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Oct 05 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON
PET HELPERS, INC.,

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NO.: 2021-CP-10-2682

Plaintiff,

vs.

JANET FRISCO

Defendant.

**REPLY TO PLAINTIFF'S MEMORANDUM
IN OPPOSITION TO DEFENDANT'S
MOTION TO COMPEL DISCOVERY**

FILED
2023 OCT -4 PM 4:31
CLERK OF COURT

BACKGROUND

The Defendant surrendered my hunting dog Toby that I had rescued and fostered for six months to Pet Helpers Shelter on April 13, 2021 that was neutered, chipped, heartworm-free and vaccinated, but still had to pay a \$100.00 fee for them to accept him. A few days later I noticed on their website that Toby looked devastated in the posted photos and I called Katie Leasure in the Intake Department with my concerns. She said he was fine, going on daily walks and in a playgroup and denied he was unhappy. According to their admissions the Plaintiffs don't believe dogs can experience sadness. I called in distress several times and when heard I there was a low-cost adoption event sponsored by Bissell Pet Foundation planned for the weekend of May 9 lowering the adoption fee to \$25.00 since Bissell was subsidizing the adoptions. I also sent an email requesting his return April 22, 2021 (EXHIBIT A).

On May 6th Ms. Leasure sent me an online application which I submitted on the following evening. My cellular phone had to be repaired so I didn't get the message Melissa Susko left me. I called them on the 8th or 9th to check on the status of my application and that's when they said he had been adopted on May 7th. Later the Plaintiff's attorney sent me

the redacted adoption application and the date of the alleged adoption was actually May 8th Melissa Susko, the executive director, states in *AFFIDAVIT OF MELISSA SUSKO IN SUPPORT OF PLAINTIFF'S MOTION FOR EMERGENCY EX/PARTE RESTRAINING ORDER NO. 6* that Toby was adopted May 7th as per the phone message she left me and Katie Leasure had claimed when I called (EXHIBIT B).

On or about May 10th Pet Helpers posted a picture on their website with a man holding sign saying "I'm Going Home" with Toby cowering on a leash (EXHIBIT C). The man was heavy set and wearing a hat, mask and glasses. I feared Toby had been adopted by a hunter and that was what I had rescued him from so I contacted them with that concern. I decided to go over there on a weekday and speak with Ms. Susko. On the way over she called me and I asked her if she would explain to the man who had him how upset I was and that I was willing to buy Toby from him. She harshly answered, "You surrendered your legal rights and I'm going to interrupt you now!". I realized it was useless to try and talk to her, but before I hung up on her, I said I would be back with the army of God. Afterwards she must have immediately called the police and when they arrived, she requested a "No Trespass Notice". Providentially I turned around and went home and drove back the next Saturday, but I called the Charleston Police on the way and told them I was going to Pet Helpers and publicly protest their actions on the right-of-way in front of their business. Two officers met me at the Food Lion on Folly Road and that's when I was notified that Susko had requested the "No Trespass Notice" and also warned me from contacting them or it would be harassment. I started the protest and went regularly to hold up different signs. One said they were cruel and greedy which was absolutely true because the only reason they refused to reunite Toby and I was that they would lose donations if they gave him back to me. Money was the only thing they cared about. They tried to say I was unsuitable to adopt because I had eight dogs, but Toby and all my other pets are well-cared for and happy so that excuse is invalid. One of the reasons I have multiple animals is because I don't trust shelters and this incident has definitely proven my worst fears.

One day while I was protesting, a former employee of Pet Helpers approached me and

said she would help me. She was familiar with their website and obtained a photo from it of Blaine John, an employee, who wore glasses, had thinning hair and was overweight who strongly resembled the man in the "I'm Going Home" adoption photograph with Toby (EXHIBIT D). She told me later that Susko had told her she was certified to euthanize as she returned from the training one day. She also told me that Susko had been involved in the deaths of two other dogs, Cody and Dixie, at the shelter who were not aggressive or medically untreatable. When she told me that I believed they had killed him and I felt like I had been kicked in the stomach. I started broadcasting that they had killed in my protests until they finally showed me a video of Toby with the front page of the newspaper on June 16th, 2021 and I stopped saying it because they proved he was alive.

A shelter is allowed to refer to itself as "No Kill" if they stay under a certain percentage and the animal is aggressive or medically untreatable and that is at the discretion of the manager. The answer to Defendant's interrogatory #6 is necessary to show that Melissa Susko, the executive director of Pet Helpers, is certified to euthanize and the Defendant was not malicious when she concluded Ms. Susko killed Toby after the adoption was staged and they collected donations. In Pet Helpers financial report for 2021 it states Pet Helpers received \$2,012, 672 in contributions which was 76.4% of Pet Helpers' total revenue. The \$64,803 salary of the executive director and other employees comes from donations so that establishes a motive for their fraud. Ms. Susko also received an additional \$1900 that same year for unspecified reasons of which could possibly benefit the Defendant's case against Pet Helpers depending on the reason.

On or about June 5, 2021 as Defendant stood on the street protesting, two of Pet Helper's employees tried to lure me on to Pet Helpers property. One stopped his car in the driveway and asked me if I was alright and the other one pulled in behind him immediately after and starting taking pictures with his phone. The following Monday, Susko called the police and claimed I'd trespassed. I went to the police department and filed a Freedom of Information request to obtain the photographs and police reports. Later I went to the Registrar of Deeds

office for a copy of the tax map because the Plaintiff's attorney sent me a threatening email saying that "we" can reopen the investigation even though the police said I didn't trespass. I assume he meant he and the Court could reopen the investigation. When he filed the motion for the Ex Parte restraining order, he made false statements in order to obtain it that I had trespassed that day and also made false statements that I had threatened Pet Helpers employees. (EXHIBIT E)

Pursuant to Rule 37(a) SCRPC Defendant Janet Frisco, requests that this court compel Plaintiff's answers to Defendants First interrogatories which are necessary to establish a genuine issue of material fact prior to a jury trial (EXHIBIT ~~E~~^F). The present case is pending appeal based on Plaintiff's attorney's abuse of civil process in the implementation of the complaint and abuse of the standard of discretion by ruling judges during the course of this litigation.

Defendant is specifically appealing the granting of Summary Judgement ordered May 5, 2022 so that a jury can decide, based on witness testimony and evidence that was not able to be presented during the hearings, whether the Plaintiff's did in fact stage the adoption of my rescued and fostered dog Toby, aka Slim Jim, in order to collect donations and thereby commit fraud.

