppily to her vehicle. (Exhibit #2) The other female got into another vehicle nearby, a burgundy Subaru Forester wagon bearing S.C vehicle license V [REDACTED] 3. (Exhibit #3) This vehicle was registered to Karen Keys of 843 Robert E. Lee Blvd. Charleston, S.C.

2. The vehicles traveled to the corner of Harbor View Rd and Clearview Rd. The burgundy Subaru was left unattended in the parking lot next to a white Jeep bearing S.C vehicle license S [REDACTED] 3, which was also unattended having a warm hood (Exhibit #4). The white Jeep is registered to Jarret Christopher Forino of 1523 Gardenia Drive Apartment #12 Charleston, S.C.

3. Mrs. McGee's residence, 667 McCutcheon Dr., was located near about a half mile away, and her vehicle was in her driveway. Indications were that the previously mentioned vehicles were parked outside of Mrs. McGee's neighborhood, purposely.

4. A short time later an older black model 2006 Honda Civic bearing S.C vehicle license F [REDACTED] was located at Mrs. McGee's residence (Exhibit #5). The vehicle is registered to Stephen Daniel Fowler of Mt. Pleasant, S.C.

5. Mrs. Keys and Mr. Forino left Mrs. McGee's residence at approximately 4:40 a.m. Mr. Fowler left the residence later at approximately 7:18 a.m. (Exhibit #6). Mrs. McGee left the residence a short time later. Indications were Mrs. McGee and Mr. Fowler spent at least a few hours alone together.

6. On September 8, 2022, Lindsay's vehicle went to Avondale and was parked alongside Highway 17 starting at 10:32 p.m. and I went there to conduct in person surveillance. Lindsay was observed exiting the bars with Jay Forino at 1:39 a.m. and entered Lindsay's vehicle (Exhibit #7). They both appeared to be extremely intoxicated. She and Mr. Forino were observed kissing in the vehicle and were inside the parked vehicle together for more than an hour, with the exception that Mr. Forino exited the vehicle around 2:35 a.m. and urinated on wall of an adjacent building and yelled "yeah" or "wooooo." Lindsay's car then moved to the gas station at 484 Savannah Highway and was parked there for approximately seven minutes, then she drove home, where she arrived at 3:05 a.m.

7. As an experienced investigator and retired law enforcement officer I can state with a professional degree of certainty that Lindsay engaged in an adulterous affair with Mr. Forino and Mr. Fowler. Further and subsequent evidence confirming these adulterous relationships is also available.

8. I conducted background checks on both Mr. Fowler (Exhibit #8) and Mr. Forino (Exhibit #9).

Alcohol Use:

9. As part of my investigation, I investigated Lindsay while she was visiting bars and places known for alcohol sales. Upon information and belief, based upon the GPS tracker data on Mrs. McGee's vehicle, Mrs. McGee went to the following bars on the dates identified:

- 9/1 11:55 am – 1:27 pm (Triangle)
- 9/2 10:50 – 12:12 (Grumpy Goat)
- 9/2 2:52 – 4:20 (Garage 75)
- 9/2 7:12 – 12:00 am (O'Briens)
- 9/3 6:17 – 6:44 (Fams Brewery)
- 9/3 9:25 pm – 9/4 2:45 am (O'Briens)
- 9/4 10:30 am – 11:35 am (Eli's Table)
- 9/4 6:30 pm – 8:45 pm (Lowdown)
- 9/4 9:04 pm – 9/5 12:52 am (Grumpy Goat)

- 9/5 12:51 pm – 1:30 pm (Lowdown)
- 9/7 4:52 pm – 7:10 pm (Eli's Table)
- 9/8 10:32 pm – 3:05 am (Triangle/Avondale)
- 9/9 12:18 p.m. – 1:16 pm (Odyssey Bottle Shop)
- 9/16 12:51 p.m. – 1:18 pm (O'Briens)
- 9/17 1:49 pm – 2:28 p.m. (O'Briens)
- 9/18 1:12 p.m. – 2:17 p.m. (Eli's Table)
- 9/18 6:45 p.m. – 12:40 a.m. (Grumpy Goat)
- 9/19 4:25 p.m. – 5:48 p.m. (Garage 75)
- 9/20 11:35 a.m. to 12:52 p.m. (Los Reyes)
 - On this occasion, Mrs. McGee was with Mr. Forino and I obtained pictures of them hugging in the parking lot (Exhibit #9).
- 9/21 4:02 p.m. – 5:39 p.m. (Garage 75)
- 9/22 4:56 p.m. – 7:49 p.m. (Eli's Table).
- 9/26 3:07 p.m. – 4:47 p.m. (Bakers Bar)
- 9/27 5:45 p.m. – 6:07 p.m. (O'Briens)
- 9/28 11:04 a.m. – 12:04 p.m. (O'Briens).
- 10/2 7:02 p.m. – 8:01 p.m. (Grumpy Goat).
- [tracker gap]
- 10/14 5:58 p.m. – 7:41 p.m. (Grumpy Goat)
- 10/20 5:09 p.m. – 9:35 p.m. (Red Drum)
- 10/23 3:38 p.m. – 4:14 p.m. (Firefly Distillery)
- 10/26 1:35 p.m. – 1:58 p.m. (Fam's Brewery)
- 10/27 5:04 p.m. – 5:54 p.m. (Odyssey Bottle Shop)
- 10/27 8:02 p.m. – 9:26 p.m. (Triangle)
- 11/1 5:15 p.m. – 8:17 p.m. (Grumpy Goat)
- 11/3 1:39 p.m. – 2:29 p.m. (O'Briens).
- 11/4 12:54 p.m. – 3:09 p.m. (Juanita Greenbergs)
- 11/4 3:28 p.m. – 3:42 p.m. (O'Briens).
- 11/4 9:35 p.m. – 11/5 12:48 a.m. (O'Briens).
- 11/5 8:23 p.m. – 10:33 p.m. (Oydssey Bottle Shop).
- 11/8 2:50 p.m. – 3:09 p.m. (O'Briens)
- 11/9 5:46 p.m. – 7:44 p.m. (Oydssey Bottle Shop)
- 11/9 7:49 p.m. – 8:51 p.m. (Grumpy Goat).
- [tracker gap]
- 11/18 12:13 p.m. – 1:24 p.m. (Juanita Greenbergs)
- 11/24 9:23 p.m. – 10:35 p.m. (O'Briens)
- [tracker gap]
- 1/5 (Juanita Greenbergs)
- 1/13 11:48 p.m. – 1/14 2:28 a.m. (O'Briens)
- 1/24 6:24 p.m. – 10:18 p.m. (O'Briens)
- 2/7 7:10 p.m. – 10:34 p.m. (O'Briens)
- 2/11 11:54 a.m. – 1:08 p.m. (Garage 75)
- 2/21 6:47 p.m. – 8:47 p.m. (Grumpy Goat)
- 2/24 5:03 p.m. – 6:08 p.m. (Martins)
- 3/2 6:31 p.m. – 9:20 p.m. (Triangle/Avondale)
- 3/6 12:49 p.m. – 5:29 p.m. (Triangle/Avondale)
- 3/7 1:20 p.m. – 2:39 p.m. (Kickin Chicken)
- 3/7 5:49 p.m. – 8:39 p.m. (Grumpy Goat)
- 3/16 3:56 p.m. – 6:26 p.m. (Coastal Crust)
- 3/20 11:37 a.m. – 1:12 p.m. (Triangle/Avondale)
- 3/20 3:50 p.m. – 7:28 p.m. (Odyssey Bottle Shop)
- 3/20 7:31 p.m. – 8:49 p.m. (Grumpy Goat)

- 3/21 5:09 p.m. – 7:45 p.m. (Lowdown)
- 3/23 12:11 p.m. – 1:02 p.m. (O'Briens)
- 3/23 1:47 p.m. – 2:40 p.m. (Azul)
- 3/25 5:10 p.m. – 6:29 p.m. (Fams Brewery)
- 3/27 1:08 p.m. – 3:48 p.m. (Odyssey Bottle Shop)
- 3/28 12:31 p.m. – 2:14 p.m. (Triangle/Avondale)
- 3/29 1:08 p.m. – 2:38 p.m. (Fams Brewery)
- 3/29 3:41 p.m. – 4:51 p.m. (Odyssey Bottle Shop)
- 3/30 3:40 p.m. – 6:21 p.m. (Odyssey Bottle Shop)
- 4/4 1:36 p.m. – 2:59 p.m. (Fams Brewery)
- 4/8 4:02 p.m. – 5:23 p.m. (Triangle/Avondale)
- 4/8 5:58 p.m. – 8:51 p.m. (Windjammer)
- 4/8 9:22 p.m. – 11:27 p.m. (Coastal Crust)
- 4/10 1:16 p.m. – 4:52 p.m. (Odyssey Bottle Shop)
- 4/10 4:58 p.m. – 10:03 p.m. (O'Briens)
- 4/13 7:14 p.m. – 8:41 p.m. (O'Briens)
- 4/14 4:11 p.m. – 6:55 p.m. (Coastal Crust)
- 4/15 7:19 p.m. – 8:27 p.m. (Edison)
- 4/21 5:45 p.m. – 7:56 p.m. (Martins)
- 4/21 8:04 p.m. – 10:35 p.m. (Grumpy Goat)

10. These dates, times and locations that are, upon information and belief, times where Mrs. McGee went to establishments known for serving alcohol and are based solely off GPS tracker data for Mrs. McGee's vehicle. Mrs. McGee and her friends (Karen Keys, Forino, and Fowler) also engaged in numerous tricks and deception by swapping vehicles, removing trackers, removing and replacing trackers, and ride sharing. For this case alone, Mrs. McGee and Mr. Fowler removed and kept no less than eight GPS Tracker devices.

11. Mrs. McGee also frequently drove after visiting these establishments. I am only aware of one occasion where Mrs. McGee did not drive home after visiting these establishments. Mrs. McGee was very active during the week of Thanksgiving 2022 and visited numerous bars during that time as well as having repeated guests, including Mr. Fowler, to her home. As I understand it, this is important because she was supposed to have the children for the entire Thanksgiving holiday.

Other:

12. Mrs. McGee also regularly did not leave her residence until mid to late afternoon on days following these visits to establishments known for serving alcohol.

13. Mrs. McGee also, upon information and belief, frequented establishments known for serving alcohol regularly while riding to and from in a vehicle other than her own (with Mr. Fowler, for example).

14. On September 7, 2022, Mrs. McGee was at Eli's Table (where Mr. Forino worked) from 4:52 p.m. to 7:10 p.m., which, as I understand it, was significant because she elected not to go to her oldest son's birthday dinner.

15. On October 23, 2022, GPS Tracker data for Mrs. McGee's car established that she was present at Mr. McGee's house from 1:02 p.m. to 1:32 p.m. before leaving and heading directly to Firefly Distillery and then O'Briens, meaning, as I understand it, that Mrs. McGee was only present for her daughter's birthday party for thirty minutes. The following morning, she went back to O'Briens at 6:19 a.m. and was there until 6:46 a.m. (presumably she was dropping Mr. Folwer off back at his vehicle after he spent the night).

16. Also, on the weekends Mrs. McGee had the children, she also did not travel much. Typically, Mrs. McGee's vehicle would remain parked for almost the entire weekend on weekends she had the children compared to being quite active when she did not have the children.

17. GPS Tracker data from Mr. Fowler's vehicle established that from September 4 on, he would frequently get off work from O'Briens early in the morning (around 4:30 – 5:00 a.m.) and go straight to Mrs. McGee's residence and stay there for a few hours.

18. Mr. Fowler also drove by Mrs. McGee residence early in the morning on numerous occasions without stopping.

19. Mr. Fowler was present at Mrs. McGee's house on December 14, 2023 from 4:14 a.m. to 11:01 a.m., which, as I understand it, was when Mr. and Mrs. McGee was previously coordinated Mr. McGee dropping stuff off at Mrs. McGee's house with the children in the car, which resulted in the children seeing Mr. Fowler's vehicle parked at Mrs. McGee's residence.

20. Mr. Fowler was present at Mrs. McGee's house on the morning of February 8, 2023 which, as I understand it, was when Mrs. McGee previously agreed to care for their youngest daughter while she was sick.

21. Mr. Fowler was present at Mrs. McGee's house on the morning of March 2, 2023, which, as I understand it, was when Mrs. McGee was supposed to meet Mr. McGee at the children's dental appointment.

22. On April 28, 2023, Mr. Fowler spent the night at Mrs. McGee residence then his vehicle traveled to Locals bar on James Island at 1:00 p.m. where it remained until 2:32 p.m. Then it traveled in an erratic manner before delivering Mrs. McGee back to her residence at approximately 3:05 p.m., which, as I understand it, was concerning because Mrs. McGee was presumably consuming alcohol while at Locals bar with Mr. Fowler and was supposed to pick up the children shortly thereafter.

23. After conducting this investigation, for a significant period of time, I can make the following conclusions to a reasonable degree of certainty: (a) Mrs. McGee has an ongoing adulterous relationship with Mr. Fowler, (b) committed adultery with Mr. Forino, (c) regularly consumes alcohol, (d) consumes alcohol to excess, (e) drives after drinking to excess, (f) does not appear to be motivated or productive during the weekday, and (g) does not prioritize her children.

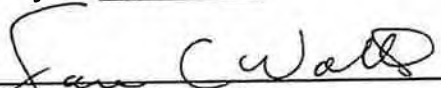
24. On the other hand, I've come to know Mr. McGee well and believe him to be an excellent father who is constantly focused on doing what he believes is best for his family, especially his children.