The Plaintiff's Attorney acknowledges in his *Respondents Reply to the Appellant's Motion to Strike 2nd Amended Designation of Matter* the Summary Judgement was granted based on affidavits and memorandums from Pet Helper's employees (~~EXHIBIT H~~). These signees are the same employees who were involved in the alleged adoption that may be guilty of fraud. Ms. Susko has also claimed that Defendant "screamed at customers and left threatening voice mails". She would have to provide evidence for these allegations in a jury trial rather than merely signing memorandums and affidavits. Since these documents were signed by the same individuals who participated in the alleged adoption they should not be viewed as credible by this or any other court. Photographs obtained by the Defendant from Pet Helpers website indicate that the employee Blaine John posed with Toby in the "I'm Going Home Adoption" Photograph. In October of 2022 the Plaintiff's Attorney sent the Defendant a picture of Blaine

John who had lost a considerable amount of weight beside another individual Pet Helper's claimed was the person that adopted Toby (EXHIBIT 5). At the hearing on April 22, 2022 the Plaintiff's attorney submitted an adoption application, but did not submit a photo identification card with it to prove it was the same person in the photograph he sent the Defendant in October claiming he was the adopter and attempting to refute Defendant's claim it was Blaine John who posed as an adopter on or about May 10, 2021.

DEFENDANT'S REPLY

The Plaintiff's attorney states the following on Page 1, Paragraph 2: "The gravamen of Defendant's claims can be summed up by the following allegation - "[Defendant] suffered severe depression and grief and am [sic] still suffering due to the separation [Plaintiff] needlessly created by not returning the dog to [Defendant]." Plaintiff answered and counterclaimed for malicious Page 2 of 6 prosecution. On January 6, 2022, the lower court consolidated Frisco v. Pet Helpers, Inc. with Pet Helpers, Inc. v. Janet Frisco, 21-CP-10-02682."

Defendant's Reply: The Plaintiff's Attorney should be aware that the deliberate infliction of emotional pain is a recognized cause of action. The lower court erred in consolidating the two cases and later granting the Plaintiff's counterclaim for Malicious Prosecution and orders of May 5, 2022 that are pending appeal at this time.

The Plaintiff's Attorney states the following on Page 2, paragraph 1: On March 2, 2022, the Court of Appeals dismissed first appeal because Derendant did not timely serve the appeal.

Defendant's Reply: The Appeals Court did not consider SCACR Rule 60(b)(3) that the appeal was pursuant to where "fraud, misrepresentation or other misconduct of an adverse party" are issues, but just agreed with the Plaintiff's Motion citing SCACR Rule 203(b)(1) that it was untimely. When I petitioned for a rehearing for that reason they denied the rehearing. The motion was not untimely filed because the filing limit was one year under that rule. They ignored the wrongdoing of the Plaintiff's attorney as the lower court and Office of Disciplinary Counsel has done with the complaints I made on the plaintiff's lawyer, Stephan Futeral, and Judges in the lower court that signed orders all in favor of the Plaintiff's without considering Mr. Futeral's making false statements on filed court documents or manufacturing evidence when he submitted the adoption certificate without any verification. Judge Bentley Price accepted it without any questions over my objections implying it could be a forgery because Pet Helpers has control of the forms.

I have come to the conclusion that the courts including magistrate, small claims, county and state are protecting individuals who commit crimes. In an earlier case I was involved in Janet Frisco v. Debra Walker in 2005 all three of the aforementioned courts ruled in favor of Ms. Walker who had illegally obtained information on my stolen 1990 Honda Accord and claimed she stored it in order to obtain ownership through the court of David Coker. When I appealed the case to this court, Ms. Walker was not notified to be there and Judge Markley Dennis, Jr. dismissed the case without considering the evidence I had (EXHIBIT F).

The Plaintiff's attorney states the following on Page 2, Paragraph 3: "Defendant failed to answer Plaintiff' Interrogatories and Requests for Production that were due by July 23, 2021. On January 11, 2022, the lower court ordered Defendant to respond to Plaintiff' discovery by January 17, 2022, and sanctioned Defendant in the amount of \$1,214.24.

Defendant's reply: The Plaintiff's Production and Interrogatories were overly broad, oppressive and were submitted to prevent the Defendant from being able to defend herself against the barrage of motions and actions implemented by the Plaintiff's attorney (EXHIBIT G). I have stated in my initial brief in the pending appeal that the Plaintiff implemented a Strategic Lawsuit Against Public Participation (S.L.A.P.P.). I contracted COVID-19 with related Pneumonia in August 2021 and was severely anemic afterwards. I work full-time as a security guard. I'm widowed and have to take care of my home, yard, and my six remaining rescued dogs and two cats. There is no possible way anyone could have answered those production requests and the interrogatories were irrelevant to the case and violated my right to privacy. The Plaintiff's attorney knew I wouldn't be able to complete them and he would be able to request sanctions and incarcerate me if I didn't and that was his strategy to win the case and prevent a jury trial. It's a formula that he has probably had a great deal of success with in the past. It was only after the Partial Summary hearing that I had time to file my first interrogatories and I had requested a continuance on the judgement on April 22, 2022 hearing by pursuant to affidavit to 56(f), but it was denied.

The Plaintiff's Attorney states the following on Page 3 Paragraph 2: " On January 11, 2022, the lower court denied Defendant's motion to amend because Defendant failed to submit a proposed amended pleading for the court's review..."

Defendant's Reply: I filed a form motion with the proposed amended pleading attached as Exhibit A. pursuant to SCRCP 55 (d), but the court did not respond when I requested the review for the supplement to my answer (EXHIBIT M).

The Plaintiff's Attorney states the following on Page 4, Paragraph 3: In other words, Defendant seeks information about Plaintiff's claims and Defendant's defenses that have been already rendered moot by this court's summary judgment order..

The Defendant's Reply: The judgements of the lower court are pending appeal based on the lower court's abuse of the standard of discretion and the Plaintiff's attorney's abuse of civil process including possibly criminal acts. A jury trial where evidence can be subpoenaed and witnesses can be cross-examined to prove that the plaintiffs engaged in fraud by staging an adoption of Toby and their lawyer committed fraud upon the court in manufacturing evidence.

The Plaintiff's Attorney States the following on Page 5, Paragraph 3: " In other words, Defendant has demonstrated significant instability and Defendant cannot be trusted with the information she seeks."

Reply of the Defendant: The Plaintiff's attorney thinks the Defendant is unstable because she protested what Pet Helpers did and exposed their wrongdoing. He also thinks Defendant is unstable because she defended herself from his illicit lawsuit. In addition, he doesn't want anyone to have the information Defendant is requesting on the Interrogatories because he knows it will incriminate them and all those involved could face legal consequences including him.

The Plaintiff Attorney States the following on Page 6, Paragraph 1: "In the unlikely event this court grants Defendant's motion, Plaintiff requests that this court issue a protective order prohibiting Defendant from disseminating any information to the public and from harassing any persons or entities identified in response to interrogatories."

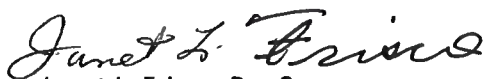
Reply of the Defendant: The practices and profits of any 501-c3 Non-Profit charitable organization are available to the public to monitor the integrity of the charity that is soliciting donations. Defendant was able to find the answer for the amount of donations in my Interrogatory 6 by performing an internet search. Charitable organizations are monitored and scored by independent groups to protect the potential donors, and Pet Helpers, Inc. should not be concerned with Defendant's interrogatories unless they have something to hide which at this point seems to be the case. This is probably only the tip of the iceberg considering what Defendant has brought to the surface concerning Ms. Susko's deceptive, mercenary, and sadistic

nature and through the remaining interrogatories much will be gained to expose their other probable criminal acts.