25. GPS Tracker reports and additional evidence are available upon request.



John Clayton

Sworn to before me this
12th day of June 2023



NOTARY FOR SOUTH CAROLINA
My Commission Expires 10.16.2029

EXHIBIT 1



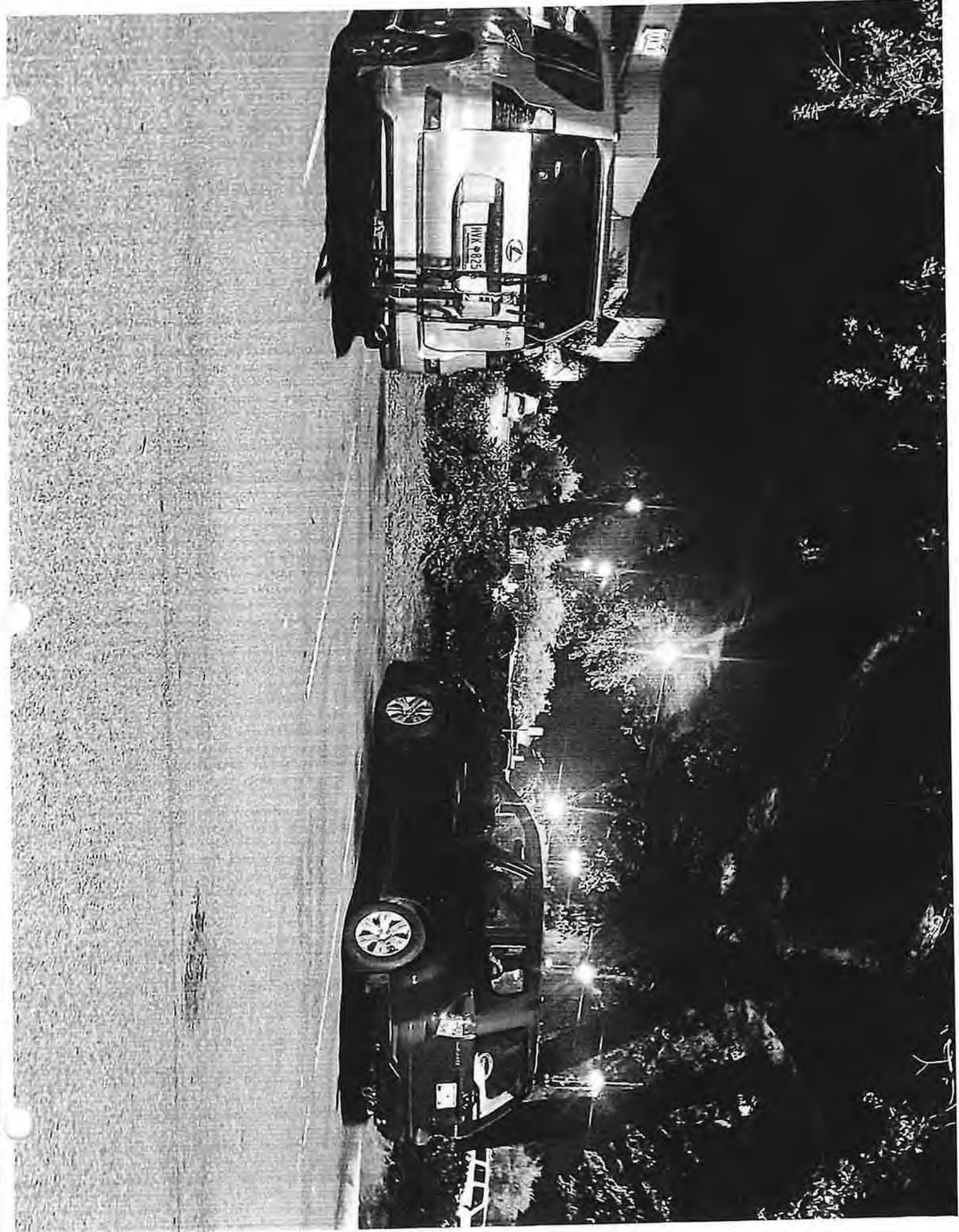


EXHIBIT 2



EXHIBIT 3

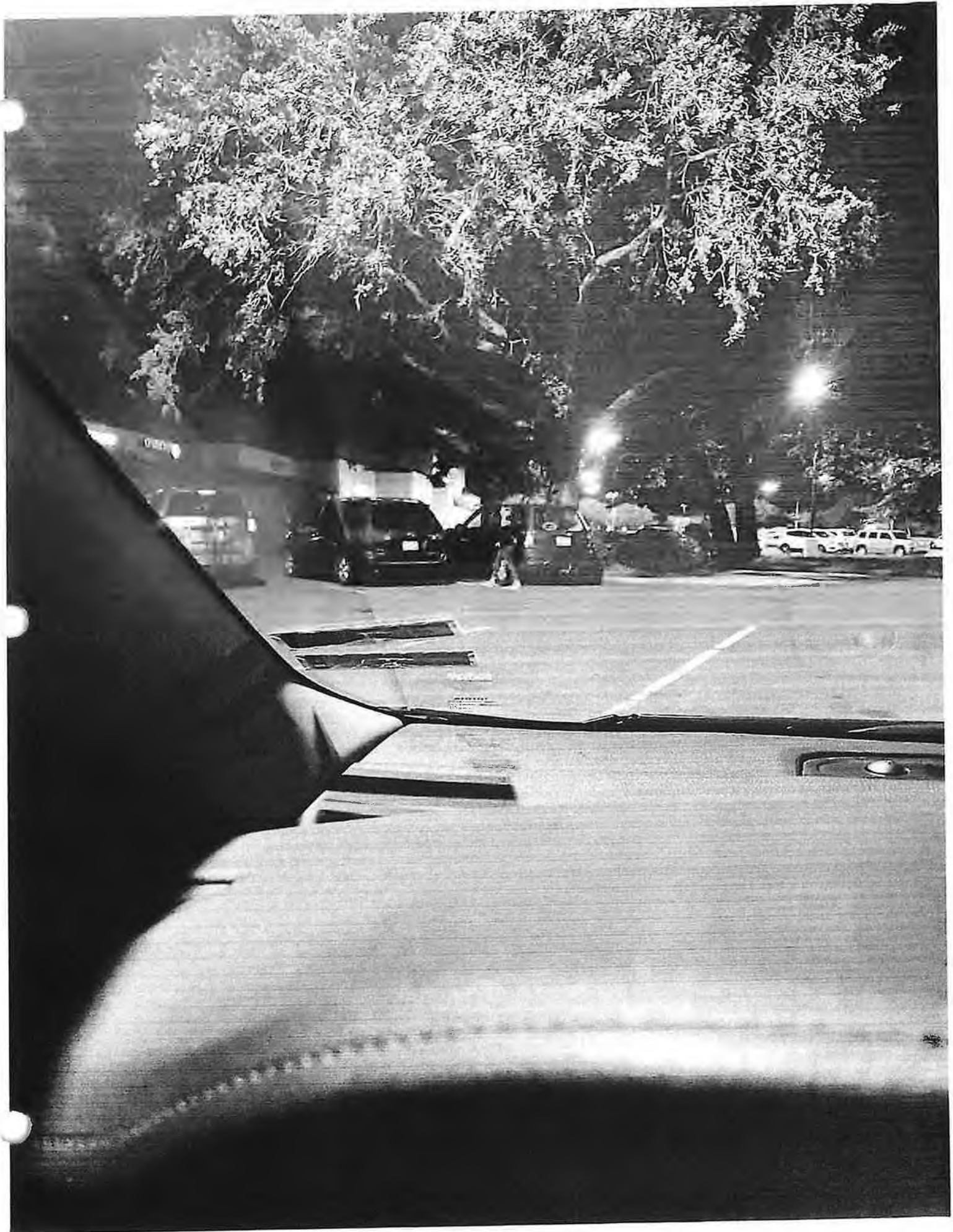


EXHIBIT 4



EXHIBIT 5



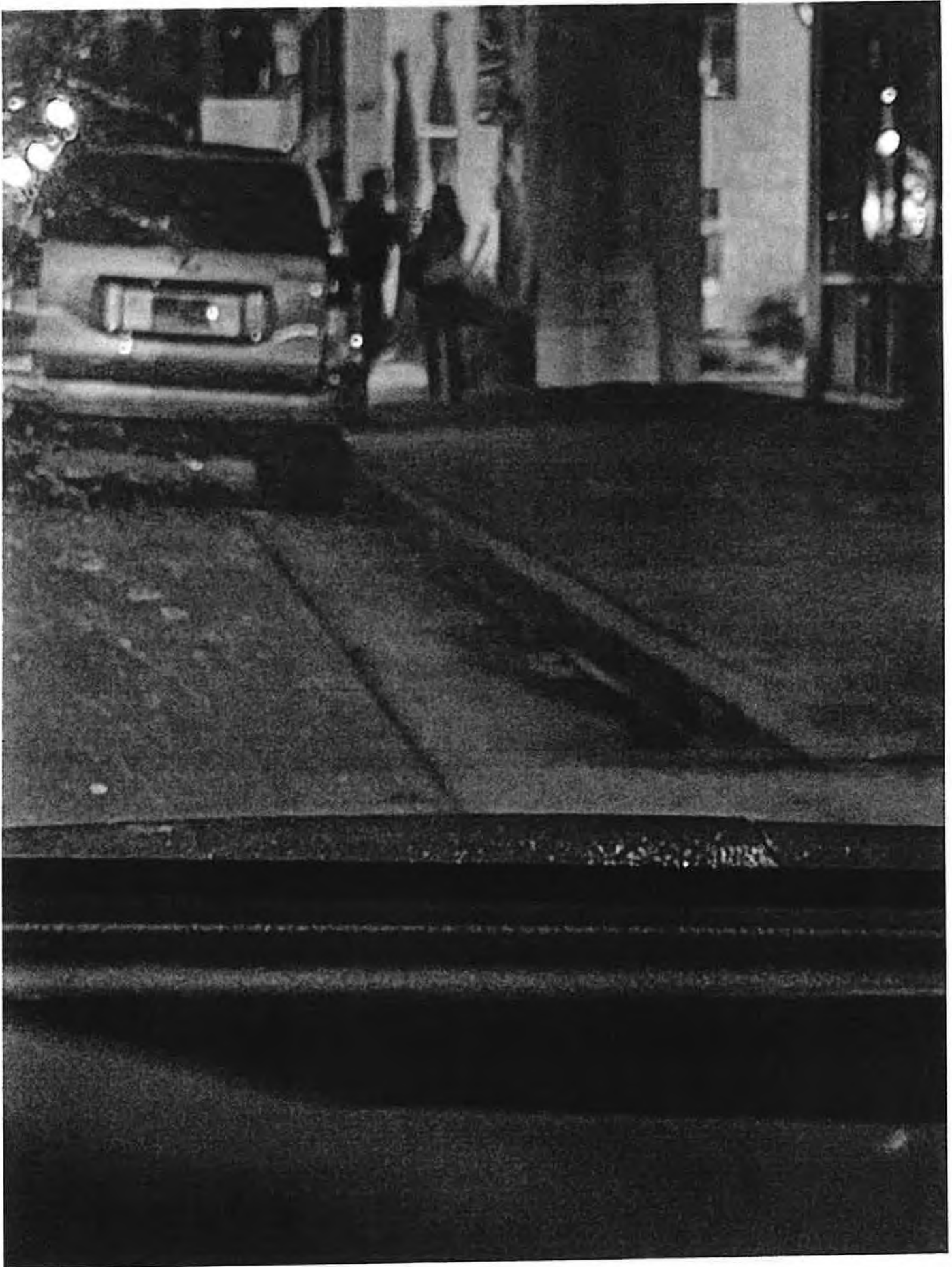
EXHIBIT 6





2022/09/04





**Exhibit CC (Affidavit Of John Clayton Filed In The Keys V. Keys Matter
Then Pending In Charleston County Family Court)**

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

DAVID CONOR KEYS,
Plaintiff,

v.

KAREN JANELLE KEYS,
Defendant.


IN THE FAMILY COURT FOR
THE NINTH JUDICIAL CIRCUIT
CASE NO.: 2022-DR-10-2781

AFFIDAVIT OF JOHN CLAYTON

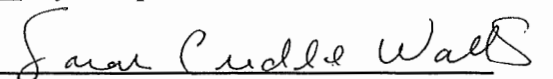
PERSONALLY APPEARED before me, John Clayton, who, being duly sworn, does state as follows:

1. I am a citizen and resident of Berkeley County, South Carolina and I am over the age of 18. This affidavit is sworn on my personal knowledge, unless otherwise stated, and I am competent to testify to the matters stated herein.
2. I am the owner and operator of Lowcountry PI Services. I am a licensed private investigator in the State of South Carolina since February 2011, and I am competent to provide this testimony.
3. Attached to this Affidavit as an exhibit is a true and authentic copy of the Report of Investigation I prepared October 8, 2022, regarding this matter.¹

FURTHER AFFIANT SAYETH NAUGHT!


JOHN CLAYTON

SWORN TO before me this
24 day of April 2023


NOTARY PUBLIC FOR SOUTH CAROLINA

My commission expires:

10.16.2029

¹ See Exhibit A.

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

DAVID CONOR KEYS,

Plaintiff,

vs.

KAREN JANELLE KEYS,

Defendant.

IN THE FAMILY COURT
NINTH JUDICIAL CIRCUIT

**AFFIDAVIT OF AUTHENTICITY
OF JOHN CLAYTON**

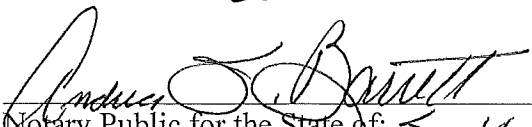
CASE NO.: 2022-DR-10-2781

PERSONALLY appeared before me, John Clayton, who being duly sworn, deposes and says as follows:

1. I am a private investigator in the Charleston County area.
2. I hereby certify and affirm that the attached document is a complete, true and accurate copy of my investigative report as kept in the normal course of business, and I would so testify in Court.
3. I am over the age of twenty-one (21) years and am competent to testify to the matters stated herein.
4. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment by contempt.


Printed Name: JOHN CLAYTON

SWORN to and subscribed to me
this 10th day of October, 2022


Notary Public for the State of: South Carolina
My Commission Expires: 9/6/29

Lowcountry PI

John Clayton

October 8, 2022

Status

Report To: Conor Keys

From: John Clayton
Private Investigator

Reference: Investigation

Case: Keys vs. Keys

Introduction

On September 3, 2022, John Clayton of Lowcountry PI Services licensed as a private investigator in the state of South Carolina, was hired to conduct an investigation for Mr. Conor Keys. Mr. Keys believed that his wife, Karen is having an adulterous affair. Mr. Keys wanted Mrs. Keys activities documented. Mr. Keys was very concerned about the amount of alcohol Mrs. Keys consumes while she is out partying. Mr. Keys signed a contract for investigative services and a retainer of \$1,500.00 was paid.

Mr. Keys stated that Mrs. Keys drives a burgundy 2009 Subaru Forrester bearing South Carolina vehicle license V [REDACTED] 3. A GPS tracking device was attached to Mrs. Keys vehicle to document her activities.

Investigation

On September 3, 2022, Mrs. Keys visited O'Brien's Restaurant & Bar located at 520 Folly Rd. Charleston, S.C. meeting a friend Lindsay McGee at 9:30 p.m. Their vehicles were parked on the side parking lot. (Exhibit #1-3) Mrs. Keys and Mrs. McGee returned to their vehicles at 2:42 a.m. on September 4, 2022, nearly an hour after the bars of Charleston County are supposed to close at 2:00 a.m. (Exhibit #4 & #5). They were at this bar for over five hours. A GPS tracking device indicated Mrs. McGee stopped at the corner of Harborview Road and Clearview Drive, then on to her residence. Mrs. Keys vehicle was found parked on the corner of Harborview Rd. and Clearview Drive. (Exhibit #6) A white Jeep with a warm hood was also located next to Mrs. Keys vehicle. (Exhibit

#7) The 2020 Jeep Laredo Grand Cherokee Bearing S.C vehicle license S [REDACTED] 3, was registered to Jarret Christopher Forino of 1523 Gardenia Rd. Apmt #12 Charleston, S.C 29407. (Exhibit #8)

A short time later, a black 2006 Honda Civic arrived in the driveway of Mrs. McGee's residence 664 McCutcheon Dr. Charleston, S.C. (Exhibit #9) The S.C license tag F [REDACTED] 1 is registered to Stephen Daniel Fowler at 806-K Runaway Bay Lane Mt. Pleasant, S.C. (Exhibit #10) GPS tracker report shows that Mrs. McGee's vehicle arrived home at 3:01 a.m. (Tracker reports) after Mrs. Keys and Mr. Forino hid their vehicles to avoid detection. Indications are Mrs. Keys and Mr. Forino rode with Mrs. McGee to her house. Video surveillance shows that Mrs. Keys and Mr. Forino leave the residence via front door on foot at 3:56 a.m., (Exhibit 11 & #12) to walk back to their vehicles. This is the first documented opportunity for Mrs. Keys and Mr. Forino to further their adulterous affair. Mrs. McGee and Mr. Fowler are documented exiting the house after daylight.

September 4, 2022, Mrs. Keys and Mrs. McGee visited the Lowdown bar at 967 Folly Road at 6:10 p.m. (Exhibit #13) They left at 8:47 p.m. Mrs. Keys, Mr. Forino, and Mrs. McGee then visited the Grumpy Goat Bar at 1023 Harbor View Rd. Charleston, S.C. (Exhibit #14) Mrs. McGee's vehicle rear parking lot of bar no photograph. All three leave in their respective vehicles and arrive at Mrs. McGee's house at about 1:00 a.m. on September 5, 2022. They were at these two separate bars for seven hours. While standing nearby in Mrs. McGee's front yard I witnessed Mrs. Keys walk Mr. Forino out of the front door. Intoxicated she turns around and starts shaking her butt flirtatiously, sexually twerking at him as he's leaving. He leaves in his vehicle September 5, 2022, at 1:47 a.m. (Exhibit # 15) This is the second documented opportunity to further their affair for Mrs. Keys and Mr. Forino.

September 9, 2022, Mr. Forino and Mrs. McGee were visiting another bar exiting Gene's Hauffbrau, obviously intoxicated, they entered Mrs. McGee's vehicle. (Exhibit #16-20) They were in Mrs. McGee's vehicle for nearly an hour. With the aid of binoculars, I could see they appeared to be making out, kissing very affectionately. Mr. Forino exited the vehicle, walked over to the side of the building, and let out a loud whoop yell, and obviously grossly intoxicated peed in the shadows on the side of the building.

On September 10, 2022, tracker reports show that Mrs. Keys visited the Grumpy Goat bar from 8:04 p.m. and leaving at 11:47 p.m., arriving home 11:50 p.m. Indications are she was at this bar nearly four hours. (Tracker reports)

On September 20, 2022, Mrs. McGee is documented hugging Mr. Forino very affectionately in the parking lot where they had lunch together at Los Reyes located at 1119 Wappoo Road Charleston, S.C. (Exhibit #21 & #22)

September 24, 2022, GPS indicated Mrs. Keys and Mr. Forino were at Mex 1 Coastal Cantina 817 St. Andrews Blvd. Charleston, S.C. (Tracker reports) Upon arrival I sat nearby. They were enjoying dinner together laughing and carrying on conversation. (Exhibit #23 & #24) It should be noted that Mrs. Keys was not truthful with Mr. Keys as he

told me she was going to meet "Kathy" near James Island Cinema. Mr. Forino and Mrs. Keys leave from the rear of her vehicle on side of building, (Exhibit #25 & #26) and he walks her over to his vehicle and opens the passenger door for her to enter. They left her car at Mex 1 and travel to a convenience store 1140 Sam Rittenberg Blvd. (Tracker report) They arrived at Mr. Forino's apartment at 10:45 p.m. (Exhibit #27) They entered Mr. Forino's apartment where they spent over two hours together and exited his apartment on September 25, 2022, at 1:10 a.m. A nearby video camera captures when they exit the apartment and apartment breezeway. (Exhibit #28-#32) This is the third documented opportunity for Mrs. Keys and Mr. Forino to continue their Adulterous affair.

On September 29, 2022, Mrs. Keys left her residence at 10:23 p.m., and visited O'Brien's Bar on a Thursday night, after their children are asleep and have school the next morning. She was there until 1:11 a.m., on September 30, 2022. She was there over two and a half hours. (Tracker reports)

On the very next night September 30, 2022, Mrs. Keys picked up Mrs. McGee at her house and they met Mr. Forino at The Grumpy Goat Bar on Harbor View Road at 7:11 p.m. They left at 1:22 a.m., on October 1, 2022 after being there for over six hours. (Exhibit #33-#35) I was present when they exited the bar and entered Mrs. Keys vehicle and left. Intentionally I let them get out ahead of me as not to follow. For over an hour I was unable to locate them. The GPS stated 724 Harbor View Rd, but I was unable to confirm checking in and around for Mrs. Keys vehicle. Mrs. Keys dropped off Mrs. McGee to her house at 2:36 a.m. Mrs. Keys arrived home at 2:45 a.m. (Tracker reports)

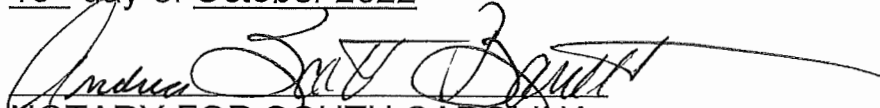
During this investigation Mrs. Keys certainly appears to indulge in a lot of drinking alcoholic beverages while visiting different bars with Mr. Forino and Mrs. McGee. She appears intoxicated and then drives her car. In fact, the three of them appear intoxicated leaving different bars they frequent where the chief item of sale is alcohol and then driving their vehicles. It certainly appears that Mrs. Keys does not prioritize her time and responsibility with her children, instead opting to visit bars consuming alcohol late at night into the early morning hours and enjoy her adulterous behavior.

As an experienced investigator and retired law enforcement officer I can state with a professional degree of certainty that Mrs. Keys is having an ongoing adulterous affair with Mr. Forino. She spends a lot of time with Mr. Forino. Deceptively, she parks her vehicle in different locations to avoid detection and rides off with Mr. Forino. These are scenarios she uses to avoid detection of infidelity. Mrs. Keys waits to leave her house after the children should be asleep during weekdays to go to different bars. She also consumes a lot of alcoholic beverages to the point of intoxication and then drives her vehicle endangering other drivers on the highways and roadways and possibly hurting or killing herself, which is ultimately detrimental to the welfare of Mr. and Mrs. Keys children. None of Mrs. Keys actions with Mr. Forino and her abuse of alcoholic beverages are condoned by Mr. Keys.