CONCLUSION

The case is not over until the Appeals Court rules on Defendant's appeal and the Plaintiff's Attorney should be aware of that. He's afraid the Interrogatories will illuminate the truth and he doesn't want the truth about Pet Helpers and Melissa Susko to be known. In addition, he is protecting himself because he's an accessory to criminal fraud by trying to cover it up with the lawsuit and falsely accusing me of libel and slander. I was victimized by the Plaintiff's and the lower court who have assisted them in furthering that by sanctioning me for thousands of dollars and falsely imprisoning me until I paid the extortion money the Plaintiff's lawyer demanded. Defendant requests that all interrogatories be answered which will assist in supporting the pending appeal.

DATED: October 4, 2023


Janet L. Frisco, Pro Se
203 Cardinal Drive
Summerville, South Carolina 29485
843-804-0875
janetfrisco@yahoo.com

RECEIVED

Oct 05 2023

SC Court of Appeals

PROOF OF SERVICE

The foregoing document **DEFENDANT'S REPLY TO PLAINTIFF'S OPPOSITION TO MOTION TO COMPEL DISCOVERY** was served by email and regular U.S. Mail with sufficient postage affixed this 4th day of October 2023 to the Plaintiff's legal representative below:

Stephan V. Futeral
1004 Anna Knapp Blvd., Suite 3
Mount Pleasant, South Carolina 29464
sfuteral@charlestonlaw.net

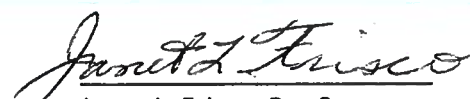

Janet L. Frisco, Pro Se

EXHIBIT A

Toby x Search in toby... Advanced v



Home

- Compose
- Inbox 83K
- Unread
- Starred
- Drafts 1
- Sent
- Archive
- Spam
- Trash
- ^ Less
- Views Hide
- Photos
- Documents
- Emails to myself
- Subscriptions
- Shopping
- Receipts
- Credits
- Travel
- Folders Hide
- + New Folder
- 2019 tax documents
- Accident
- Andrea
- Animal Advocacy 3
- Appeal 1
- AT & T 3
- carriage horses 1
- complaint
- Computer Updates
- Important 6
- Judge Griffin
- Meadowbrook
- MILDRED BLACK
- Outbox
- Toby 1
- trident Security

← Back ↶ ↷ → Archive Move Delete Spam ...

Received Email Re: Toby 3 Yahoo/Toby ☆

intake pethelpers Thank you for contacting the Int. Fri, Apr 23, 2021 at 2:06 AM ☆

Janet Frisco <janetfrisco@yahoo.com> Fri, Apr 23, 2021 at 2:06 PM ☆
To: intake pethelpers

Katie, Could I please come there and get Toby back tomorrow. I thought I was doing the right thing for him, but he doesn't look happy at all in the pictures. He's had a rough life and I can't let him down like the hunter who previously owned him.

Janet Frisco

[Sent from Yahoo Mail on Android](#)

> Show original message



intake pethelpers I will call you in a few minutes. K. Fri, Apr 23, 2021 at 2:57 PM ☆

Reply, Reply All or Forward

Send **B** *I* AA

3

EXHIBIT B

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON
PET HELPERS, INC.,

Plaintiff,

vs.

JANET FRISCO,

Defendant.

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NO.: 2021-CP-10-_____

**AFFIDAVIT OF MELISSA SUSKO IN
SUPPORT OF PLAINTIFF'S MOTION
FOR EMERGENCY/EX PARTE
RESTRAINING ORDER AND
INJUNCTIVE RELIEF**

PERSONALLY, appeared before me, Melissa Susko, who after being duly sworn, deposes and states as follows:

1. I am the Executive Director of the Plaintiff company, Pet Helpers, Inc. which is a non-profit animal adoption center and spay/neuter clinic which serves communities in the Lowcountry, including, Charleston County, Dorchester County, Berkeley County, and surrounding areas.

2. Plaintiff's mission is to end the euthanasia of all adoptable cats and dogs by sheltering all animals until adopted; providing low cost spay/neuter surgeries; offering humane education programs; pursuing animal-cruelty prosecution; and initiating animal-welfare legislation. Plaintiff is a "no-kill" facility meaning that it does not euthanize any animals it takes into its shelter.

3. Plaintiff receives donations to support its mission, to assist in the costs of caring for surrendered animals, and to support its ability to provide low cost spay/neuter surgeries for animals in the community.

4. On April 13, 2021, because she had too many animals in her home, Defendant willingly released and relinquished all ownership of a hound mix dog "Toby" to Plaintiff (see Exhibit

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A to the Complaint). After “Toby” was surrendered by Defendant, Plaintiff changed the dog’s name to “Slim Jim.”

5. On April 23, 2021, Plaintiff posted photographs of “Slim Jim” to their Facebook page indicating that the dog was ready for adoption. That same day, Defendant sent an email to Plaintiff stating that Plaintiff “traumatized” the dog by renaming him, questioned why the dog was not using the leash she provided, and stating that the dog looked “sad.” Defendant subsequently left voicemail messages with Plaintiff requesting to take the dog back.

6. On May 7, 2021, Defendant called Plaintiff stating that the dog looked “happier with her,” and she wanted to adopt the dog. Defendant was informed that she would need to complete the adoption application. However, “Slim Jim” was adopted that same day by someone else who had already completed the adoption process.

7. On May 10, 2021, adoption photographs of “Slim Jim” and his new owner were posted to Plaintiff’s Facebook page.

8. On May 11, 2021, Defendant sent an email to Plaintiff stating that she was going to “light up the internet with this story...” and threatening to call the Humane Society and PETA if Plaintiff did not get the dog back from his new owner (**see Exhibit B to Complaint**).

9. On May 12, 2021, after calling the shelter numerous times demanding the dog back, Defendant left a voicemail for Plaintiff indicating she was “bringing God’s Army” to get the dog back.

10. On May 12, 2021 Plaintiff contacted the City of Charleston Police Department due to Defendant’s erratic behavior and threats towards Plaintiff and Plaintiff’s staff. Plaintiff was advised to keep the facility doors locked for the day and was informed that an officer would sit in the parking lot at Plaintiff’s facility.

11. On May 13, 2021, Defendant began posting defamatory statements about Plaintiff to social media such as Facebook and reviewing websites such as Yelp.

12. Defendant's numerous and regular online posts have been viewed hundreds of times, shared dozens of times, and are being commented on and shared by countless unknown parties causing the exponential spread of Defendant's defamatory statement, online posts, and videos.