John Clayton

Sworn to before me this

10th day of October 2022



NOTARY FOR SOUTH CAROLINA

My Commission Expires 9/6/29

Exhibit # 1



Exhibit # 2



Exhibit #3

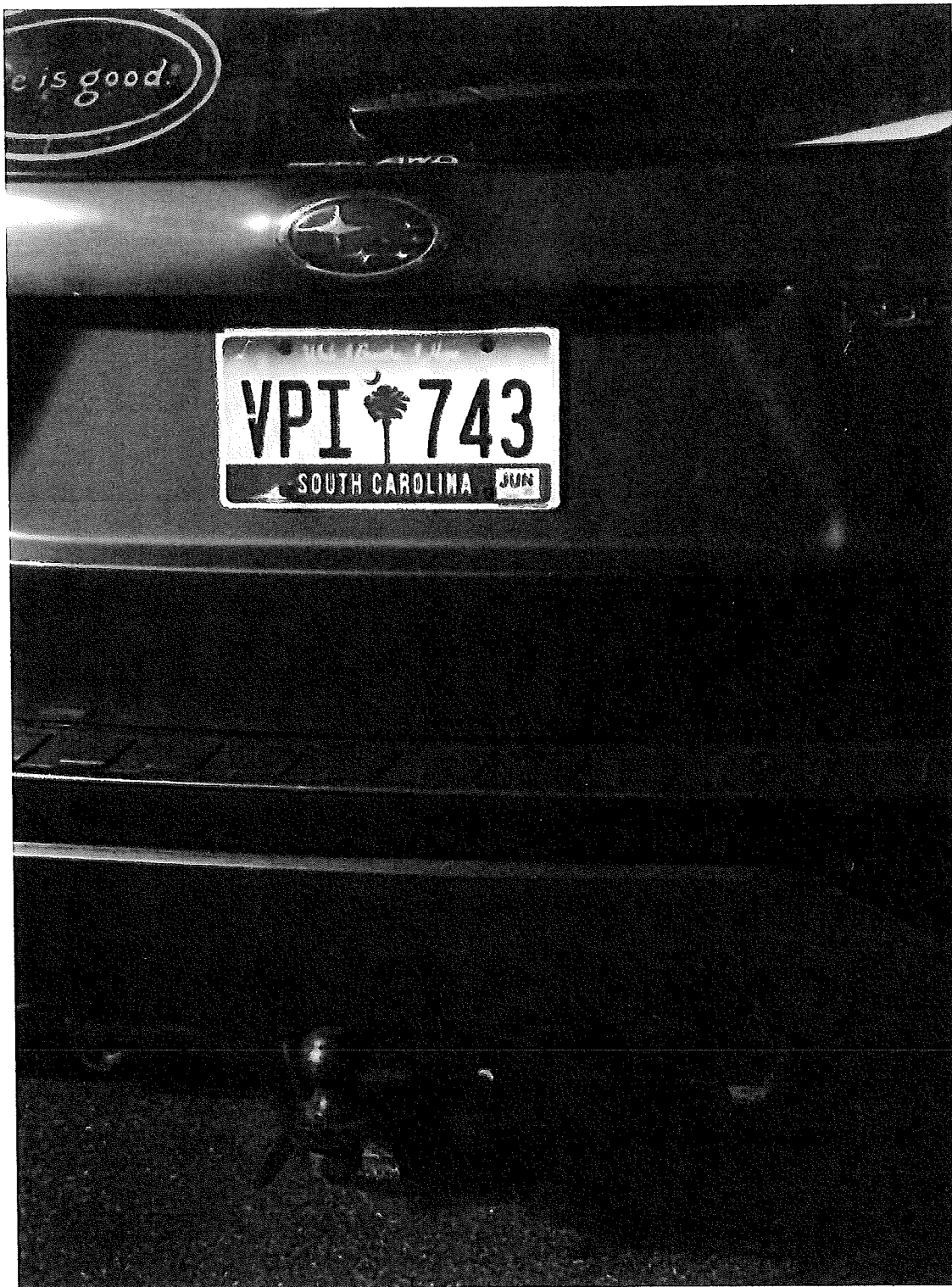


Exhibit #4



Exhibit # 5



Exhibit # 6



Exhibit # 7



Exhibit # 9



Exhibit #11



Exhibit #12



Exhibit #13



Exhibit # 14



Exhibit # 15



Exhibit #16



Exhibit # 17



Exhibit # 18



Exhibit # 19

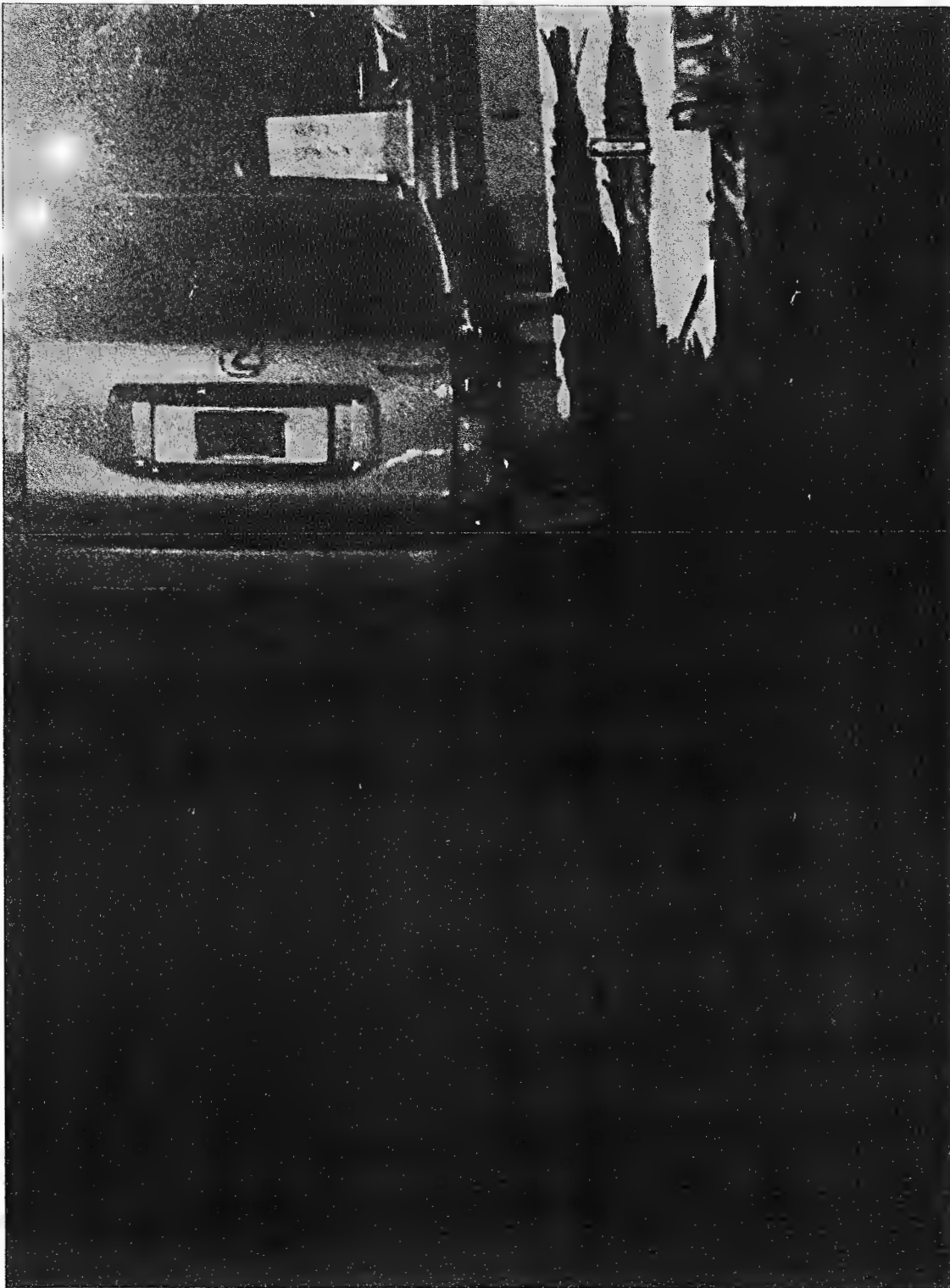


Exhibit # 20



Exhibit #21



Exhibit #22



Exhibit #23

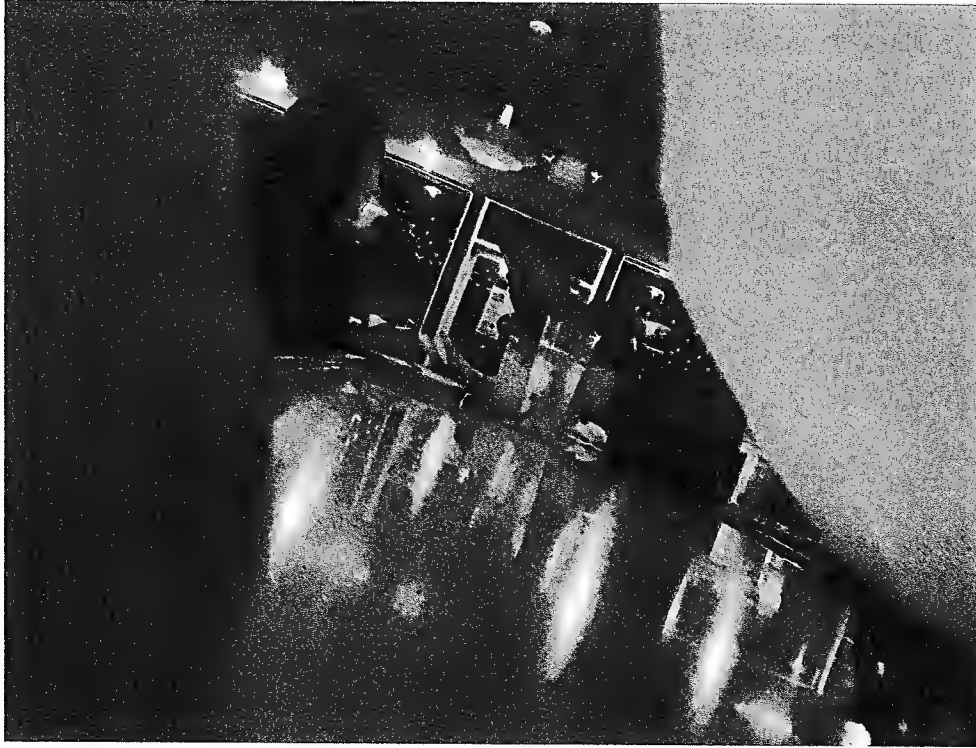


Exhibit #24

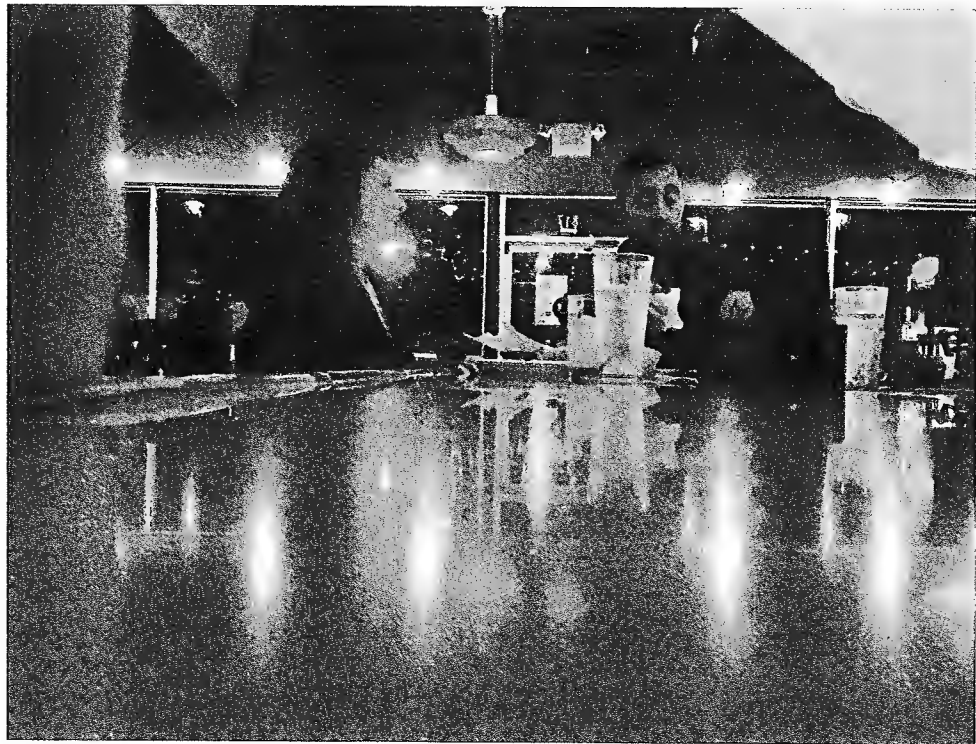


Exhibit # 25

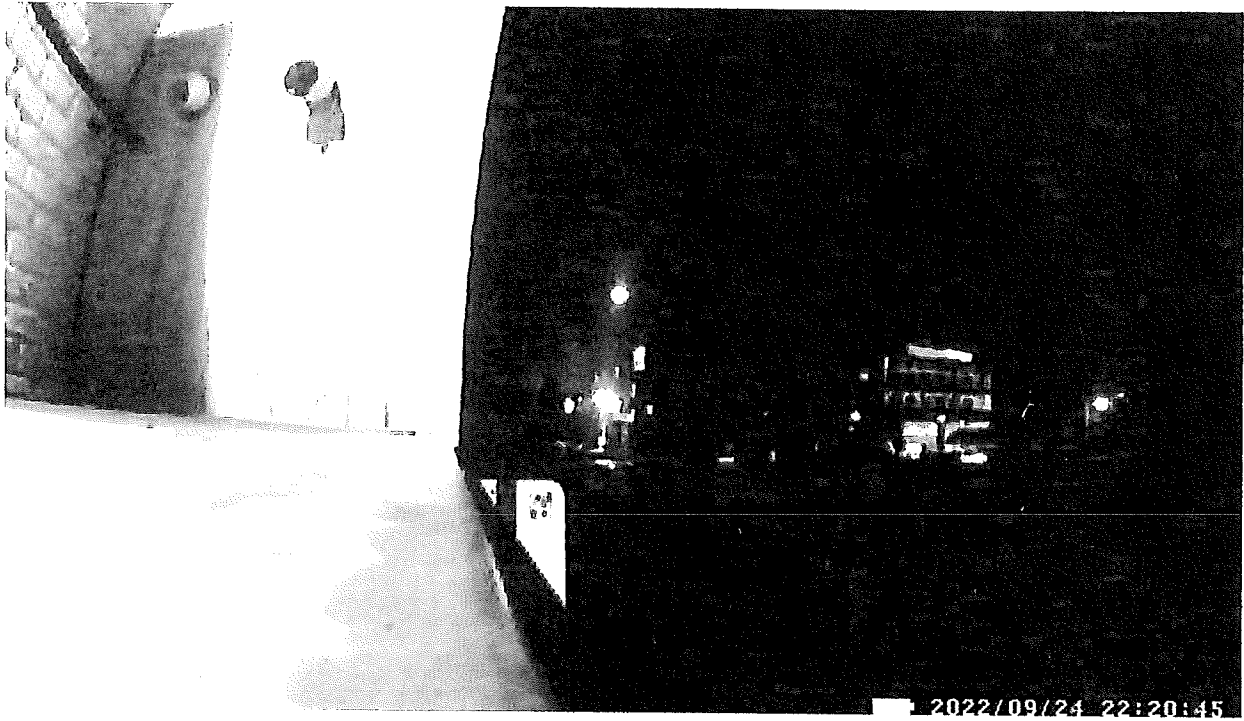


Exhibit #26



Exhibit # 27

6:17



Charleston
September 24 10:44 PM

Edit



Exhibit # 28



Exhibit # 29



Exhibit # 30



Exhibit # 31



Exhibit # 32



Exhibit #33



Exhibit #34



Exhibit # 35



STATE OF SOUTH CAROLINA)	
)	IN THE FAMILY COURT
COUNTY OF CHARLESTON)	NINTH JUDICIAL CIRCUIT
)	CASE NO: 2022-DR-10-3072
JUSTIN M. MCGEE,)	
)	
Respondent,)	
)	
vs.)	
)	
LINDSAY MCGEE,)	
)	
Petitioner.)	
)	

Affidavit of Sean Leonard, GASF, EnCE, CCPA, CCO

PERSONALLY APPEARED before me, SEAN LEONARD, who first being duly sworn deposes and says:

1. My name is Sean Leonard. I am a manager with FORVIS, LLP and I practice out of the office located in Charleston, South Carolina.

2. I have a Bachelor of Science and Master of Science in digital forensics. I am also GIAC certified in Advanced Smartphone Forensics, an EnCase Certified Examiner, a Cellebrite Certified Operator, and a Cellebrite Certified Physical Analyst. My curriculum vitae, which includes more details about my certifications, can be found attached to this affidavit as Exhibit A. My focus at FORVIS is digital forensics.

3. I was retained by Marie-Louise Ramsdale to assist in the collection and analysis of cloud data associated with an organization within M365, McGee Law Firm. I have also been asked to provide further consulting assistance in regard to other digital forensics matters within this case. As is customary, I have been assisted by other FORVIS employees.

4. The purpose of this affidavit is to discuss the inconsistencies found within August 30, 2023, Motion to Suppress Evidence (the “Motion”) and the attached affidavits. Particularly focusing on the affidavits from Steven Abrams and John Bumgarner referenced in the Motion. There are theories suggested by John Bumgarner, in particular, which are based on assumptions, suppositions, and misinterpreted evidence that are stated as “definitive evidence” of wrongdoing by Mr. McGee. Further, Steven Abrams has gone on to state that Justin McGee impersonated Lindsay McGee to gain access to her banking information, an incorrect assumption, ascertained from Mr. Bumgarner, and then stated as fact. The Motion and other affidavits then rely on these incorrect assumptions creating further misunderstandings of the events. This affidavit will focus on showing these assumptions to be incorrect and in turn, any assertions, conclusions, or opinions based on those assumptions to also be incorrect.