13. On May 15, 2021, the City of Charleston Police Department issued a no contact/no trespass order on Defendant due to her threatening and harassing behavior towards Plaintiff.

14. Defendant has positioned herself outside of Plaintiff's facility on numerous occasions and yelled to customers that Plaintiff "killed her dog." Most recently, on June 5, 2021, Defendant stood in the driveway of Plaintiff's facility with a written sign that "Corporate Greed Killed My Dog Toby" (See photograph attached hereto as Exhibit A).

15. As more fully outlined in the Complaint, Defendant has made defamatory statements in her in her online postings, including but not limited to:

- a. [Pet Helpers] is "just cruel. And they're dishonest, and they're deceptive."
- b. [Pet Helpers are] despicable, just horrible, horrible human beings... They didn't help Toby. They hurt Toby. They made him suffer. And I'm sure he's not the only one."
- c. "...Melissa [Executive Director of Pet Helpers], she has licensed euthanize and she has euthanized other dogs are ordered that they be euthanized even though they were not sick, or aggressive. But she's all about corporate greed."
- d. "[Pet Helpers] killed him because they didn't adopt him to anyone. They killed him. And I know they did."
- e. "I think they're killing other dogs, because I've heard people who are former employees here, and they told me that they, they're killing dogs."
- f. "I think they had you know a plan for him a death plan for him the whole time... I'm talking about Melissa [the Executive Director of Pet Helpers] because she's she's got

a certification to kill dogs. And she's done it herself. And she's ordered dogs killed too ... I'm sure that's just the tip of the iceberg here."

- g. "[My] sign says, corporate greed kills my dog, Toby. corporate greed. And the other side says pet helpers killed Slim Jim May 11th ... And I'm not going to stop until first of all these people, a bunch of people here, Melissa, Katie, and intake, and anybody else that knew and the guy that killed him, anybody else, they'll all be fired. If this company cares, any and all this place will be shut down and reopened by somebody who really cares about animals... But it's really a kill shelter."
- h. "And most of these dogs will not make it out of here alive. They really won't. Toby did not make it out of this place alive... And then they killed him. They killed Toby. They killed my dog."
- i. "I'm here to tell you it's not so quick giving them money. Don't give them any more money. You don't ever surrender a dog to any shelter. And if they claim to be no kill, don't believe them."
- j. "They're monsters... Yeah, you've got a no trespass notice on me. I'm not trespassing. I'm on the right away. And I'll be here as long as I have to be until I get justice from from Toby. And people know what you're really doing here because you're putting on a big charade. It's an evil charade too."
- k. "But my sign, I'm protesting Janet Frisco is protesting Pet Helpers in their cruelty to my dog and probably too many other dogs. But my sign says Pet Helpers killed Slim Jim May 11th."
- l. "[Pet Helpers] just let him suffer and then they, you know, we're taking a lot of pictures of him and you know, and they just let him suffer here for a whole month."
- m. "[Pet Helpers] used [Toby] as a marketing tool to solicit donations and then euthanized him after they staged an adoption the weekend of May 7-11, 2021."

16. On June 2, 2021, I met with "Slim Jim's" new owner and spent some time with "Slim Jim." I am personally able to confirm that "Slim Jim" is happy, well adjusted, and thriving in his new home (see photograph attached hereto as Exhibit B).

17. On June 2, 2021, while visiting "Slim Jim," using the microchip reader, I confirmed that "Slim Jim's" microchip number (see photograph attached hereto as Exhibit C) matches the microchip number registered to "Slim Jim" (formerly known as "Toby") when he was owned by Defendant (see Microchip Registration Form attached hereto as Exhibit D).

18. I am informed and believe that due to Defendant's defamatory statements, Plaintiff has sustained injury to its reputation which has and/or will result in the loss of donations to the "no-kill" shelter.

19. I am informed and belief that due to Defendant's defamatory statements, third parties have and/or will be unwilling to surrender in-need animals to Plaintiff's care for fear that the animals will be treated cruelly or euthanized by Plaintiff or its staff.

20. I respectfully request that the Court issue an emergency/*ex parte* restraining order and injunction to prevent further damage and loss by Plaintiff due to the numerous and constant defamatory statements being made by Defendant orally and in writing on the internet and at Plaintiff's facility.

21. I request that the Court issue an emergency/*ex parte* restraining order and injunction Defendant to set any and all of her internet and social media postings to her personal Facebook page and/or group Facebook pages or other social media accounts to "private" as to hide the posts from public view while preserving evidence in this matter.

22. I also request that the court restrain and prohibit Defendant from creating and publishing any other text or video posts which are defamatory to Plaintiff and/or Plaintiff staff such claims that we euthanized the pet in issue, that we euthanize pets, that we were cruel to the pet in issue, or that we are cruel to the animals we care for. I also request that Defendant be enjoined from trying to intimidate our staff members by posting pictures of them, presumably taken from our website or social media feeds, and portraying these staff members as the person or persons who Defendant falsely claims were cruel to or euthanized Toby/Slim Jim.

(signature page to follow)

(signature page to follow)

Melissa Susko
Melissa Susko
Executive Director of Pet Helpers, Inc.

SWORN to and subscribed before me
this 9th day of JUNE, 2021.

Shanna Shackleton
Notary Public for South Carolina
My commission expires: 02/18/2030

NOTARY SEAL

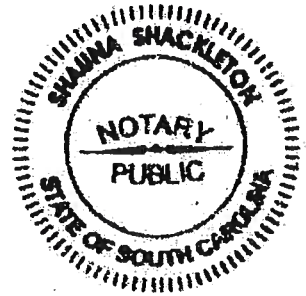


EXHIBIT D



BLAINE JOHN
Animal Care Technician

EXHIBIT C



EXHIBIT ~~C~~

EXHIBIT E

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON
PET HELPERS, INC.,

Plaintiff,

vs.

JANET FRISCO,

Defendant.

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NO.: 2021-CP-10-_____

COMPLAINT

(Jury Trial Demanded)

Plaintiff would show unto this Honorable Court:

1. Plaintiff is a citizen and resident of the County of Charleston, State of South Carolina.
2. Plaintiff is informed and believes Defendant Janet Frisco is a citizen and resident of the County of Dorchester, State of South Carolina.
3. Plaintiff is a non-profit corporation formed and organized in 1983 under the laws of South Carolina and maintaining a registered agent, and doing business in the County of Charleston, State of South Carolina.
4. Plaintiff is an adoption center, and spay/neuter clinic which serves communities in the Lowcountry, including, Charleston County, Dorchester County, Berkeley County, and surrounding areas.
5. Plaintiff's mission is to end the euthanasia of all adoptable cats and dogs by sheltering all animals until adopted; providing low cost spay/neuter surgeries; offering humane education programs; pursuing animal-cruelty prosecution; and initiating animal-welfare legislation.

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6. Plaintiff receives donations to support its mission, to assist in the costs of caring for surrendered animals, and to support its ability to provide low cost spay/neuter surgeries for animals in the community.

7. Plaintiff is a “no-kill” facility meaning that it does not euthanize any animals it takes into its shelter.

8. The acts that give rise to this lawsuit occurred in the County of Charleston, State of South Carolina.

9. On April 13, 2021, because she had too many animals in her home, Defendant willingly released and relinquished all ownership of a hound mix dog “Toby” to Plaintiff (**Exhibit A**).

10. Plaintiff changed the dog’s name from “Toby” to “Slim Jim.”

11. On April 23, 2021, Plaintiff posted photographs of “Slim Jim” to their Facebook page indicating that the dog was ready for adoption.

12. On April 23, 2021, Plaintiff received an email from Defendant stating that Plaintiff “traumatized” the dog by renaming him, questioned why the dog was not using the leash she provided, and stating that the dog looked “sad.” Defendant subsequently left voicemail messages with Plaintiff requesting to take the dog back from Plaintiff.

13. On May 7, 2021, Defendant called Plaintiff stating that the dog looked “happier with her,” and she wanted to adopt the dog. Plaintiff informed Defendant that she would need to complete the adoption application.

14. On May 7, 2021, “Slim Jim” was adopted by someone who had already completed the adoption process.

15. On May 10, 2021, adoption photographs of "Slim Jim" and his new owner were posted to Plaintiff's Facebook page.

16. On May 11, 2021, Defendant sent an email to Plaintiff stating that she was going to "light up the internet with this story..." and threatening to call the Humane Society and PETA if Plaintiff did not get the dog back (**Exhibit B**).

17. On May 12, 2021, after calling the shelter numerous times demanding the dog back, Defendant left a voicemail for Plaintiff indicating she was "bringing God's Army" to get the dog back.

18. On May 12, 2021, due to Defendant's threatening and erratic behavior, Plaintiff contacted the City of Charleston Police Department and was instructed to keep their doors locked that day, that an officer would sit in the parking lot, and that officers would be patrolling the area.

19. On May 13, 2021, Defendant began posting defamatory statements and videos about Plaintiff and Plaintiff's staff to social media, including, Yelp and Facebook falsely claiming, among other things, that Plaintiff killed the dog in issue and that Plaintiff and its staff euthanize the animals that are turned into their organization.

20. Defendant's numerous and regular online posts have been viewed hundreds of times, shared dozens of times, received numerous comments, and are being disseminated to countless unknown parties causing the exponential spread of Defendant's defamatory statements, online posts, and videos.

21. On May 15, 2021, the City of Charleston Police Department issued a no contact/no trespass order by the City of Charleston Police Department as to Plaintiff.

22. Since Defendant received the no contact/no trespass order, Defendant has intensified her manic behaviors by frequently protesting on Folly Road holding up signs falsely claiming that

Plaintiff killed the dog in question and posting lengthy, rambling videos wherein Defendant makes false statements regarding Plaintiff as set forth herein.

23. On or about June 6, 2021, Defendant violated the no-trespass order by standing at the edge of Plaintiff's drive screaming at Plaintiff's customers that Plaintiff "killed her dog" as the customers entered Plaintiff's facility.

24. On May 29, 2021, Plaintiff's counsel sent an email to Defendant requesting that she cease and desist from making defamatory statements regarding Plaintiff and its staff, and to remove all text posts, video posts, and comments on any social media alluding to defamatory statements (1) that Plaintiff or its staff euthanized any animals they shelter; (2) that Plaintiff or its staff treated her dog cruelly; and (3) that her dog was euthanized (**Exhibit C**).

25. Defendant has made defamatory statements regarding Plaintiff and its staff in text posts and video posts to her private Facebook page as follows:

- a. On May 25, 2021 video post with 255 views;
<https://www.facebook.com/janet.frisco/videos/4327803420571826>

"[T]hey're, they're just cruel. And they're dishonest, and they're deceptive."

"[Pet Helpers are] despicable, just horrible, horrible human beings... They didn't help Toby. They hurt Toby. They made him suffer. And I'm sure he's not the only one."

"Melissa [Executive Director of Pet Helpers], she has licensed euthanize and she has euthanized other dogs are ordered that they be euthanized even though they were not sick, or aggressive. But she's all about corporate greed."

- b. On May 29, 2021 video post with 44 views;
<https://www.facebook.com/janet.frisco/videos/4341909919161176>

"I think they're killing other dogs, because I've heard people who are former employees here, and they told me that they, they're killing dogs."

"I think they had you know a plan for him a death plan for him the whole time... I'm talking about Melissa [the Executive Director of Pet Helpers] because she's she's got

a certification to kill dogs. And she's done it herself. And she's ordered dogs killed too ... I'm sure that's just the tip of the iceberg here.”

- c. On May 29, 2021 video post (that Defendant deleted after receiving a spoliation notice from Plaintiff’s counsel, attached hereto as **Exhibit D**);

“[My] sign says, corporate greed kills my dog, Toby. corporate greed. And the other side says pet helpers killed Slim Jim May 11th ... And I'm not going to stop until first of all these people, a bunch of people here, Melissa, Katie, and intake, and anybody else that knew and the guy that killed him, anybody else, they'll all be fired. If this company cares, any and all this place will be shut down and reopened by somebody who really cares about animals... But it's really a kill shelter.”

“And most of these dogs will not make it out of here alive. They really won't. Toby did not make it out of this place alive... And then they killed him. They killed Toby. They killed my dog.”

“I'm here to tell you it's not so quick giving them money. Don't give them any more money. You don't ever surrender a dog to any shelter. And if they claim to be no kill, don't believe them.”

“They're monsters...Yeah, you've got a no trespass notice on me. I'm not trespassing. I'm on the right away. And I'll be here as long as I have to be until I get justice from from Toby. And people know what you're really doing here because you're putting on a big charade. It's an evil charade too.”

- d. On June 3, 2021 video post with 21 views;
<https://www.facebook.com/janet.frisco/videos/4356514411034060>

“But my sign, I'm protesting Janet Frisco is protesting Pet Helpers in their cruelty to my dog and probably too many other dogs. But my sign says Pet Helpers killed Slim Jim May 11th.”

- e. On June 3, 2021 written post with 2 shares;
<https://www.facebook.com/photo?fbid=4354669251218576&set=a.964410813577787>

“Rest in peace Toby, my good boy, no one can abuse or cause you to suffer any more. You're in the safe and loving hands of God now.”

- f. On June 5, 2021 video post with 25 views and 7 shares;
<https://www.facebook.com/janet.frisco/videos/4362304657121702>

“[Pet Helpers] killed him because they didn't adopt him to anyone. They killed him. And I know they did.”

- g. On June 5, 2021 video post with 21 views;
<https://www.facebook.com/janet.frisco/videos/4356514411034060>

"[Pet Helpers] just let him suffer and then they, you know, we're taking a lot of pictures of him and you know, and they just let him suffer here for a whole month."