Alleged Gmail Intrusion

5. Paragraph 13 of Mr. Bumgarner’s affidavit discusses the alleged unknown access of Lindsay McGee’s Gmail account LMcGee9310@gmail.com and classifies it as an intrusion. The data showing this alleged intrusion was supplied by a Google, LLC subpoena response on August 22, 2023. The record of focus from Mr. Bumgarner can be seen below. This record indicates that an iPhone 13 with iOS version 16.1.1 was used to login into the wife’s Gmail account on March 12, 2023, at around 19:46 UTC. The IP address associated with this event is 166.194.154.91.

2023-03-12 19:46:36 Z	166.194.154.91	Login	com.google.GoogleMobile/248.1 iSL/3.4 iPhone/16.1.1 hw/iPhone14_5 (gzip),gzip(gfe),gzip(gfe)
--------------------------	----------------	-------	--

6. Mr. Bumgarner uses this Gmail login entry to incorrectly show that this alleged intrusion cannot be one of the wife's two iPhones as her iPhone 12 has iOS 16.5.1 and her iPhone 13 has iOS 16.6.

7. Mr. Bumgarner was not retained, and so did not have access to the wife's iPhones, until July 10, 2023. I do not know how Mr. Bumgarner knows the iOS version of an iPhone in March of 2023 as iPhones can be updated both manually and automatically. Just because an iPhone 13 has iOS 16.6 on August 29, 2023, the date of Mr. Bumgarner's affidavit, does not mean that the iPhone 13 had iOS 16.6 in March of 2023. Further, iOS 16.6 was released on July 24, 2023, and iOS 16.5.1 was released on June 21, 2023. Both iOS versions were not available on March 12, 2023, the date of the alleged intrusion. Neither of these iOS versions could have been installed on any iPhone related to this case on March 12, 2023. Mr. Bumgarner has erroneously ruled out the wife's iPhones as one of the phones that accessed her LMcGee9310@gmail.com account on March 12, 2023, by assuming the wife did not have iOS 16.1.1 installed on either of her iPhones.

8. Further, the Gmail login entry to which Mr. Bumgarner refers contains the phrase "iPhone14_5." Detail of this data from Google can be seen below; I added the boxes for emphasis. This is a device identifier created by Apple to identify the type of iPhone it is. iPhone14_5 is associated with an iPhone 13. If this device were an iPhone 8 Plus, like the one in husband's possession, the identifier in the Gmail login entry would be iPhone10_2 or iPhone10,2.

```
com.google.GoogleMobile/248.1 iSL/3.4  
[iPhone/16.1.1]hw/[iPhone14_5  
(gzip),gzip(gfc),gzip(gtc)
```

9. A large majority of Gmail login entries from before June 22, 2023, are associated with an iPhone 13 running iOS 16.1.1 and iPhone 12 running iOS 15.6.1. There are zero entries before June 22, 2023, that are associated with an iPhone that has either iOS 16.5.1 or 16.6. I have been informed this Gmail account was in active use by the wife who used both an iPhone 12 and iPhone 13 during this period. In my opinion, the activity associated with iOS version 16.1.1 during the period covered by the Google logs (November 2022 through July 2023) was most likely activity attributable to the wife.

10. Lastly, I primarily see 16.1.1 associated with an iPhone 13 before June 22, 2023. I never see 16.5.1 associated with an iPhone 13 before this date. Starting on June 22, 2023, entries show an iPhone 13 with iOS version 16.5.1. From this point onwards, there are no entries for an iPhone 13 with iOS 16.5.1. iOS 16.5.1 was released on June 21, 2023. It is reasonable to ascertain from this information that an iPhone 13 used regularly with this account was updated from 16.1.1 to 16.5.1 on June 22, 2023.

11. Based on the logs from Google showing

- a. activity from an iPhone 13 running iOS 16.1.1 prior to June 22, 2023;
- b. no entries from an iPhone 8 Plus;
- c. an iPhone 13 running iOS 16.5.1 and later after June 22, 2023; and
- d. the absence of any entries showing iOS 16.1.1 accessing the account after June 22, 2023,

in my opinion, Mr. Bumgarner is incorrect in his supposition that the husband accessed the wife's Gmail account using an iPhone 8 Plus running iOS 16.1.1.

Alleged Bank of America Intrusion

12. The association of the iPhone 13 with iOS 16.1.1 listed as a device that logged into Gmail on March 12, 2023, cannot be linked to the iPhone 8 Plus. Within this same Gmail login entry, we can see the iPhone 13 has the IP address 166.194.154.91. Mr. Bumgarner notes this same IP as the one used in the alleged intrusion into Bank of America on March 13, 2023. The supposition of the alleged intrusion into the wife's Bank of America account is based on the incorrect assumptions from the alleged Gmail intrusion. Since the Gmail login entry cannot be associated with the iPhone 8 Plus, it is also impossible for the iPhone 8 Plus to have the IP address 166.194.154.91 on March 12, 2023. Using Mr. Bumgarner's evidence and my interpretation, in my opinion, the wife's iPhone 13 had the IP address 166.194.154.91 on March 12, 2023, and therefore the Bank of America activity attributed to this IP address on that date was initiated by the wife.

13. To attempt to further corroborate the Bank of America intrusion, Mr. Bumgarner theorizes that the wife's Bank of America account is linked to the telephone number 843-478-3367. This is the telephone number that Mr. Bumgarner alleges was used by the husband on the iPhone 8 Plus to gain unauthorized access to the wife's Bank of America account. Mr. Bumgarner guesses that the iPhone 8 Plus with the 3367 number was used to receive this authorization code and, in turn, log into wife's account. At the time of Mr. Bumgarner's affidavit there was an outstanding subpoena to Bank of America asking for what telephone number receives the authorizes code when attempting to log into wife's account. Mr. Bumgarner strongly suggests that he will expect to see it associated with the 3367 number. A subpoena response, seen as Exhibit B, was produced by Bank of America since these allegations and show that Mr. Bumgarner is incorrect. The telephone number that receives an authorization code during a login to the wife's Bank of America account is 843-276-2168. My understanding is that this is the number used by

wife's iPhone 13. Mr. Bumgarner's supposition is that the iPhone 8 Plus with the telephone number 843-478-3367 was used to receive the Bank of America Authorization codes to then gain access. The 3367 number could not have been used to gain access to the Bank of America account because the SMS codes were not sent to the 3367 number.

14. Further, Mr. Bumgarner states that anyone that knows the wife's Apple credentials could gain access to a complete restored backup of the iPhone 8 Plus. It is then implied that access to this iPhone 8 Plus backup allowed someone to gain unauthorized access to the Bank of America account since the phone contains the Bank of America credentials. This is not possible. The iPhone 8 Plus was given to the husband in September of 2021. The wife's iPhone 8 Plus backup would not contain Bank of America credentials, or any Bank of America data whatsoever, as the wife did not set up this Bank of America account until November of 2021.

iPhone 8 Plus

15. Paragraph 2 of the Motion describes that the wife wiped the iPhone 8 Plus and then gave the device to the husband. The SIM card associated with 843-478-3367 was still within the iPhone 8 Plus, but the wife had already transferred the telephone number to a new SIM card within the iPhone 12. Through this, it is alleged that Justin McGee was able to gain access to a wide range of personal data related to Lindsay McGee. Based on my testing of the scenario advanced by the wife in paragraph 2 of the Motion, it would not have been possible for the husband to use the wiped iPhone 8 Plus and the SIM card alone to restore a backup of any of the wife's iCloud backup data to the iPhone 8 Plus. The necessary items to restore a backup to a wiped iPhone are the following:

- a. The iCloud username and password. Wife never alleges Mr. McGee had her password.

- b. Access to a device currently attached to the iCloud account running iOS 10 or newer or a Mac computer running macOS Sierra or newer. Wife never alleges Mr. McGee had access to another device which is already attached to wife's iCloud account.
- c. The 6-digit code sent by Apple to the aforementioned iOS 10 or newer or macOS Sierra or newer device. Wife never alleges she received such a code and sent it to Mr. McGee. Wife would have needed to actively pass this 6-digit code to the husband, and she would have known she was sending him a code sent to her devices by Apple.

Further, two phones on the AT&T network—or any provider's network—cannot have the same phone number. Cellular providers do not allow this for multiple reasons. The wife set up her new iPhone 12 on September 13, 2021, and then gave the iPhone 8 Plus to the husband days later. On or about September 16, 2021, the iPhone 8 Plus, even with the SIM card, would have been unable to send or receive messages, phone calls, or data using the 3367 number.

16. If the iPhone 8 Plus had been attached to the wife's iCloud account after it had been wiped, it would have shown up on her list of devices associated with her iCloud account. This list can be viewed on any associated iOS or macOS device and on the iCloud web site. In my experience, a basic first step when a client alleges that someone is accessing their iCloud account without permission is to check the list of devices associated with the iCloud account. Either Mr. Abrams or Mr. Bumgarner should have checked this when it was alleged the iPhone 8 Plus was accessing the wife's iCloud account. The fact that both digital forensics examiners are silent on this issue leads me to believe that either they did not perform this step to check for the iPhone 8 Plus on the wife's iCloud account or they did perform this step and did not find the iPhone 8 Plus

on the wife's iCloud account. In paragraph 25 of his affidavit, Mr. Bumgarner states "[Wife's] Apple ID was also linked to the iPhone 8" but does not offer any evidence to back up this statement.

17. A subpoena response was provided in request of all call details for the AT&T number 843-478-3367. An abridged version of this subpoena response can be found attached as Exhibit C. Note that for voice usage, there is a call that goes to 843-478-3367 and is then forwarded to 843-276-2168, the wife's current phone number. Note that all the entries state "IPHONE12PROMAX." If opposing counsel's theory that the iPhone 8 Plus is also receiving all communications with the 3367 number, I would expect to see entries that list an iPhone 8 Plus as well.

iMazing

18. Paragraph 30 of Mr. Bumgarner's affidavit speculates that the husband purchased and used iMazing to collect the data from the restored iPhone 8 Plus. iMazing is a common software I personally see used by clients involved in family law disputes as the retention of phone data for matters such as these is important. I am not surprised that the husband would purchase a software to retain personal data. Mr. Bumgarner does not offer evidence to support the speculation that Justin McGee used this software to collect the iPhone 8 Plus data.

Cameras

19. Mr. Abrams' August 29th, 2023, affidavit mentions the discovery of cameras within the wife's home. As the cameras found were manufactured by SCS Enterprises, a subpoena was sent to request further information on these devices. The subpoena response contains three receipts where the husband purchased a total of five cameras with audio recording enabled. Attached as Exhibit D are invoices for four additional cameras that were purchased through Amazon but not included within the SCS Enterprises subpoena response. What is important to

note for the cameras purchased through Amazon is that they are not equipped with audio recording capabilities. This is stated directly on the Amazon product page and is due to federal regulation and can be seen as Exhibit E. Further, I have communicated with customer service at SCS Enterprises and have confirmed that audio enabled cameras can only be purchased on their website. This can be seen as Exhibit F. We do not know whether the camera within the garage had audio recording capabilities or not. Mr. Abrams states within his affidavit that he can confirm that audio was recorded by the camera. This is in contradiction to the Motion where counsel states that software is required to decrypt the audio. This leads me to believe that no audio has been heard on the videos as it is incorrectly believed to be encrypted while, in reality there may be no audio portion for the video recordings. Customer service at SCS Enterprises has confirmed that no audio is encrypted within their devices. As Mr. Abrams has collected the SD card he should be able to hear the audio as well. Further clarification is needed on the direct contradiction between Mr. Abrams' affidavit and the Motion with respect to the existence of audio on the video recordings.

20. I have purchased, through Amazon, the same camera model as the one purchased by the husband. After setting it up and performing tests I have learned that it is not possible to delete singular videos or images from the camera. From the phone application I can only reformat the storage. I do not believe Mr. Abrams is correct in stating that the gaps in the recorded video on the storage device is due to the husband deleting them using the phone application.

21. I have also tested the Amazon bought camera for audio recording as well. There is no sound that is recorded. I did hear interference when playing back the recordings but after confirming with SCS Enterprises it was stated that these Amazon sold cameras do not have a microphone in them at all and can be seen as Exhibit G. This noise made by the interference may

be related to the assumption that there is encrypted audio although I cannot confirm without further clarification.

Network Connection Device List

22. I have reviewed a device list of devices that were connected to the wife's home network. This can be seen as Exhibit H. I have noticed some discrepancies when confirming the information on the device list. For example, note the device named "Dan's iPhone" is shown last connected to the home network on June 12, 2023 (Pg. 7). As stated within Daniel Walden's affidavit, he owns this device, but he has not been to the house in 2023 and was in Minnesota on this date. Another of Daniel Walden's devices, an iPad named "Daniels-IPad-2," was last connected to the home network on June 23, 2023 (Pg. 4). Again, Mr. Walden states he has not been to the house in 2023. A second similar scenario can be seen related to Madisen Lamp, a previous babysitter for the McGee children. As stated within her affidavit, she owns the device "Madisen's Air" which appears to have been last connected to the home network on June 6, 2023. Madisen states that she has not been to the home since around February of 2022 (Pg. 3). Because of these clear inconsistencies with dates in this device list, in my opinion, the dates are not reliable indicators of last connected times for any of the devices listed.

Conclusions of Mr. Abrams and Mr. Bumgarner

23. Both Mr. Abrams and Mr. Bumgarner have reached opinions which are not supported by the evidence presented when considering the inconsistencies and errors I have found in both affidavits. Also, both Mr. Abrams and Mr. Bumgarner have concluded that Mr. McGee has committed crimes based on their opinions and interpretations of the evidence.

24. The statement in paragraph 74 of Bumgardner's affidavit that "within a reasonable degree of certainty [...] Justin McGee is the individual that compromised Ms. McGee's Bank of

America Account and her Gmail account(s)” is not adequately supported by the evidence he presented, and in light of the inconsistencies and errors I found in interpretation of that evidence, in my opinion, Mr. Bumgarner has no basis on which to conclude that anyone, at all, had unauthorized access to the wife’s accounts.

25. In paragraph 11 of his affidavit, Mr. Abrams makes statements that Mr. McGee has violated specific laws. Mr. Abrams is basing these conclusions, in large part, on the work of Mr. Bumgarner. In my opinion, Mr. Bumgarner’s interpretation of the evidence is in error in many respects, so Mr. Abram’s conclusions based on Mr. Bumgarner’s work are also incorrect.

Work Ongoing

26. I have not had sufficient time to complete my analysis of the Motion and attached affidavits and other documents. As my work proceeds, I may find additional disprovable suppositions or conjecture and more evidence may be made available to me which contradicts statements made in the Motion and the attached affidavits. As such, I may issue additional reports or testimony on the claims made in the Motion and attached affidavits.

Fees

27. As of the date of this affidavit, \$24,301 is the total fees in relation to the Motion to Suppress Evidence. This includes analysis, meetings, report reviews, and report creation..

28. I am over the age of twenty-one (21) years old and am competent to testify to the matters stated herein. I have read the foregoing paragraphs and stated under penalty of perjury that all matters stated therein are correct and true and are based on my own personal knowledge and belief, except those alleged on information and belief as to those, I believe them to be true and accurate.

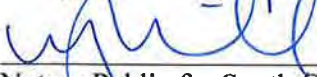
Further affiant says not.



Sean Leonard, GASF, EnCE, CCPA, CCO

SWORN TO and SUBSCRIBED before me

This 29th day of September, 2023



Notary Public for South Carolina

My Commission Expires: October 22, 2023



Sean R. Leonard, GASF, EnCE, CCPA, CCO

Education

Bloomsburg University May 2015
B.S. in Digital Forensics and Criminal Justice minor

Champlain College March 2023
M.S. in Digital Forensic Science

Professional Experience

FORVIS LLP (Formerly DHG LLP) Charleston, SC January 2016 through present
Manager, Digital Forensics

Certifications, Licenses, and Associations

GIAC Advanced Smartphone Forensics, December 9, 2019
EnCase Certified Examiner, February 2, 2017
Cellebrite Certified Physical Analyst, September 9, 2016
Cellebrite Certified Operator, September 9, 2016
Private Investigator, South Carolina license number RD210804

Computer Forensics Education

Software training:

Cellebrite Certified Logical Operator Course
Cellebrite Certified Physical Analyst Course
X-Ways Forensics Course

Other live training:

SANS FOR 585 – Advanced Smartphone Forensics
SANS FOR 509 – Enterprise Cloud Forensics and Incident Response



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September 8, 2023

VIA EMAIL ONLY

Mr. Jerry N. Theos
Theos Law Firm, LLC
11 State Street
Charleston, SC 29401

Ms. Marie-Louise Ramsdale
Ramsdale Law Firm
1476 Ben Sawyer Blvd., Suite 5
Mt. Pleasant, SC 29464

Re: Justin M. McGee v Lindsay McGee
Docket #2022-DR-10-3072

Dear Jerry and Marie-Louise:

Enclosed please find a copy of the Bank of America, N.A. documents (Bates #001429) responsive to my subpoena dated August 24, 2023. Also enclosed is an Affidavit of Service regarding the same.

With Kind Regards.

Sincerely,

PETER G. CURRENCE

PGC:ls

Enclosures

Cc: Ms. Lindsay McGee (via email only)

Reply to Columbia Office | pete@mscmlaw.com | www.mscmlaw.com

[†]Diplomate, American College of Family Trial Lawyers [‡]Fellow, International Academy of Matrimonial Lawyers
^{*}Fellow, American Academy of Matrimonial Lawyers [‡]Certified Family Court Mediator [^]Admitted in SC and Florida

STATE OF SOUTH CAROLINA)	IN THE FAMILY COURT FOR THE
)	NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON)	
Justin M. McGee,)	
)	
Plaintiff,)	AFFIDAVIT OF SERVICE
)	
vs.)	
)	
Lindsay McGee,)	Docket No.
)	2022-DR-10-3072
Defendant.)	