26. Defendant created a Facebook group page "Justice for Toby" which has 4 members and 34 total posts (see <https://www.facebook.com/groups/162011289227451>). In the description of her "Justice for Toby" group page, Defendant posted defamatory statements that Plaintiff "used [Toby] as a marketing tool to solicit donations and then euthanized him after they staged an adoption the weekend of May 7-11, 2021."

27. Defendant posted defamatory videos about Plaintiff on at least two occasions to a Facebook group page "The Real Dorchester County Watchdog Group" (see <https://www.facebook.com/groups/1480789522086545>).

FOR A FIRST CAUSE OF ACTION

(Slander and Libel)

28. All prior allegations not inconsistent with this cause of action are realleged and incorporated by reference herein.

29. Plaintiff is informed and believes that beginning on May 13, 2021, Defendant orally and in writing, published to third parties with actual or implied malice and with intentional reckless disregard of Plaintiff's rights multiple defamatory statements concerning Plaintiff and its staff, including but not limited to the following:

- a. That Plaintiff and/or its staff killed her dog;
- b. That Plaintiff and/or its staff euthanizes other animals in its shelter;
- c. That Plaintiff and/or its staff was cruel to her dog;

- d. That Plaintiff and/or its staff is cruel to other animals in its shelter; and
- e. Such other statements as the evidence may show.

30. The above-referenced statements have defamatory meanings and are false.

31. The above-referenced statements are defamatory and actionable *per se*.

32. According to Defendant's now-deleted Facebook post dated May 29, 2021, Defendant admitted that her express purposes in defaming Plaintiff was to intentionally harm Plaintiff. Specifically, Defendant stated "Now I'm telling Toby's story. And I'm not going to stop until first of all these people, a bunch of people here, [and Plaintiff's staff] . . . and anybody else that knew and the guy that killed him, anybody else, they'll all be fired. If this company cares, any and all this place will be shut down. . . ." Defendant further stated, "I'm here to tell you it's not so quick giving them money. Don't give them any more money. You don't ever surrender a dog to any shelter. And if they claim to be no kill, don't believe them."

33. As a result of Defendant's defamatory statements, Plaintiff has sustained injury to its reputation which has and/or will result in the loss of donations to the "no-kill" shelter as well as an unwillingness by third parties to surrender in-need animals to Plaintiff's care for fear the animals will be treated cruelly or euthanized by Plaintiff or its staff.

34. Plaintiff is informed and believes it is entitled to actual, special, and punitive damages, and the costs of this action.

FOR A SECOND CAUSE OF ACTION

(Permanent and Temporary Injunction and Restraining Order Against Defendant)

35. All prior allegations not inconsistent with this cause of action are realleged and incorporated by reference herein.

36. Plaintiff is informed and believes that a Temporary and Permanent Restraining Order and Temporary and Permanent Injunction is necessary to prevent Defendant from continuing to disseminate defamatory statements orally and in writing on the internet, including social media sites such as Facebook and reviewing sites such as Yelp.

37. Plaintiff is informed and believes that a Temporary and Permanent Restraining Order and Temporary and Permanent Injunction is necessary requiring Defendant to set any and all of her internet and social media postings to her personal page and/or group pages to private as to hide the posts from public view and to preserve evidence in this matter.

38. The issuance of a Temporary and Permanent Restraining Order and Temporary and Permanent Injunction is necessary for the protection of Plaintiff's rights during the course of this litigation, and Plaintiff is likely to prevail on both the Complaint for a Permanent Injunction and Restraining Order and the merits of the trial in this action.

39. The issuance of Temporary and Permanent Restraining Order and Temporary and Permanent Injunction is necessary to prevent Defendant from causing irreparable harm and loss to Plaintiff by continuing to engage in the following:

- a. Making defamatory statements to Plaintiff's customers as they enter Plaintiff's facility that Plaintiff "killed her dog"; and
- b. Disseminating defamatory statements orally and in writing on the internet by video posts and texts posts as more fully described above.

40. Plaintiff is informed and believes that it has no adequate remedy at law.

41. Plaintiff further requests a hearing upon this application for Temporary Injunction with ten (10) days after entry of said Order as required by Rule 65, SCRPC.

WHEREFORE, Plaintiff respectfully prays this Court:

- A. Award Plaintiff such damages as are permitted by law, actual, consequential,

- compensatory, punitive damages, and the costs of this suit;
- B. Award Plaintiff temporary and permanent restraining orders and injunctive relief as more fully described herein; and
- C. Award such other and further relief as law or equity may provide.

Futeral & Nelson, LLC

s/ Stephan V. Futeral
Stephan V. Futeral, Esquire
S.C. Bar ID 66427
1004 Anna Knapp Blvd., Suite 3
Mount Pleasant, South Carolina 29464
Telephone (843) 284-5500
Facsimile (843) 284-5501
Email: sfuteral@charlestonlaw.net

Dated: _____

Attorney for Plaintiff

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON
PFT HELPERS, INC.,

Plaintiff,

vs.

JANET FRISCO,

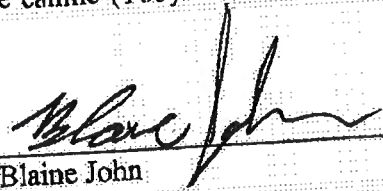
Defendant.

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NO.: 2021-CP-10-2682

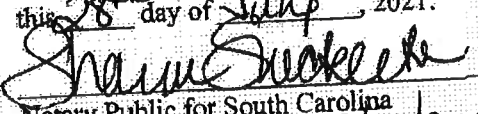
AFFIDAVIT OF BLAINE JOHN

PERSONALLY, appeared before me, Blaine John, who after being duly sworn, deposes and states as follows:

I am an employee at Pet Helpers, Inc. It is my understanding that the Defendant in this matter alleges that I adopted the canine (Toby/Slim Jim) which Defendant relinquished to Pet Helpers, Inc. on April 13, 2021. I did not adopt the canine (Toby/Slim Jim) as alleged by the Defendant.


Blaine John

SWORN to and subscribed before me
this 28th day of July, 2021.


Notary Public for South Carolina

My commission expires: 02/18/2030

NOTARY SEAL

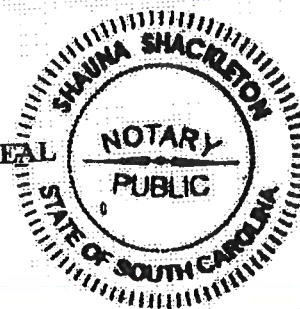


EXHIBIT E

G

EXHIBIT F

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE #: 2021-CP-10-2682

PET HELPERS, INC.,

Plaintiff,

vs.

JANET L. FRISCO,

Defendant.