I, the undersigned, a Legal Assistant of McDougall, Self, Currence & McLeod, LLP, attorneys for the Defendant above named, do hereby certify that I have on August 8, 2023, served the SUBPOENA RESPONSE DOCUMENTS FROM BANK OF AMERICA, N.A. (BATES #001429), by email addressed as indicated below:

Mr. Jerry N. Theos
 Theos Law Firm, LLC
 11 State Street
 Charleston, SC 29401
jerry@theoslaw.com; brittany@theoslaw.com; jackie@theoslaw.com

Ms. Marie-Louise Ramsdale
 Ramsdale Law Firm
 1476 Ben Sawyer Blvd., Suite 5
 Mt. Pleasant, SC 29464
ml@ramsdalelaw.com

Columbia, South Carolina

September 8, 2023


 LIZZIE SHEEHAN
 Paralegal to Peter G. Currence

LINDSAY MCGEE

Profile **Event History**

Search

Event Type: All Event Types

From: 3/13/2023 12:00 AM

To: 3/13/2023 11:30 PM

RETRIEVE RESET

Event History

Select	Session	Date/Time	Event	Contact
<input type="checkbox"/>	*	3/13/2023 10:28:52 A	Authorization Code Request	null null
<input type="checkbox"/>	*	3/13/2023 10:24:06 A	Authorization Code Request	null null
<input type="checkbox"/>	*	3/13/2023 10:23:38 A	Authorization Code Request	null null

3/13/2023 10:23:38 A Authorization Code Request
 3/13/2023 10:28:52 A Authorization Code Request
 3/13/2023 10:24:06 A Authorization Code Request

Additional Details

Interaction Point Type: ECommerce

Interaction Source: VIPAA

Customer Name: null null

Channel: SMS

Contact Number: 8432762168

Event Detail: AuthCode flow for aggregators

Online Identifier: charlie907



AT&T Records Key

AT&T searches all available databases to ensure all responsive records are provided. Multiple reports may be provided in response to your request.

Note: Blank fields or “-1” do not indicate an issue with the record. It simply means the information was not passed from the network to the CDR System.

AT&T Mobility Voice Descriptions

Column/Field Name	Description
Item	Row Number. This denotes a leg of a call or transaction. A leg of a call represents each time the call is processed through a network switch. Calls may go through several switches in AT&T's network in order to reach the intended party.
Conn.Date	Connection Date. The date of the call.
Conn.Time(UTC)	Connection Time. The time the call was connected. Time is in UTC. Times is expressed in military time as HH:MM:SS.
Conn Date Time	Connection date and time- Date and Time the call was connected. Displayed as one column on the Landline Call Detail Records.
SeizureTime	The number of seconds it took to travel through our systems before the call connected.
ET (Elapsed Time)	Duration of the transaction. Duration is in MM:SS

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Originating Number	<p>The phone number the call/text originated from. For data records, this does not necessarily mean the number originated the data transaction. The network constantly communicates with internet enabled devices and the data records do not indicate if a customer initiated a data transaction. Some abbreviations are found after a number using O. They are defined as follows:</p> <p>Dialed (D)- The number that the originating party dialed. Appears in subsequent line of the same row in the Originating Number column. (Note: only appears if the Terminating number differs from the Dialed number)</p> <p>Special Dialing Characters- A = * , B = # Appears as part of Dialed Number (D) Digits.</p> <p>FORWARDED (F)- The number the terminated number forwarded the call to. Appears in subsequent line of the same row in the Originating Number column.</p> <p>ORIGINAL ORIGINATING (OO)- Denotes the number that originated the call before call forwarding was invoked. Appears in subsequent line of the same row in the Originating Number column.</p> <p>TRANSLATED (T)- Indicates if a number was translated to a different number. For example, if the number called is 911, then that gets translated to a ten-digit number for routing to a 911 dispatch center. The (T) indicates the number the translation was from, not the number translated to.</p>
Terminating Number	The number the transaction terminated to.

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IMEI International Mobile Equipment Identifier	<p>Can be 15 or 16 digits. A 15-digit number that uniquely identifies an individual wireless device. The first 14 digits are unique. The 15th digit is a check digit that validates the prior 14 digits.</p> <p>A 16 digit IMEI is an "IMEISV." SV Stands for software version number. The last two digits identify the software version.</p> <p>Only the IMEI of the number requested is displayed.</p>
IMSI International Mobile Subscriber Identity	<p>This is a unique 15-digit identifier given to each mobile subscriber and is stored on the Subscriber Identity Module (SIM). The IMSI consists of a MCC (Mobile Country Code), a MNC (Mobile Network Code) and a MSIN (Mobile Station Identification Number):</p> <ul style="list-style-type: none"> • 3-digit MCC ties the SIM to a specific country • 3-digit MNC ties the SIM to a specific network within that country • 9-digit MSIN ties the SIM to a specific customer
CT (Call Type)	<p>Denotes if the leg of a call is an originating leg or terminating leg.</p> <ul style="list-style-type: none"> Mobile Originating (MO) Mobile Terminating (MT) Service Originating (SO) Service Terminating (ST) <p>A service record is generated when the network generates a leg of a call to reach a service on the network. For example, a leg connecting to the voicemail platform denotes a service invoked on the network and may show up as a service record.</p> <p>See "Item" at beginning of the table for definition of a leg of a call.</p>
Feature	<p>This column represents the type of call that occurred as recorded by our network and used for purposes of processing a call on AT&T's network. These are not necessarily indicative of features on a customer's account or the types of services subscribed to.</p>
Make	<p>Device Manufacturer</p>
Model	<p>Device Model</p>

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<p>Cell Location :</p>	<p>Identifiers: 3G Network Cell Site= LAC/CID 4G Network Cell Site= ECGI</p> <p>Examples: 3G Network Cell Site [2707711621 -80.05629;26.74779;350.90;0.89] LAC/CID LONG:LAT Sector:Beamwidth:Time on Tower</p> <p>4G Network Cell Site [133151247;520122; -96.912452;33.013937;358;-1.0;28] ECGI:ENB-ID LONG:LAT Sector:Beamwidth:Time on Tower</p> <p>Definitions: LAC - Location Area Code. This number identifies the specific region a cell tower is located in. The number is used internally in AT&T for network purposes. CID - Cell Identity. This number identifies the location of the tower within a specified region. The number is used internally in AT&T for network purposes. ECGI - Enhanced cell global identity. A nine digit number that indicates the location of a cell tower when 4G technology is being used. The number is used internally in AT&T for network purposes. ENB-ID - Evolved Node B (eNodeB) Hardware connected to the AT&T mobility network that communicates directly with a mobile device. This number is used internally to AT&T to identify a specific antenna on a tower when 4G technology is used. Longitude - A geographic coordinate that specifies an East-West Position of a point on the earth's surface. The Latitude represented is of the cell tower. Latitude - A geographic coordinate that specifies a North-South Position of a point on the earth's surface. The Longitude represented is of the cell tower. Sector - A number out of 360 degrees that indicates the side of the cell site antenna used in processing the call. Beamwidth - A number out of the 360 degrees that specifies the angle of coverage of the RF signal coming from a particular cell site sector. Time on Tower - If applicable, shows the amount of time (in seconds) the device spent on each cell tower involved in the transaction.</p>
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AT&T Mobility Common Scenarios

Scenario	Description
Many or all Zero Duration Calls	Voice usage reports showing all calls with zero durations in the Elapsed Time "ET" column indicate calls that were not connected. Numbers such as this are commonly used for routing purposes if there is no associated subscriber.
Report Differences	Because calls can traverse many networks, AT&T provides records of all calls that traverse its wireline, wireless and international gateways. ReportAU- Calls that traverse the mobility network. ReportLandline- Calls that traverse the wireline and Voip network. ReportICDR- Calls that traverse AT&T's international gateway. ReportSIR - Calls that have gone through attestation process to authenticate Caller ID. A call may show up on one or more reports however AT&T has no ability to definitively state or correlate calls as being the same transaction. You may infer any conclusions based on your own analysis of the records.
ET 60:00- Data Usage	Data records have a maximum limit of 60 minutes in the CDR record system. Another record is created when a continuous data session exceeds the 60 minute limit.

AT&T Timing Advance Descriptions

Column/Field Name	Description
Timing Advance	A network measurement of the time it takes for a signal to travel from the tower to the device and back. The Timing Advance value is a unitless integer. Multiply this value by 78.07 to get the distance from the Tower in Meters.

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Cell ID	Cell Identity. This number identifies the location of the tower within a specified region. The number is used internally in AT&T for network purposes.
Sector/Beamwidth	Sector - A number out of 360 degrees that indicates the side of the cell site antenna used in processing the call. Beamwidth - A number out of the 360 degrees that specifies the angle of coverage of the RF signal coming from a particular cell site sector.

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Feature Definitions for Mobility Voice Report

Features represents the type of call that occurred as recorded by our network and used for purposes of processing a call on AT&T's network. These are not necessarily indicative of features on a customer's account or the types of services subscribed to.

Feature Acronym	Feature Definition
ADD	Unstructured Supplementary Service Data
CBI	Barring of All Incoming Calls
CBIOF	Incoming Operator Determined Barring
CBIP	Barring of All Incoming Calls Roaming Outside Public Land Mobile Network
CBIUK	Barring of Incoming Calls
CBO	Barring of All Outgoing Calls
CBOI	Barring of All Outgoing Intl Calls
CBOIP	Barring of All Outgoing Intl Calls Except to Public Land Mobile Network
CBOOP	Outgoing Operator Determined Barring
CBOUK	Barring of Outgoing Calls
CBUK	All Barring
CFB	Call Forwarding Subscriber Busy
CFC	Call Forwarding All Conditional
CFNA	Call Forwarding No Reply
CFNR	Call Forwarding Not Reachable
CFO	Call Forwarding in Gateway (Unknown)
CFU	Call Forwarding Unconditional
CFUK	All Forwarding
CGC	Advice of Charge Charging
CGI	Advice of Charge Information
CIAC	Account Code Service
CICUG	Closed user Groups Service
CIPCI	Proprietary Customer Information
CMH	Call Hold

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CMPRL	Proprietary Release Link Trunk Service
CMPVM	Proprietary Voice Mail Call Dropback
CMR	Call Re-origination
CMRC	Call Re-Origination By Cause
CMW	Call Waiting
ECT	Explicit Call Transfer
GREM	Enhanced Multi
INIOR	Invoke Calling Number Identity Restriction
MPS	Multiparty Services
NIND	Proprietary Calling Name Delivery
NIOP	Calling Number Identity Presentation
NIOR	Calling Number Identity Restriction
NITP	Connected Line Identity Presentation
NITR	Connected Line Identity Restriction
NSDA	Directory Assistance Service Call
OACR	Anonymous Call Rejection
OEXT	Extension Service
OMCT	Malicious Call Trace
OMSC	MSC
OOR	Optimal Routing (of Late Call Forwarding)
SUBCMH	Call hold, Invoke, Invoked by Subscriber
V2G	VoLTE to 3G. It indicates the call was handed off from one VoLTE (a VOIP call) to the 3G network (circuit switched call)
VM	Voicemail involved in transaction
VCORR	4G Cell site was correlated with additional database
FCID	"Flexible Caller ID" This indicates a secondary device, such as a watch or tablet, originated the call. The number indicated as the Original Originating (OO) is the native number belonging to the secondary device that originated the call.

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Final Details for Order #114-8221478-8577065

[Print this page for your records.](#)

Order Placed: July 7, 2021
Amazon.com order number: 114-8221478-8577065
Order Total: \$370.50

Shipped on July 7, 2021

Items Ordered

Price

2 of: *WF-113 (Up Angle) Sony Chip Super Low Light Wireless Spy Camera with WiFi Digital IP Signal, Recording & Remote Internet Access (Camera Hidden in 3 AC Outlet with Dual USB Charging Port Wall Charger)* \$169.95
Sold by: SCS Enterprises ([seller profile](#))
Supplied by: Other

Condition: New

Shipping Address:

Justin McGee
125A Wappoo Creek Dr
STE A
Charleston, SC 29412
United States

Shipping Speed:

Standard Shipping

Payment information

Payment Method:

Mastercard ending in 4185

Item(s) Subtotal: \$339.90
Shipping & Handling: \$0.00

Billing address

Justin McGee
125A Wappoo Creek Dr
STE A
Charleston, SC 29412
United States

Total before tax: \$339.90
Estimated tax to be collected: \$30.60

Grand Total: \$370.50

Credit Card transactions

MasterCard ending in 4185: July 7, 2021: \$370.50

To view the status of your order, return to [Order Summary](#).

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Final Details for Order #114-9467906-2343467
Print this page for your records.

Order Placed: July 15, 2021
Amazon.com order number: 114-9467906-2343467
Order Total: \$207.05

Shipped on July 15, 2021

Items Ordered

	Price
1 of: <i>WF-113(Down Angle) Sony Chip Super low light Wireless Spy Camera with WiFi Digital IP Signal, Recording & Remote Internet Access (Camera Hidden in 3 AC Outlet with Dual USB Charging Port Wall Charger)</i>	\$189.95
Sold by: SCS Enterprises (seller profile)	
Supplied by: Other	

Condition: New

Shipping Address:

Justin McGee
125A Wappoo Creek Dr
STE A
Charleston, SC 29412
United States

Shipping Speed:

Standard Shipping

Payment information

Payment Method:

Mastercard ending in 4185

Item(s) Subtotal:	\$189.95
Shipping & Handling:	\$0.00

Billing address

Justin McGee
125A Wappoo Creek Dr
STE A
Charleston, SC 29412
United States

Total before tax:	\$189.95
Estimated tax to be collected:	\$17.10

Grand Total: \$207.05

Credit Card transactions

MasterCard ending in 4185: July 15, 2021: \$207.05

To view the status of your order, return to [Order Summary](#).

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Final Details for Order #114-4302171-3410627

Print this page for your records.

Order Placed: July 28, 2021
Amazon.com order number: 114-4302171-3410627
Order Total: \$207.05

Shipped on July 29, 2021

Items Ordered

1 of: *WF-113(Down Angle) Sony Chip Super low light Wireless Spy Camera with WiFi Digital IP Signal, Recording & Remote Internet Access (Camera Hidden in 3 AC Outlet with Dual USB Charging Port Wall Charger)*

Price
\$189.95

Sold by: SCS Enterprises ([seller profile](#))
Supplied by: Other

Condition: New

Shipping Address:

Justin McGee
125A Wappoo Creek Dr
STE A
Charleston, SC 29412
United States

Shipping Speed:

Standard Shipping

Payment information

Payment Method:

Mastercard ending in 4185

Item(s) Subtotal: \$189.95
Shipping & Handling: \$0.00

Billing address

Justin McGee
125A Wappoo Creek Dr
STE A
Charleston, SC 29412
United States

Total before tax: \$189.95
Estimated tax to be collected: \$17.10

Grand Total: \$207.05

Credit Card transactions

MasterCard ending in 4185: July 29, 2021: \$207.05

To view the status of your order, return to [Order Summary](#).

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http://www.amazon.com/WF-113-Wireless-Recording-Indoor-Camera/dfp/0045150HCPr01

Product Description

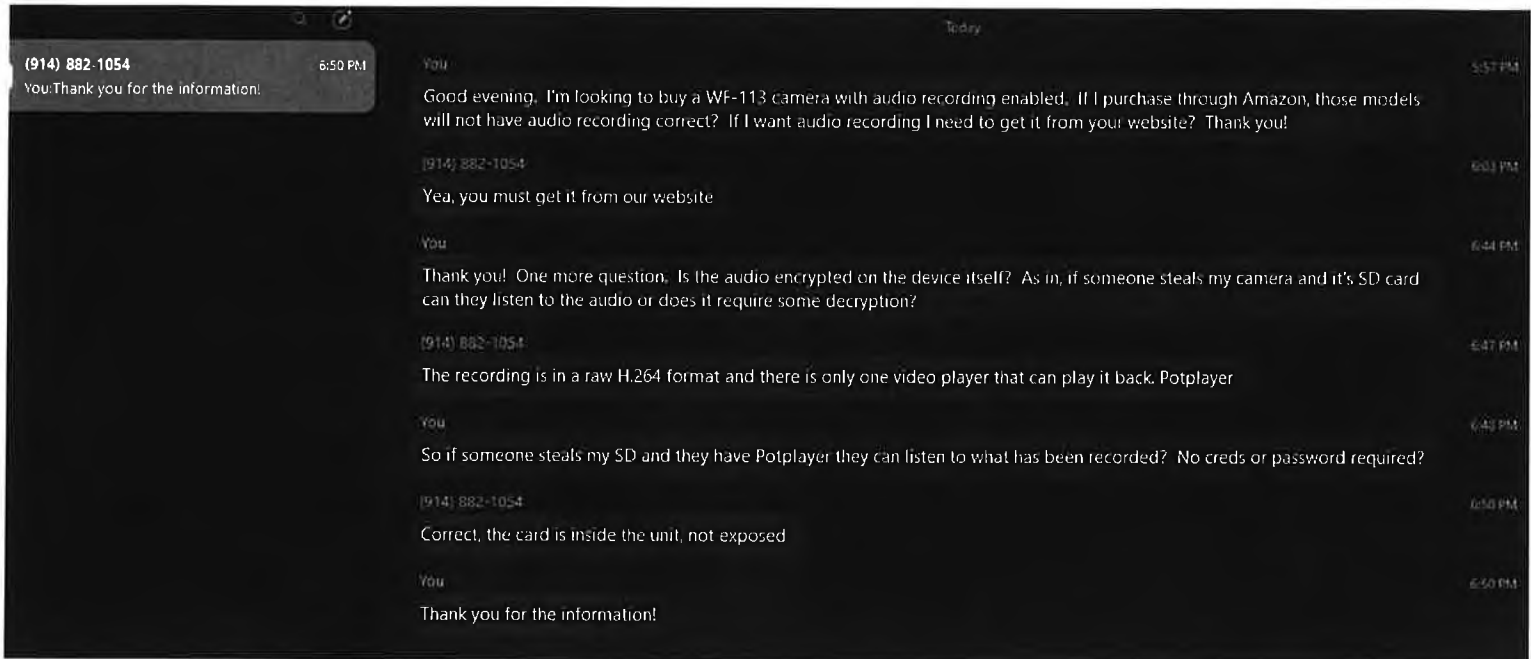
Watch over your home or business with a smart phone (Android & IOS), PC or tablet from anywhere there is Internet, 3G or 4G. For set-up, all you need is your wireless router and internet. Our reliable P2P server allows easy set-up for a remote viewing without requiring any network knowledge. You can locate the cameras at multiple locations and control them with one app.