DEFENDANT'S FIRST INTERROGATORIES
TO PLAINTIFF

RY
JULIE L. ARMSTRONG
CLERK OF COURT
DGR

2022 NOV 29 PM 4:30

FILED

TO PLAINTIFF PET HELPERS, INC.:

YOU WILL PLEASE TAKE NOTICE that you are hereby required to answer in writing, under oath, the following Interrogatories pursuant to Rule 33, SCRPC. These interrogatories shall continue from the time of service until the time of trial so that the information sought, which comes to the knowledge of the party, representative, or counsel, after the original answers have been submitted, shall promptly be undersigned.

DEFINITIONS AND INSTRUCTIONS

The term "identify" when used in connection with the term "documents" or "prepared materials" means, regardless of whether the production of such items is objected to, list and describe such items, stating separately for each (a) its' location; (b) the name and title of the person(s) who has custody of the items; (c) its' date; and (d) its' author.

The term "describe" when used in connection with an event, conversation, or transaction means to identify the sources from which the information was derived and to identify all parties to the transaction, to state the date and place where the transaction took place, to set forth in detail the statements made and actions taken by each party to the transaction, to identify each document to other recorded or prepared material relating to such transaction, regardless of whether the production of such information is objected to.

"Document" means every writing or record of every type and description that is or has been in your or your respective representatives (s) or attorney(s) possession, control or custody, or of which you or your representative(s) or attorney (s) have knowledge including but not limited to print-out sheets, movie film, videotape, slides, photographs, microfilm, notes, letters, memorandums, worksheets, books, magazines, diaries, calendars, appointment books, charts, tables, papers, agreements, contracts, invoices, budgets, payrolls, check stubs, canceled checks, analysis, projection, transcripts, minutes of meetings, of any kinds, correspondence, drafts, data processing, disks, or tapes and computer produced interpretations thereof, instructions, announcements and mechanical or electrical sound recordings and transcripts

thereof. "Document" also means all copies which are not identical to the original, such as those bearing marginal comments, alterations, notes or other notations not present in the original documents as originally types, or otherwise prepared.

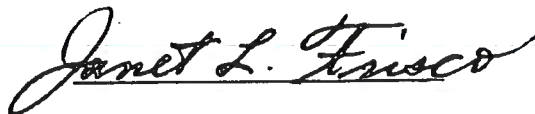
Whenever an Interrogatory calls for information claimed by YOU to be privileged, please supply sufficient factual detail to enable the Court to determine whether or not such document or communication is entitled to claim of privilege, including (1) the date and dates of the communication or document; (2) the name and position of each person who participated in the preparation of the document; (3) the name and position of each person who participated in the communication, or in the case of a document, state to whom the document was addressed, and the name of each person to whom the document, or the contents thereof have been communicated by copy, exhibition, reading, or oral conversation of any kind; (4) the general subject matter of the communication or document; and (5) the basis or bases for the claim of privilege.

INTERROGATORIES

1. Set forth the names of all veterinarians and offices that provide medical services to Pet Helpers, Inc.
2. Provide any credentials, training or certificates held by Ms. Melissa Susko, the executive director qualifying her to euthanize dogs or cats.
3. Provide records of the number of all dogs and cats that were processed through Pet Helpers Intake Department of surrendered, stray or any otherwise acquired the year of 2021.
4. Provide record of the total number of adoptions that were processed by Pet Helpers in 2021.
5. Provide records of the number of dogs or cats that were moved to other shelters or rescue facilities during 2021.
6. Provide the amount in dollars of donations given to Pet Helpers by individuals, businesses or any other source in 2021.
7. For each person known to you to be a witness concerning the facts of the case, set forth either in a summary sufficient to inform the other party of the important facts known to or observed by such witness, or provide a copy of any written or recorded statements taken from such witnesses.
8. Give the names and addresses of persons known to the parties or counsel to be witnesses concerning the facts of the case and indicate whether or not written or recorded statements have been taken from the witnesses and indicate who has possession of such statements.
9. Explain what percentage of animals can be lethally disposed of and for what reasons at a "no-kill shelter".
10. Is there any government agency that oversees the handling of animals at animal shelters such as Pet Helpers and reviews their records?

11. Did Pet Helpers advertise on their website that they try to keep pets and their owners together and help people avoid surrendering their pets?
12. Does Pet Helpers believe that dogs and cats do not suffer the effects of separation when they are abandoned by their owners at shelters?
13. Did Ms. Susko order two of her employees to try and entice the defendant to violate Ms. Susko's No Trespass Notice and to take photographs on or about June 5th, 2021 so she could press charges against the defendant?
14. Was Ms. Susko directly or indirectly involved in the deaths of two dogs, Cody and Dixie, while Sue Lambert was an employee there?
15. Did Ms. Susko tell Ms. Lambert she had received training in euthanasia as she was returning from the training?
16. Does Ms. Susko have a donation goals/quotas she must achieve set down by Pet Helpers' Board of Directors?
17. What was the dollar amount in donations Pet Helpers received on Toby after posting the "I'm Going Home" and "Happy Ending Update" photos on their website?
18. Was Toby still confined at Pet Helper's shelter in the photograph titled "Happy Ending Update" posted on Pet Helpers' website in May of 2021?
19. Did Pet Helper's employee, Blaine John, pose with Toby in an adoption photo holding a sign which read, "I'm Going Home" on or about May 10, 2021 on Pet Helpers' website?
20. Did Melissa Susko leave a phone message on May 7, 2021 for the Defendant stating that Toby had been adopted that morning?
21. Was the redacted adoption application the Plaintiff's lawyer submitted to the Defendant dated May 8, 2021?
22. Did the Defendant electronically submit an adoption application on the evening of May 7, 2021 that Katie Leasure in the Pet Helper's Intake Department had sent her on May 6, 2021?
23. On a preadoption form dated May 8, 2021, why were the names of two other dogs crossed off on the form?
24. Is it fraudulent for a nonprofit organization to collect donations and subsidies under false pretenses?
25. Did Pet Helpers send the defendant a video of Toby with Melissa Susko and other employees of Pet Helpers on or about June 15, 2021 to prove he was alive?

Dated: November 29, 2022

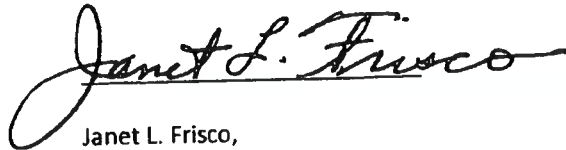


Janet L. Frisco, Pro Se Defendant
203 Cardinal Drive
Summerville, South Carolina 29485
843-804-0875
janetfrisco@yahoo.com

CERTIFICATE OF SERVICE

The forgoing document, *DEFENDANT'S FIRST INTEROGATORIES*, was served on the following by email and U.S. Mail with sufficient postage affixed, this 29th day of November 2022.

Stephan V. Futeral
Post Office Box 66427
Mt. Pleasant, South Carolina 29465
843-284-5500
sfuteral@charlestonlaw.net



Janet L. Frisco,
Pro Se Defendant

BY

DKA

JULIE J. ARMSTRONG
CLERK OF COURT

2022 NOV 29 PM 4:30

FILED

EXHIBIT G



~~EXHIBIT~~

Blaine John ~~B~~

Oct. 24, 2021

Owner

Oct. 23, 2021

9

EXHIBIT H

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

PET HELPERS, INC.,

Plaintiff,

vs.