THIS CAMERA IS:

- 1080P, 2.0MP, 1/2.8" Ultra low light sensor Wi-Fi that can see better than human eye under low light.
- Reliable P2P server for remote live viewing and motion alarm notification.
- Zone controlled motion detection recording and remote access to recordings. (16GB internal memory (200+hrs))
- Superior glass optics with 90deg wide angle and 940nm filter.
- Plug-in power for 24/7 operation.
- ONVIF compliant and will work with popular NVR and 3rd party software for a PC such as iSpyConnect, AnyCam, Blue Iris etc..
- Works with iPhone, IOS & Android devices and PC.
- No monthly fee whatsoever and no subscription/registration requirement.

THIS CAMERA IS ((NOT)):

- **No Audio (due to the federal regulation, (18 U.S. Code § 2512))**
- No battery power: All our cameras are plug-in or direct AC power for 24/7 operation.
- Mac is not compatible.



you

Wednesday, 2:22 PM

Hey, I have another question. I just received the camera from Amazon (i.e., no sound recording). When I play back the recordings I can hear static when I raise the volume. Is that interference? Do you know what that is? Thank you again!

you

Wednesday, 2:25 PM

We did mention this on our Amazon listing in few places

you

Wednesday, 2:27 PM



you

Wednesday, 2:27 PM

I understand there is not suppose to be audio from devices purchased from Amazon. I was just curious about the audio interference that is heard on my recordings and was interested in what it was. Thank you

you

Wednesday, 2:31 PM

There is no mic in the unit

you

Wednesday, 2:32 PM



So as for the unit with audio, there needs to a mic inside, shielding around the mic and better antenna to avoid any static interference with the Wi-Fi signal.

be^

Device List

Home Network Devices

Clear and Rescan for Devices


MAC Address	04:7b:cb:3b:75:94
IPv4 Address / Name	192.168.1.206 / unknown047bcb3b7594
Last Activity	Mon Jul 31 09:24:36 2023
Status	on
Allocation	dhcp
Connection Type	Wi-Fi  2.4 GHz Type: Home Name: ATTGRYhNQs
Mesh Client	No
MAC Address	04:7b:cb:64:94:a5
IPv4 Address / Name	192.168.1.236 / LFM
Last Activity	Mon Jul 31 09:24:36 2023
Status	on
Allocation	dhcp
Connection Type	Ethernet LAN-4
Mesh Client	No
IPv6 Address	2600:1700:6e15:4050::49
Type	dhcp
Valid Lifetime	2592000s
Preferred Lifetime	604800s
IPv6 Address	2600:1700:6e15:4050:8026:2084:9fb2:73a5
Type	slaac
Valid Lifetime	2592000s
Preferred Lifetime	604800s
IPv6 Address	2600:1700:6e15:4050:a984:2310:ef30:dc11
Type	slaac
Valid Lifetime	2592000s
Preferred Lifetime	604800s
IPv6 Address	fe80::d107:d2bb:a739:dd58
Type	slaac
Valid Lifetime	forever
Preferred Lifetime	forever
MAC Address	08:12:a5:ce:47:6a
Name	unknown0812a5ce476a
Last Activity	Mon Jul 24 15:38:30 2023
Status	off
Allocation	dhcp
Connection Type	Wi-Fi 2.4 GHz Type: Home Name: ATTGRYhNQs
Mesh Client	No
MAC Address	0c:54:15:af:4b:00
Name	LAPTOP-4J617H8E
Last Activity	Fri Jun 16 17:12:36 2023
Status	off
Allocation	dhcp
Connection Type	Wi-Fi 5 GHz Type: Home Name: ATTGRYhNQs
Mesh Client	No
MAC Address	0c:8b:7d:e3:4b:0a
IPv4 Address / Name	192.168.1.252 / unknown0c8b7de34b0a
Last Activity	Mon Jul 31 09:22:54 2023
Status	on
Allocation	dhcp
Connection Type	Wi-Fi  2.4 GHz Type: Home Name: ATTGRYhNQs
Mesh Client	No
MAC Address	0c:8b:7d:f2:ff:54

Help

The device list page shows all items of the LAN Host Discovery table. Use the "Clear and Rescan for Devices" button to reset the devices table and do a fresh search for connected LAN devices.

Allocation types include static and dhcp. When the allocation type of a device has not yet been determined, it is marked pending. Devices that are powered off will continue to appear in the table, but be shown as "off" for a period of more than a day.

The Last Activity display will be blank if the WAN is down or the device cannot reach a time server.

IPv4 Address / Name	192.168.1.216 / unknown0c8b7d12f154
Last Activity	Sun Jul 30 22:59:02 2023
Status	on
Allocation	dhcp
Connection Type	Wi-Fi  2.4 GHz Type: Home Name: ATTGRYhNQs
Mesh Client	No
MAC Address	0c:cf:89:22:5f:47
Name	unknown0ccf89225f47
Last Activity	Sat Jul 29 06:36:15 2023
Status	off
Allocation	static
Connection Type	Wi-Fi 2.4 GHz Type: Home Name: ATTGRYhNQs
Mesh Client	No
MAC Address	0c:cf:89:23:b6:4c
Name	GF-PH130
Last Activity	Thu Jul 20 15:25:02 2023
Status	off
Allocation	dhcp
Connection Type	Wi-Fi 2.4 GHz Type: Home Name: ATTGRYhNQs
Mesh Client	No
MAC Address	0c:cf:89:50:51:f8
Name	unknown0ccf895051f8
Last Activity	Thu Jul 13 17:55:48 2023
Status	off
Allocation	dhcp
Connection Type	Wi-Fi 2.4 GHz Type: Home Name: ATTGRYhNQs
Mesh Client	No
MAC Address	0c:cf:89:a4:02:8a
Name	unknown0ccf89a4028a
Last Activity	Sun Jul 30 15:56:51 2023
Status	off
Allocation	dhcp
Connection Type	Wi-Fi 2.4 GHz Type: Home Name: ATTGRYhNQs
Mesh Client	No
MAC Address	0c:cf:89:b1:cb:93
Name	unknown0ccf89b1cb93
Last Activity	Mon Jun 12 21:46:02 2023
Status	off
Allocation	dhcp
Connection Type	Wi-Fi 2.4 GHz Type: Home Name: ATTGRYhNQs
Mesh Client	No
MAC Address	0c:ee:99:36:34:7d
Name	unknown0cee9936347d
Last Activity	Thu Jul 20 18:02:57 2023
Status	off
Allocation	dhcp
Connection Type	Wi-Fi 5 GHz Type: Home Name: ATTGRYhNQs
Mesh Client	No
MAC Address	0e:0a:77:ba:8e:a3

Name unknown0e0e77ba0ee3
Last Activity Thu Jun 22 08:18:54 2023
Status off
Allocation dhcp
 Wi-Fi
Connection Type 2.4 GHz
 Type: Home
 Name: ATTGRYhNQs
Mesh Client No

MAC Address 14:7d:da:00:47:db
Name madisens-Air
Last Activity Tue Jun 6 22:14:33 2023
Status off
Allocation dhcp
 Wi-Fi
Connection Type 5 GHz
 Type: Home
 Name: ATTGRYhNQs
Mesh Client No

MAC Address 14:94:6c:24:37:60
Name iPhone
Last Activity Thu Jul 6 10:39:42 2023
Status off
Allocation dhcp
 Wi-Fi
Connection Type 5 GHz
 Type: Home
 Name: ATTGRYhNQs
Mesh Client No

MAC Address 1c:1b:b5:6b:6a:5c
Name LAPTOP-QIK7J0A1
Last Activity Sat Jun 10 12:40:13 2023
Status off
Allocation dhcp
 Wi-Fi
Connection Type 5 GHz
 Type: Home
 Name: ATTGRYhNQs
Mesh Client No

MAC Address 1c:45:86:05:d7:ce
Name unknown1c458805d7ce
Last Activity Sun Jul 16 12:43:31 2023
Status off
Allocation dhcp
Connection Type Ethernet LAN-2
Mesh Client No

MAC Address 1e:43:35:70:fa:a3
Name Iphone-10-X
Last Activity Fri Jul 21 22:27:53 2023
Status off
Allocation dhcp
 Wi-Fi
Connection Type 5 GHz
 Type: Home
 Name: ATTGRYhNQs
Mesh Client No


MAC Address 2c:64:1f:b5:9f:36
IPv4 Address / Name 192.168.1.132 / unknown2c641fb59f36
Last Activity Sun Jul 30 22:08:25 2023
Status off
Allocation static
 Wi-Fi
Connection Type 5 GHz
 Type: Home
 Name: ATTGRYhNQs
Mesh Client No

MAC Address 30:7b:c9:26:1c:9c
Name GF-PH130
Last Activity Tue Jul 4 14:21:58 2023

Status off
 Allocation dhcp
 Connection Type Wi-Fi
 2.4 GHz
 Type: Home
 Name: ATTGRYhNQs
 Mesh Client No

MAC Address 34:73:5a:f6:f5:bf
 Name NCGS-LEG-02
 Last Activity Tue Jul 25 17:17:34 2023
 Status off
 Allocation dhcp
 Connection Type Ethernet LAN-4
 Mesh Client No

MAC Address 38:87:d5:1e:ed:a8
 Name NCGS-LEG-02
 Last Activity Mon Jun 19 20:30:07 2023
 Status off
 Allocation dhcp
 Connection Type Wi-Fi
 2.4 GHz
 Type: Home
 Name: ATTGRYhNQs
 Mesh Client No


MAC Address 40:91:51:a8:f7:c8
 IPv4 Address / Name 192.168.1.234 / Pura-F7C8
 Last Activity Mon Jul 31 09:22:53 2023
 Status on
 Allocation dhcp
 Connection Type Wi-Fi 
 2.4 GHz
 Type: Home
 Name: ATTGRYhNQs
 Mesh Client No

MAC Address 42:35:a2:ae:0f:50
 Name Daniels-iPad-2
 Last Activity Sat Jun 24 14:07:21 2023
 Status off
 Allocation dhcp
 Connection Type Wi-Fi
 5 GHz
 Type: Home
 Name: ATTGRYhNQs
 Mesh Client No

MAC Address 42:cd:7a:d0:b1:eb
 Name unknown42cd7ad0b1eb
 Last Activity Fri Jun 23 10:11:44 2023
 Status off
 Allocation dhcp
 Connection Type Wi-Fi
 5 GHz
 Type: Home
 Name: ATTGRYhNQs
 Mesh Client No

MAC Address 4a:29:cd:de:db:b9
 Name unknown4a29cddebb9
 Last Activity Thu Jun 29 10:08:39 2023
 Status off
 Allocation dhcp
 Connection Type Wi-Fi
 5 GHz
 Type: Home
 Name: ATTGRYhNQs
 Mesh Client No

MAC Address 4a:55:55:a3:56:45
 Name unknown4a5555e35645
 Last Activity Sat Jun 10 13:31:58 2023
 Status off
 Allocation dhcp

Connection Type	Wi-Fi 2.4 GHz Type: Home Name: ATTGRYhNQs
Mesh Client	No
MAC Address	4c:03:4f:5b:9f:fa
Name	NVTUS-7LX87M3
Last Activity	Wed Jul 12 21:06:32 2023
Status	off
Allocation	dhcp
Connection Type	Wi-Fi 5 GHz Type: Home Name: ATTGRYhNQs
Mesh Client	No
MAC Address	4c:3b:df:31:db:1a
Name	XBOX
Last Activity	Tue Jul 25 23:35:46 2023
Status	off
Allocation	dhcp
Connection Type	Wi-Fi 5 GHz Type: Home Name: ATTGRYhNQs
Mesh Client	No
MAC Address	54:ef:33:45:d4:b0
Name	unknown54ef3345d4b0
Last Activity	Mon Jul 10 15:53:07 2023
Status	off
Allocation	dhcp
Connection Type	Wi-Fi 2.4 GHz Type: Home Name: ATTGRYhNQs
Mesh Client	No
MAC Address	54:f1:5f:e6:9e:3e
Name	unknown54f15fe69e3e
Last Activity	Tue Jul 11 10:54:16 2023
Status	off
Allocation	dhcp
Connection Type	Wi-Fi 2.4 GHz Type: Home Name: ATTGRYhNQs
Mesh Client	No
MAC Address	5c:47:5e:09:2a:94
IPv4 Address / Name	192.168.1.235 / RingDoorbell-94
Last Activity	Mon Jul 31 09:20:35 2023
Status	on
Allocation	dhcp
Connection Type	Wi-Fi  2.4 GHz Type: Home Name: ATTGRYhNQs
Mesh Client	No
MAC Address	64:ff:0a:cb:a6:91
Name	unknown64ff0acba691
Last Activity	Mon Jun 5 07:13:32 2023
Status	off
Allocation	dhcp
Connection Type	Wi-Fi 2.4 GHz Type: Home Name: ATTGRYhNQs
Mesh Client	No
MAC Address	68:36:02:c2:46:f9
IPv4 Address / Name	192.168.1.226 / unknown683602c246f9
Last Activity	Mon Jul 31 09:22:53 2023
Status	on
Allocation	dhcp

Connection Type	Wi-Fi  5 GHz Type: Home Name: ATTGRYhNQs
Mesh Client	No
MAC Address	66:37:76:3d:bb:f8
Name	unknown6637763dbbf8
Last Activity	Sun Jul 30 14:16:21 2023
Status	off
Allocation	dhcp
Connection Type	Wi-Fi 5 GHz Type: Home Name: ATTGRYhNQs
Mesh Client	No
MAC Address	6e:85:2f:34:14:fb
Name	unknown6e852f3414fb
Last Activity	Thu Jul 20 23:26:04 2023
Status	off
Allocation	dhcp
Connection Type	Wi-Fi 5 GHz Type: Home Name: ATTGRYhNQs
Mesh Client	No
MAC Address	70:ef:00:be:a5:15
Name	IPhone
Last Activity	Sat Jul 8 21:17:33 2023
Status	off
Allocation	dhcp
Connection Type	Wi-Fi 5 GHz Type: Home Name: ATTGRYhNQs
Mesh Client	No
MAC Address	7a:2b:c1:bd:9a:77
Name	IPhone
Last Activity	Sun Jul 9 11:50:39 2023
Status	off
Allocation	dhcp
Connection Type	Wi-Fi 2.4 GHz Type: Home Name: ATTGRYhNQs
Mesh Client	No
MAC Address	80:45:dd:a6:6b:89
Name	TABLET-6NJ3LR5L
Last Activity	Fri Jul 14 05:22:36 2023
Status	off
Allocation	dhcp
Connection Type	Wi-Fi 5 GHz Type: Home Name: ATTGRYhNQs
Mesh Client	No
MAC Address	80:e6:50:03:e5:12
Name	Bonnies-MBP
Last Activity	Tue Jul 18 23:27:57 2023
Status	off
Allocation	dhcp
Connection Type	Wi-Fi 5 GHz Type: Home Name: ATTGRYhNQs
Mesh Client	No
MAC Address	82:99:27:da:6a:2b
Name	IPhone
Last Activity	Wed Jul 5 08:26:14 2023
Status	off
Allocation	dhcp

Connection Type Wi-Fi
 5 GHz
 Type: Home
 Name: ATTGRYhNQs
Mesh Client No
MAC Address 84:a6:c8:34:0b:d4
Name HP
Last Activity Fri Jul 28 14:31:53 2023
Status off
Allocation dhcp
 Wi-Fi
Connection Type 2.4 GHz
 Type: Home
 Name: ATTGRYhNQs
Mesh Client No
MAC Address 86:05:fd:9b:17:e0
Name unknown8605fd9b17e0
Last Activity Tue Jul 18 07:54:21 2023
Status off
Allocation dhcp
 Wi-Fi
Connection Type 2.4 GHz
 Type: Home
 Name: ATTGRYhNQs
Mesh Client No

MAC Address 8a:97:45:e0:2b:9d
Name Dans-iPhone
Last Activity Mon Jun 12 14:38:41 2023
Status off
Allocation dhcp
 Wi-Fi
Connection Type 2.4 GHz
 Type: Home
 Name: ATTGRYhNQs
Mesh Client No

MAC Address 8e:e1:Db:7c:eb:81
Name Charlies-iPad
Last Activity Mon Jun 26 13:10:07 2023
Status off
Allocation dhcp
 Wi-Fi
Connection Type 5 GHz
 Type: Home
 Name: ATTGRYhNQs
Mesh Client No


MAC Address 92:fb:cf:0b:b0:71
Name unknown921bcf0bb071
Last Activity Wed Jul 26 11:48:20 2023
Status off
Allocation dhcp
 Wi-Fi
Connection Type 5 GHz
 Type: Home
 Name: ATTGRYhNQs
Mesh Client No

MAC Address 94:db:56:fe:35:1f
Name unknown94db56fe351f
Last Activity Mon Jun 5 07:14:40 2023
Status off
Allocation pending
Connection Type Ethernet LAN-3
Mesh Client No

MAC Address 96:c4:b6:ca:81:a2
Name unknown96c4b6ca81a2
Last Activity Mon Jun 26 12:39:31 2023
Status off
Allocation dhcp
Connection Type Wi-Fi
 5 GHz

	Type: Home Name: ATTGRYhNQs
Mesh Client	No
MAC Address	a0:9f:10:32:e8:5f
Name	GF-PH130
Last Activity	Tue Jul 4 14:21:15 2023
Status	off
Allocation	dhcp
	Wi-Fi
Connection Type	2.4 GHz Type: Home Name: ATTGRYhNQs
Mesh Client	No
MAC Address	a0:9f:10:33:52:24
Name	GF-PH130
Last Activity	Fri Jul 7 18:43:54 2023
Status	off
Allocation	dhcp
	Wi-Fi
Connection Type	2.4 GHz Type: Home Name: ATTGRYhNQs
Mesh Client	No
MAC Address	a0:9f:10:3c:30:18
Name	GF-PH130
Last Activity	Tue Jul 4 14:21:58 2023
Status	off
Allocation	dhcp
	Wi-Fi
Connection Type	2.4 GHz Type: Home Name: ATTGRYhNQs
Mesh Client	No
MAC Address	a0:9f:10:6f:15:a0
Name	GF-PH130
Last Activity	Tue Jul 4 14:21:58 2023
Status	off
Allocation	dhcp
	Wi-Fi
Connection Type	2.4 GHz Type: Home Name: ATTGRYhNQs
Mesh Client	No
MAC Address	a2:a6:31:de:c2:27
Name	iPhone
Last Activity	Mon Jun 26 16:42:37 2023
Status	off
Allocation	dhcp
	Wi-Fi
Connection Type	5 GHz Type: Home Name: ATTGRYhNQs
Mesh Client	No
MAC Address	ae:5c:1e:ee:ed:d0
Name	unknownae5c1eeeed0
Last Activity	Wed Jul 5 22:19:07 2023
Status	off
Allocation	dhcp
	Wi-Fi
Connection Type	5 GHz Type: Home Name: ATTGRYhNQs
Mesh Client	No
MAC Address	ae:62:9e:fd:f8:85
Name	unknownae629efd885
Last Activity	Mon Jun 26 16:41:54 2023
Status	off
Allocation	dhcp
	Wi-Fi
Connection Type	5 GHz

	Type: Home Name: ATTGRYhNQs
Mesh Client	No
MAC Address	da:e8:85:d9:9d:6a
Name	McGees-iPhone
Last Activity	Mon Jun 12 20:10:23 2023
Status	off
Allocation	dhcp
	Wi-Fi
Connection Type	2.4 GHz Type: Home Name: ATTGRYhNQs
Mesh Client	No
MAC Address	e8:a7:30:37:06:7c
Name	IPhone
Last Activity	Sat Jul 1 19:32:18 2023
Status	off
Allocation	dhcp
	Wi-Fi
Connection Type	5 GHz Type: Home Name: ATTGRYhNQs
Mesh Client	No
MAC Address	e8:d8:d1:bd:16:b0
Name	Lindsay-PC
Last Activity	Sat Jul 8 15:59:16 2023
Status	off
Allocation	dhcp
Connection Type	Ethernet LAN-4
Mesh Client	No
MAC Address	ea:5d:27:39:c3:17
Name	Justins-iPhone
Last Activity	Sat Jul 8 21:05:10 2023
Status	off
Allocation	dhcp
	Wi-Fi
Connection Type	5 GHz Type: Home Name: ATTGRYhNQs
Mesh Client	No
MAC Address	f0:6e:0b:c6:c5:9c
IPv4 Address / Name	192.168.1.146 / LFM
Last Activity	Mon Jul 31 04:08:26 2023
Status	off
Allocation	dhcp
	Wi-Fi
Connection Type	5 GHz Type: Home Name: ATTGRYhNQs
Mesh Client	No
MAC Address	f2:86:b4:0b:25:4a
Name	unknownf286b40b254a
Last Activity	Wed Jul 26 11:52:26 2023
Status	off
Allocation	dhcp
	Wi-Fi
Connection Type	2.4 GHz Type: Home Name: ATTGRYhNQs
Mesh Client	No

	Type: Home Name: ATTGRYhNQs
Mesh Client	No
MAC Address	ae:cd:74:a8:9f:1b
Name	unknownaecd74a89f1b
Last Activity	Thu Jul 13 12:25:53 2023
Status	off
Allocation	dhcp
	Wi-Fi
Connection Type	5 GHz
	Type: Home Name: ATTGRYhNQs
Mesh Client	No
MAC Address	ae:e5:bd:cd:9f:38
Name	unknownae5bcd9f38
Last Activity	Wed Jul 26 11:47:20 2023
Status	off
Allocation	dhcp
	Wi-Fi
Connection Type	2.4 GHz
	Type: Home Name: ATTGRYhNQs
Mesh Client	No
MAC Address	bc:09:1b:fe:80:0d
IPv4 Address / Name	192.168.1.228 / LFM
Last Activity	Sun Jul 30 22:54:42 2023
Status	off
Allocation	dhcp
	Wi-Fi
Connection Type	2.4 GHz
	Type: Home Name: ATTGRYhNQs
Mesh Client	No
MAC Address	bc:9e:bb:bf:a9:6d
IPv4 Address / Name	192.168.1.232 / unknownbc9ebbf96d
Last Activity	Mon Jul 31 09:23:32 2023
Status	on
Allocation	dhcp
	Wi-Fi 
Connection Type	2.4 GHz
	Type: Home Name: ATTGRYhNQs
Mesh Client	No
MAC Address	bc:ce:25:f9:2a:95
Name	unknownbce25f92a95
Last Activity	Fri Jul 21 17:53:02 2023
Status	off
Allocation	dhcp
	Wi-Fi
Connection Type	2.4 GHz
	Type: Home Name: ATTGRYhNQs
Mesh Client	No
MAC Address	c4:ac:59:a0:d0:8d
Name	Canon25f2c
Last Activity	Thu Jul 20 15:25:19 2023
Status	off
Allocation	dhcp
	Wi-Fi
Connection Type	2.4 GHz
	Type: Home Name: ATTGRYhNQs
Mesh Client	No
MAC Address	da:26:0d:89:89:08
Name	iPhone
Last Activity	Sat Jul 1 20:20:06 2023
Status	off
Allocation	dhcp
Connection Type	Wi-Fi 5 GHz

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY FAMILY COURT

Appellate Case No. 2023-001376

Justin McGeeRespondent,

v.

Lindsay F. McGee.....Petitioner.

**Affidavit of Respondent Justin McGee
In Opposition to Petitioner’s Amended Motion to Suppress**

I, Justin McGee, testify under penalty of perjury that:

1. I am over 18 years old and competent to testify to the matters set forth below.
2. I am the Respondent and testify from my own personal knowledge.
3. I have never, in any capacity or by any means, accessed, read, intercepted, heard, listened to, or otherwise reviewed or received any communications between the Petitioner (“Lindsay”) and her lawyers in this action.
4. I have never, in any capacity or by any means, accessed Lindsay’s Gmail account.
5. I have never intercepted any emails to or from Lindsay’s Gmail account.
6. I have never, in any capacity or by any means, accessed, read, intercepted, or otherwise reviewed or received any drafts of Lindsay’s affidavit for the Temporary Hearing.
7. I have never, in any capacity or by any means, accessed Lindsay’s Bank of America account(s) or online account. I did not change and have not changed any notification setting for her Bank of America account(s).

8. I have not ever, in any capacity or by any means, accessed, read, intercepted, or otherwise reviewed or received any data on or from Lindsay's Apple or iCloud account.

9. I have never known or used Lindsay's Apple or iCloud password.

10. I have never "mirrored" any iPhone of Lindsay's and did not connect any device to her Apple account.

11. I have not been back to the house at 664 McCutchen Street ("McCutchen House") or even in that neighborhood since May 12, 2023.

12. I have not installed, placed, accessed, removed, used, deleted files from, watched or listened to footage from, or otherwise had anything to do with any camera at McCutchen House since the Summer of 2022.

13. I have never, in any capacity or by any means, impermissibly accessed, read, intercepted, or otherwise reviewed or received any text message between Lindsay and any third party to which I was not a party.

14. I have not ever, in any capacity or by any means, impermissibly accessed, intercepted, heard, listened to, or otherwise reviewed or received the content of any phone conversation between Lindsay and any third party, except those to which I was not a party or during which I was physically present.

Background

15. Lindsay and I were married on March 10, 2012, and have three children together.

16. Lindsay and I separated briefly from February 21, 2021, until early June 2021. From February 2021 to June 2021, Lindsay and I shared custody of the children. I had regular, almost daily, access to McCutchen House during this time. We were attending marital counseling and went on a family vacation in early June 2021, after which we reconciled, and I moved into

McCutchen House. From June 2021 to June 2022, Lindsay and I attended marital counseling, went on several trips together, both alone and as a family, went to concerts, and had “date nights,” on which we hired babysitters and went out together.

17. We decided to purchase McCutchen House in March 2022 and we closed on that purchase in June 2022. We titled McCutchen House in Lindsay’s name only, but the primary motivations for that were related to *ad valorem* taxes and school zones, not any intention that it be considered separate property.

18. We resided together at McCutchen House until early June 2022, when I started staying primarily at our other home, though I still spent several nights there, including specifically July 6 and July 30, 2022.

19. I began to suspect that Lindsay was having an affair and hired a private investigator on or about June 15, 2022. The private investigator, John Clayton, subsequently placed a GPS tracking device on Lindsay’s vehicle.

20. John Clayton obtained dispositive evidence that Lindsay committed adultery on or about September 3, 2022, though I believe her adultery first occurred much earlier than that.

21. I have had significant concerns regarding Lindsay’s mental health and substance abuse for years, but that escalated in November 2020. Those mental health and substance abuse issues have continued escalating to the present.¹

22. I filed the collateral divorce action in the Charleston County Family Court on October 20, 2023, though Lindsay and I continued to seek an amicable resolution.

23. I filed a Motion for Temporary Relief in the Family Court case on May 1, 2023.²

¹ See Affidavit of Justin McGee filed on June 20, 2023 for the Temporary Hearing in the Charleston County Family Court (exhibits excluded) attached as **Exhibit A**.

² See Motion for Temporary Relief filed on May 1, 2023, attached as **Exhibit B**.

24. I filed an Expedited Motion for Temporary Relief in the Family Court case on May 31, 2023.³

25. A Temporary Hearing occurred on June 13, 2023, and resulted in a Temporary Order giving me equal custody of the minor children.⁴

A. Lindsay's iPhone and Apple Account

26. I kept an older iPhone to use as a back-up and for the children for years. For the first half of 2021, I primarily used an iPhone 10 (an iPhone XS named "iPhone (3)" on my Apple account) and an older iPhone (named "Justin's iPhone" on my Apple account).

27. On August 3, 2021, the older iPhone ("Justin's iPhone") was left in a hot vehicle and the battery exploded. I informed Lindsay this occurred immediately when it happened.⁵

28. I bought an iPhone 12 Pro Max through my AT&T account and gave that phone to Lindsay for her birthday on or about August 29, 2021.⁶ She set up the iPhone 12 Pro Max on her AT&T account and with her Apple ID. She then gave me her former iPhone 8 Plus 128 GB (hereinafter "iPhone 8") to replace "Justin's iPhone" as my back-up, second iPhone. Lindsay deleted and performed a factory reset on this device prior to giving it to me.

29. On September 16, 2021, I connected the iPhone 8 (and the SIM card in it) to my AT&T account with the phone number 843-xxx-2853. At that time, I created a new Apple ID that

³ See Expedited Motion for Temporary Relief filed on May 31, 2023, attached as **Exhibit C**.

⁴ See Temporary Order filed on June 15, 2023 attached hereto as **Exhibit D**.

⁵ See text messages between Lindsay and I regarding the exploded phone attached hereto as **Exhibit E**.

⁶ It took longer than expected for the device to arrive at the AT&T Store and for us to pick it up. We finally got the iPhone 12 Pro Max on September 8, 2021, and Lindsay switched from the iPhone 8 to the iPhone 12 Pro Max on or about September 13, 2021.

was connected to my Apple ID through Family Sharing.⁷ I notified Lindsay of how I set up the iPhone 8 and provided her with the phone number, phone password, Apple ID, and Apple password for this device.⁸ I did this because Lindsay was often in possession of this device, even after September 2021, as it was used for the children.

30. The iPhone 8 has been continuously connected to the phone number 843-xxx-2853 on my AT&T account from September 16, 2021, to the present.⁹ The iPhone 8 has not been connected to Lindsay's older phone number (843-xxx-3367) since she activated the iPhone 12 Pro Max and connected the SIM card therein to that phone number on or about September 8, 2021.

31. Lindsay was and is aware that the iPhone 8 was connected to my AT&T account, to phone number 843-xxx-2853, and to the new Apple ID I created on September 16, 2021, because we communicated via phone calls, text messages, iMessages, and FaceTime through that iPhone 8 from September 2021 to November 2022.¹⁰

32. Since September 16, 2021, the iPhone 8 has only ever been connected to one Apple ID, the new one I set up that is connected to my Apple ID through Family Sharing.¹¹

33. As I understand it, I would have to know Lindsay's Apple password to connect any device to her Apple account. I have never known her Apple password. Also, as I understand it, connecting a new device to any Apple account requires a two-factor authentication, so Lindsay would have been made aware of any attempt to connect any device to her Apple account.

⁷ See screenshots of my Apple Family Sharing attached hereto as **Exhibit F**.

⁸ See text messages between Lindsay and I regarding the new account details and passwords for the iPhone 8 attached hereto as **Exhibit G**.

⁹ See AT&T records attached hereto as **Exhibit H**.

¹⁰ See AT&T usage records attached hereto as **Exhibit I**.

¹¹ See Ex. F.

34. Lindsay bought an iPhone 13 in September 2022, right after being caught committing adultery. As I understand from the documents and testimony provided in this case, Lindsay then set the iPhone 13 up through her AT&T account with a new phone number (843-xxx-2168) and an entirely new Apple ID (lindsay.f.mcgee@apple.com).

35. I did not ever have any access to Lindsay's iPhone 13.

36. This new phone number was never connected to any other device I had access to.

37. I have never known the password for any of Lindsay's Apple IDs, much less this new Apple ID completely disconnected from any of my emails or accounts.

38. I bought an iPhone 14 Pro Max on or about November 28, 2022, and connected that to my AT&T account as my primary phone.¹² At that point, I quit using the iPhone 8 and used only the new iPhone 14 Pro Max and the iPhone 10 as the backup.

39. Lindsay alleges that I used the iMazing software application to create a backup of the iPhone 8 that was connected to Lindsay's iCloud account. This is false. I used the iMazing software to create a backup of my iPhone 10 and iPhone 14 Pro Max.¹³

40. My actions during this time period have also been inconsistent with the allegation that I was intercepting her text messages. For example, in July, Lindsay produced text messages between her and her paramour that show Lindsay was consuming ecstasy and other substances she'd "never tried before" on May 6, 2022.¹⁴ At that time, I was trying to settle our case and was under the impression she was ceasing that sort of behavior because of the promises she made on

¹² See AT&T Purchase Agreement attached hereto as **Exhibit J**.

¹³ See screenshots of iMazing application, iPhone 10, and iPhone 14 Pro Max attached hereto as **Exhibit K**.

¹⁴ See text messages between Lindsay and her paramour that were produced by Lindsay attached hereto as **Exhibit L** at pg. 30-33.

April 29, 2023.¹⁵ My actions in in early May are inconsistent with the allegation that I was aware of these text messages.

B. Lindsay's Gmail Account

41. Lindsay alleges that I accessed her Gmail account (lmcgee9310@gmail.com) and suggests that this access was conducted by mirroring her iPhone. As established above, I did not mirror her iPhone or access her Apple account.

42. Lindsay claims the Google IP Logs attached to the motion support her claim. They do not. The Google IP Logs show that an iPhone using iOS 16.1 repeatedly accessed her Gmail account. In fact, the Google IP Logs show that this “unknown iPhone” using iOS 16.1 was the only device to access Lindsay's Gmail account from November 15, 2022 to February 16, 2023. Lindsay sent me numerous emails from her Gmail account during this time period, which suggests to me that she was accessing her Gmail account during the time the “unknown iPhone” was the only device accessing her Gmail.¹⁶

43. I can only assume that Lindsay was accessing her Gmail using her iPhone that was running iOS 16.1, and then updated her iPhone to iOS 16.5.1 the day iOS 16.5.1 was released. Put another way, I can only assume from the Google IP Logs that the “unknown iPhone” accessing Lindsay's Gmail account was likely her iPhone.

C. Lindsay's Bank of America Account

44. Lindsay opened a new bank account with Bank of America in November 2021 when she started working for NCGS so she could keep her income for herself.

¹⁵ See Ex. A at ¶43, 98-99, and 101.

¹⁶ See list of emails Lindsay sent to me from her Gmail account during this time period attached hereto as **Exhibit M**.

45. Lindsay alleges that I intruded into her Bank of America account, changed her notification settings to list her law firm email address, and accessed her accounts via her online account.

46. I did no such thing. I have never accessed her Bank of America account.

47. Considering that the “unidentified Apple iPhone” that accessed Lindsay’s Bank of America account on March 13, 2023, used valid credentials (online ID and passcode) and that I did not know and have never known either her online ID or passcode for her Bank of America account, this is further evidence that the subject “unidentified Apple iPhone” was Lindsay’s iPhone.

48. Lindsay alleges there was some intrusion from a device using internet service provided by Wow! and browsing on Google Chrome. Lindsay sent me a picture of her at a local coffee shop named High Fallutin’ using her laptop computer.¹⁷ In the picture she sent me, her laptop screen is clearly visible and she is using Google Chrome.

49. GPS data obtained from the private investigator also indicates that Lindsay was at High Fallutin’ during the alleged intrusions into her Bank of America account.¹⁸ I suspect that Wow! is the internet provider for the free wi-fi available at High Fallutin’.

50. Lindsay claims the iCloud back-up for the iPhone 8 given to me in September 2021 “contained this mobile banking application with the embedded credentials.”¹⁹ This is not true.

51. Lindsay gave me the iPhone 8 in September 2021, but did not open a Bank of America account until November 17, 2021,²⁰ so she could not have had any mobile banking

¹⁷ See picture of Lindsay at High Fallutin’ attached hereto as **Exhibit N**.

¹⁸ See excerpts from GPS tracking reports attached hereto as **Exhibit O**.

¹⁹ See Bumgarner Aff. at ¶27.

²⁰ See Motion to Suppress at ¶7.

application with embedded credentials on the iPhone 8 before giving that (factory reset) phone to me.

52. Lindsay represents that “she never registered her corporate email account address with Bank of America.”²¹ Lindsay directly contradicts this representation when she claims her law firm email address was the recovery address for Bank of America.²² Lindsay also admitted in response to Requests for Admission that she used her law firm email address with Bank of America when she obtained a car loan.

D. Arris Router Logs

53. Lindsay’s expert John Bumgarner (“Bumgarner”) states that he accessed the Smart Home Manager application and extracted the Arris Router Logs that are attached as Exhibit 9 to the motion on June 22, 2023.²³ However, the Arris Router Logs attached as Exhibit 9 cannot be the document extracted on June 22, 2023 because they reference devices purportedly connected to the wireless network as late as July 31, 2023.²⁴ No other versions of the Arris Router Logs have been produced by Lindsay during discovery despite my written requests for production served months ago.

54. Lindsay was asked to identify expert witnesses and to produce documents and evidence about those expert witnesses in discovery requests served on December 6, 2022. Lindsay first answered these interrogatories seven months later but failed to disclose Bumgarner as an expert witness. Lindsay did not list Bumgarner as an expert witness until August 25, 2023 (just

²¹ See Bumgarner Aff. at ¶65.

²² See Bumgarner Aff. at ¶63.

²³ See Motion to Suppress at 12, Bumgarner Aff. at 32-33, and 41.

²⁴ See Exhibit 9 as edited for demonstrative purposes attached hereto as **Exhibit P** at device #1.

two business days prior to filing this motion). Lindsay has not produced any documentation or evidence related to any expert witness in discovery and has not produced any other version of the Arris Router Logs.

55. The Arris Router Logs are completely inaccurate as set forth below:
- a. The Arris Router Logs indicate that a device named “madisens-Air” connected to the network on June 6, 2023.²⁵ This device belongs to a babysitter I hired in February 2022 named Madisen Lamp who babysat for us one time and has not been back to McCutchen since then.²⁶ Thus, the device named “madisens-Air” could not have connected to the network on June 6, 2023.
 - b. The Arris Router Logs indicate that a device named “Daniels-IPad-2” connected to the network on June 24, 2023.²⁷ This device belongs to Dan Walden, and he was not even in the State of South Carolina on June 24, 2023.²⁸
 - c. The Arris Router Logs indicate that a device named “Dans-iPhone” connected to the network on June 12, 2023.²⁹ This device belongs to Dan Walden and he was not even in the State of South Carolina on June 12, 2023.³⁰
 - d. The Arris Router Logs indicate that a device named “Bonnies-MBP” connected to the network on July 18, 2023.³¹ I believe this device belongs to Bonnie

²⁵ See Ex. P at device #14.

²⁶ See Aff. of Madisen Lamp, attached to Respondent’s Return.

²⁷ See Ex. P at device #24.

²⁸ See Aff. of Dan Walden, attached to Respondent’s Return.

²⁹ See Ex. P at device #44.

³⁰ See Aff. of Dan Walden, attached to Respondent’s Return.

³¹ See Ex. P at device #40.

Kwasnik who was a frequent babysitter in 2022 but, upon information and belief, has not been present at McCutchen House whatsoever in 2023.

- e. The Arris Router Logs indicate that two devices bearing the name “NCGS” connected to the network on June 19 and July 25, 2023.³² Lindsay was employed by NCGS, Inc. from November 2021 to July 2022 and returned her NCGS computer and electronics in late July or early August 2022. Thus, these devices could not have connected to the network nearly a year later on June 19 or July 25, 2023.
- f. The Arris Router Logs indicate that a device bearing the name “Charlies-iPad” connected to the network on June 28, 2023.³³ This is our oldest son’s iPad and it has not been connected to that network since at least November 2022 because Lindsay would not allow it.³⁴
- g. The Arris Router Logs show that a device bearing the name “Iphone-10-X” connected to the network on July 21, 2023.³⁵ I am confident this device is my iPhone 10. I was with our children and nowhere near McCutchen on July 22, 2023.
- h. Lindsay alleges that I was in close proximity to McCutchen on July 8, 2023, because “Justin’s iPhone” connected to her wireless network on that date according to the Arris Router Logs. “Justin’s iPhone” was destroyed on August

³² Ex. P at devices #21 and #22.

³³ Ex. P at device #45.

³⁴ See screenshots of text messages with Lindsay regarding wi-fi on the children’s iPads attached as **Exhibit Q**.

³⁵ Ex. P at device #45.

2, 2021, when the battery exploded and it has not been operational since then.

Also, I was home talking to my mother on the phone at the time Lindsay alleges

I was in close proximity to McCutchen on July 8, 2023.³⁶

56. Many of the allegations Lindsay makes are based upon the Arris Router Logs that are just simply factually inaccurate and unreliable.

E. Nanny Cameras

57. I have used video surveillance devices for security purposes since, at least, 2013. Lindsay was aware of my habit for using these devices for personal property protection and the safety of our family. I have used these video cameras in both of our homes (McCutchen House, and the house on Eddy Farm Road), in our office, and in our camper.

58. The property at Eddy Farm is rural and isolated. The house at Eddy Farm (where our family resided prior to McCutchen and where I now reside) is raised due to the flood elevation and the first floor sits approximately twelve feet above ground level. The space underneath the home is used as storage and outdoor living space. There are no doors and no means of locking the area underneath the house or securing the personal property stored there. I bought and used cameras for security and to prevent theft.

59. From 2020 to 2022 the camper was parked near the house at Eddy Farm and connected to utilities. It was not locked. I used cameras to secure the camper as well.

60. I used cameras at my office for security as well.

³⁶ Ex. P at device #18.

61. I used nanny cameras at McCutchen House. I did so while I was living there for security and to ensure the safety of the children for the reasons set forth in my affidavit that was submitted at the Temporary Hearing.³⁸

62. Lindsay claims that there were operational cameras at McCutchen House after I no longer had access. This is false. I removed the cameras from McCutchen House over the Summer of 2022 as I was moving and removing my belongings.

63. There was one camera, specifically the one identified in the motion, that I inadvertently left on a shelf in the garage. It was not plugged in or connected to the network, so it could not capture video.

64. That camera model was not and is not capable of capturing audio.

65. The SCS subpoena response Lindsay received was not complete. I bought four SCS outlet cameras from Amazon in July 2021 and these cameras did and do not have the ability to capture audio.³⁹ These purchases were not included in SCS subpoena response. The camera that I left in the garage was one that I bought from Amazon in July 2021.

66. Again, the camera I mistakenly left in the garage when I moved from McCutchen House could not receive, send, or record audio.

67. These outlet cameras worked as functional outlet extenders. To function as a camera, the device must be plugged into an outlet. Once plugged in, the device broadcasts a local wireless signal. To connect the camera to a viewing device, that device must be near the camera, connect to the local wireless signal broadcast by it, and use the IoT Living application to connect the application to the camera. After that is accomplished, the user can connect the camera to a

³⁸ Ex. A at ¶15-23, 24 at subparts (a), (k), (l), (m), 25-31, 34, 37-38, 45-46, and 48-49.

³⁹ See Amazon Order details and product description attached hereto as **Exhibit R**.

wireless network through the application and once connected to a wireless internet network, view recordings captured by the camera remotely. The default camera setting is to record in one-minute intervals activated when and if motion is detected.

68. If the device is unplugged or otherwise loses power, the user must repeat the process of connecting the device to application and then to a wireless network to access the device or recording remotely.

69. If the device is unplugged or otherwise loses power, it will resume recording using the default settings upon power being restored, but the user must repeat the process of connecting the device to the application and then to a wireless network to access the device or recording remotely. This is important because that camera was not plugged in (and thus not connected to the IoT application, any viewing device, or to the wireless network). It appears, based upon the information provided in and with the motion, that someone (presumably Lindsay) plugged that camera into an outlet on October 9, 2022.⁴¹

70. The power went out at McCutchen House several times since the Summer 2022, most notably the home lost power for three days during and after Hurricane Ian (September 29 – October 1, 2022).⁴² This loss of power would have disconnected the camera inadvertently left in the garage if it were plugged in and connected, which it was not.

71. Lindsay also claims that there was a gap in recordings from December 24, 2022, to April 30, 2023, that was caused by someone accessing the device and selectively deleting data for this time period. This theory is not possible. Within the IoT Living application, with respect to stored videos, the only option available to delete videos is to format the SD card (and thus delete

⁴¹ See Bumgarner Aff. at ¶38.

⁴² See text messages with Lindsay regarding loss of power attached hereto as **Exhibit S**.

all videos). There is no option or ability to selectively delete recorded videos. Because the device contained video from October 9, 2022, I assume the “gap in recordings” referenced in the motion was due to the device not being plugged in, and therefore not recording, during that time period.

72. I did not remotely access any camera in McCutchen after the Summer 2022, I could not have remotely accessed any device at McCutchen after the Fall 2022 because Lindsay changed the password to her wireless router. I know that because the children’s iPads stopped connecting to wi-fi at McCutchen House and Lindsay informed me that she changed the password.⁴³

73. The soundbar camera referenced in Bumgarner’s affidavit was purchased for the area underneath the house at Eddy Farm to replace the existing soundbar.⁴⁴ This device remains new in the box and was never at McCutchen House.

74. The other purchase from knowyournanny.com referenced in Bumgarner’s affidavit was intended to be used in my office but was returned due to poor quality.⁴⁵

75. Lindsay claims to have delivered the camera discovered on June 22, 2023 to Steve Abrams on July 24, 2023 (a month later).⁴⁶ Bumgarner also states that the camera contained videos up to July 22, 2023, meaning the device was left plugged in and recording for more than a month after Lindsay claims to have discovered it.⁴⁷

⁴³ Ex. Q.

⁴⁴ See Bumgarner Aff. at ¶50 and images attached hereto as **Exhibit T**. The home at Eddy Farm has raised outlets that are should height or higher and the cameras with downward lens angle were purchased for these raised outlets. McCutchen House does not have raised outlets.

⁴⁵ See return request emails attached hereto as **Exhibit U**.

⁴⁶ See Motion to Suppress at ¶13 and Bumgarner Aff. at ¶38.

⁴⁷ See Motion to Suppress at ¶13 and Bumgarner Aff. at ¶38.

76. Lindsay produced text messages between her and third parties in response to a subpoena in a different case, including a text message she sent on September 8, 2022 wherein she states, “Just tested the spy/camera thing.”⁴⁹ I believe this text message is referencing the camera that Lindsay found in the garage and establishes that Lindsay knew about it and possessed it for more than a year prior to filing this motion.⁵⁰

77. I am not certain what evidence Lindsay is seeking to suppress and it has not been clearly defined. I do not have any recordings from McCutchen House. To the extent such recordings exist, they would be contained on the SD card of the camera. The IoT Living application only serves as a gateway to the SD card and does not maintain copies of any recordings.

78. There are only two ways to access the recordings on the SD card: (i) by having possession of the device (and I do not) or (ii) accessing the SDS card remotely through the IoT Living application if the camera is connected to the internet (and, as far as I know, the camera is not has not been connected to the internet since sometime during the early Summer 2022, at the latest). According to the information set forth in Lindsay’s submissions, any recordings I would have had access to have long since been overwritten and do not exist.

F. Lindsay’s Law Firm Email Account

79. Lindsay and I were both global administrators of the firm’s Microsoft SharePoint and Exchange.

⁴⁹ See excerpt of text messages produced by Lindsay in response to a subpoena served upon her in the Keys v. Keys matter attached hereto as **Exhibit V**.

⁵⁰ Lindsay also told me that she had moved the outlet camera to locations other than the garage within McCutchen House, including to the bathroom, but I don’t have any personal knowledge of that.

80. Lindsay also maintained a personal email account (lindsayforeback@gmail.com) and the creation of this email account predated my knowing Lindsay and it still exists.

81. Lindsay quit working for the firm in any significant manner in January 2021 and was unemployed until she began working for NCGS in November 2021.⁵¹ Lindsay used her firm email address during this time period to communicate with the firm's third-party bookkeeper and handle some accounts payable.

82. According to Lindsay, she also created a second personal email account in January 2021 (lmcgee9310@gmail.com) and this corresponds with when she quit working for the firm.

83. Lindsay terminated her employment with NCGS in July 2022 and has been unemployed ever since. Lindsay and I discussed her doing contract work for the firm several times from July 2022 to May 2023, but Lindsay did not actually do any work for the firm again until May 10, 2023. Lindsay requested that her law firm email account password be reset on May 10, 2023, when she agreed to perform services as an independent contractor, and I reset the password for her.

84. Lindsay previously stated that I "revoked [her] access to the McGee Law Firm email domain on or about June 4, 2022" and she then started using her Gmail account exclusively.⁵² Lindsay subsequently authenticated numerous emails she sent from her law firm account between

⁵¹ Lindsay continued to receive W2 wages from the firm from January 2021 to January 2022, despite only handling payroll and making deposits and not actively working for the firm, and those wages were deposited into the parties' joint checking account.

⁵² See Defendant's Motion to Compel Compliance by a Non-Party to a Subpoena Duces Tecum filed on July 10, 2023, attached hereto as **Exhibit W** at ¶1.

June 4, 2022, and October 21, 2022. Lindsay now claims that I terminated her access to the law firm email account “on or about November 1, 2022.” This is not true either.⁵³

85. The firm’s email accounts were set up through Microsoft Exchange and several of the email accounts were shared accounts or linked to each other. Lindsay was absolutely aware that we, as global administrators, could view the other email accounts on our Microsoft Exchange and Lindsay’s email account was set up to view other email accounts in the firm.⁵⁴

86. I also provided Lindsay with my Microsoft password in a text message, which gave her complete and unfettered access to my Microsoft account, including all of my email and all permissions and roles assigned to be within Microsoft, and the ability to reset her own password.⁵⁵

87. Lindsay was also very aware that I could and had accessed her email account prior to May 10, 2023. As one example, I accessed her firm email account to send a CLE compliance form to the South Carolina Bar on April 8, 2022, in order to prevent her being placed on an administrative suspension and she and I texted about it.⁵⁶

88. That account also received emails related to the firm’s accounts payable, including for shredding and internet service, and the firm website domain name and registration, as well as possible new client communications.

⁵³ See a list of emails Lindsay sent from her law firm email account after November 1, 2022, attached hereto as **Exhibit X**.

⁵⁴ See text messages between Lindsay and I from February 23, 2021, wherein she requests that the link between other email accounts and hers on the Exchange be severed attached hereto as **Exhibit Y**. Lindsay had the ability to sever this link herself as the global administrator, but frequently asked me to perform such tasks, typically because she could not remember her password.

⁵⁵ See text messages between Lindsay and I wherein I provide my Microsoft password attached hereto as **Exhibit Z**. I changed my Microsoft password after May 10, 2023.

⁵⁶ See text messages between Lindsay and I regarding the CLE compliance form attached hereto as **Exhibit AA**.

89. Lindsay claims she “deleted thousands of mostly junk and spam emails” from her firm email account on May 10, 2023. This is not true – she deleted 39,000 emails (her entire Inbox) ranging from 2012 to 2023. The deleted emails included emails: (i) to and from clients, (ii) of internal client-related communications, (iii) communications with opposing counsel, (iv) billing records, (v) communications regarding the firm’s PPP and EIDL loans, and (vi) communications with tax preparers and tax documents and records, emails.

90. I immediately attempt to block the deletion of these emails when I discovered this on May 10, 2023, and initiated a litigation hold. I attempted to restore the deleted emails through Microsoft Exchange, but there were so many that my computer bogged down.

91. These deleted emails have been quarantined by Forvis, but Lindsay now takes the position that these emails cannot be accessed because doing so would be illegal.

92. If I could access these emails, I would be able to show that Lindsay’s representation that the deleted emails were “mostly junk and spam” is false. I would also be able to establish that Bank of America has been sending Lindsay emails to her law firm email account since, at least, October 2022.

93. Regardless, I had a duty to preserve the emails Lindsay deleted as a lawyer, as a business owner, and as a taxpayer and my accessing of an email account on the firm’s exchange, belonging to a terminated employee, who impermissibly deleted emails that were and are essential to the business was not illegal or inappropriate.

G. Unexplained Knowledge

94. I did not obtain any evidence or *any* information leading to any evidence from any electronic espionage, illicit access of any account or data of Lindsay, or any video or audio surveillance. All of the information and evidence obtained and presented to the Family Court, or

that will be presented to the Family Court in the future, was derived from my personal knowledge from permissible sources or independent sources.

95. For example, I obtained information via the use of a licensed private investigator who submitted an affidavit for the Temporary Hearing in this case.⁵⁸ I also obtained an affidavit and private investigator report filed in a different Family Court case.⁵⁹

96. In addition to my responses herein, I specifically and emphatically deny the allegations Lindsay's affidavit, specifically those in Paragraphs 1, 3, 7, 10, 12, 14, 15, and 17-18 and the evidence dispositively proving these allegations are false is voluminous. However, these allegations are not directly related to the issues before this Court in the Motion to Suppress and I am reserving my response to these allegations for the Family Court. To the extent this Court desires a response to these allegations, I will gladly supplement this affidavit and provide such evidence.

97. This motion is not well-rooted in fact or law and between Lindsay and I we have spent well over \$100,000.00 litigating this issue and it has almost nothing to do with the underlying issues of custody, divorce, and the division of our martial estate.

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⁵⁸ See Affidavit of John Clayton filed on June 20, 2023, attached hereto as **Exhibit BB**.

⁵⁹ See Affidavit of John Clayton filed in the Keys v. Keys matter then pending in Charleston County Family Court attached hereto as **Exhibit CC**.



Signature

Sworn and subscribed to before me
on 29 September, 2023

Justin McGee

Notary Public for South Carolina

Print: Teresa H Postell

My Commission Expires: May 4, 2032