JANET FRISCO,

Defendant.

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NO.: 2021-CP-10-2682

**PLAINTIFF'S REQUESTS FOR
PRODUCTION**

TO: JANET FRISCO, THE ABOVE-NAMED DEFENDANT:

Pursuant to Rule 34, SCRPC, you are requested to produce and/or permit the inspection, copying and/or photographing of the documents described below within the next thirty (30) days. These requests shall be deemed continuing and supplemental productions shall be required of you directly or indirectly to obtain further documents if the nature of the documents sought herein are altered or supplemented between the time these documents are produced and the time of trial of this action.

DEFINITIONS

As used herein, the terms listed below are defined as follows:

(A) "Document" shall mean every writing or record of every type and description that is or has been in your or your respective representative(s) or attorney(s) possession, control, or custody, or of which you or your respective representative(s) or attorney(s) have knowledge, including but not limited to print-out sheets, movie film, videotape, slides, photographs, microfilm, notes, letters, memorandum, worksheets, books, magazines, diaries, calendars, appointment books, charts, tables, papers, agreements, contracts, invoices, budgets, payrolls,

check stubs, canceled checks, analysis, projection, transcripts, minutes of meetings of any kinds, correspondence, drafts, data processing, disks, or tapes and computer produced interpretations thereof, instructions, announcements and mechanical or electrical sound recordings and transcripts thereof. "Document" also means all copies which are not identical to the original, such as those bearing marginal comments, alterations, notes or other notations not present on the original document as originally typed, or otherwise prepared.

(B) "Communications" shall mean any statement or utterance, whether written or oral made by one person to another, or in the presence of another, or any document delivered or sent from one person to another.

INSTRUCTIONS

(A) All documents covered in this request shall be produced in an orderly manner (with appropriate markings or other identification) so that we will be able to identify the source of the document and the number of the request to which it responds.

(B) If you refuse to produce any requested material in whole or in part, describe the basis for your refusal to produce, including any claim or privilege or work product in sufficient detail so as to permit the Court to adjudicate the validity of your refusal, and identify each document for which a privilege is claimed.

(C) If a privilege of any kind is claimed as a basis for withholding or redacting any document responsive to this request, the information as to which the privilege is being asserted should be clearly identified and the entire factual and legal basis for the claim of the privilege stated. Each document withheld should be identified by setting forth (i) the name(s) of the document's author(s) or sender(s); (ii) the name(s) of the document's addressee(s) and

recipient(s); (iii) the date of the document; (iv) the nature of the document (e.g. letter, memorandum, report, etc.); (v) the location of the document and its custodian; and (vi) a description of the contents of the document.

(D) If any document described in this request was, but no longer is, in your possession, or subject to your custody or control, or in existence, please state:

- i) whether it is missing or lost;
- ii) whether it has been destroyed;
- iii) whether it has been transferred, voluntarily or involuntarily, to others; and
- iv) who may have a copy.

(E) This request to produce seeks all documents known to or reasonably available to you, including without limitation, documents known or available to you, and all agents, attorneys, investigators, representatives of any kind, and all persons acting on your behalf.

REQUESTS FOR PRODUCTION

1. Any and all documents, photographs, charts, statements, recordings, correspondence, and any and all other demonstrative evidence which you intend to use at the trial of this case.

2. Any and all records which relate to Toby/Slim Jim.

3. Any and all communications, including emails, text messages, Facebook messages or any other mode of communication, between you and others relating in any way to the claims or defenses in this lawsuit.

4. Copies of any and all statements given by you, and/or any witnesses whether written, recorded, or on a tape recording, or otherwise.

5. With regard to any expert witness Defendant intends to call as a witness at the trial of this case, please produce:

- a) All documents, including a curriculum vitae, that Defendant contends will establish the expert's qualifications to testify at trial.
- b) All reports prepared by the expert, including the draft versions of said reports;
- c) All field notes prepared by or at the direction of the expert;
- d) All photographs or videotapes taken, utilized, reviewed, or consulted by the expert;
- e) All diagrams or drawing prepared by the expert;
- f) All correspondence to or from any expert, including electronic communications (e-mail);
- g) The fee agreement with the expert;
- h) The time and billing records of the expert;
- i) All articles, treatises, publications, or other authoritative documents which the expert utilized, consulted, or in any way reviewed in the subject action;
- j) All articles, treatises, publications, or other authoritative documents which support the expert's opinion in this action;
- k) All articles, treatises, publications, or other authoritative documents which do not support the expert's opinion in this action;
- l) All documents which establish that the expert's opinion is generally accepted in the scientific community;
- m) All documents indicating that the expert's opinions were subject to peer review.

6. An entire copy of your personal Facebook accounts, groups, and pages to include your personal page, your "Justice for Toby" Group Page, your OCD Pruning and Landscaping Page, and your Real Dorchester County Watchdog Page. To download a copy of your Facebook data:

- Click in the top right of Facebook.
- Select Settings & Privacy, then click Settings.
- In the left column, click Your Facebook Information.
- Next to Download Your Information, click View.

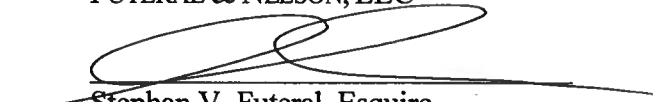
To add or remove categories of data from your request, click the boxes on the right side of Facebook.

- Select other options, including:
 - The format of your download request.
 - The quality of photos, videos and other media.
 - A specific date range of information. If you don't select a date range, you'll request all the information for the categories you've selected.
- Click Create File to confirm the download request.

After you've made a download request, it will appear as Pending in the Available Copies section of the Download Your Information tool. To download a copy of data you saved:

- Go to the Available Copies section of the Download Your Information tool.
- Click Download and enter your password.

FUTERAL & NELSON, LLC



Stephan V. Futeral, Esquire
S.C. Bar ID 66427
1004 Anna Knapp Blvd., 2nd Floor
Mt. Pleasant, South Carolina 29465
Telephone (843) 284-5500
Facsimile (843) 284-5501
email to: sfuteral@charlestonlaw.net

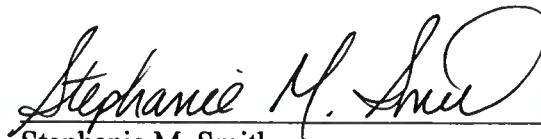
Dated: 6/18/21

Attorney for Plaintiff
Page 5 of 6

CERTIFICATE OF SERVICE

The foregoing document *Plaintiff's Requests for Production* was served on the following by email and U.S. Mail with sufficient postage affixed, this 18th day of June, 2021:

Janet Frisco
203 Cardinal Drive
Summerville, SC 29485
Janetfrisco@yahoo.com



Stephanie M. Smith
Paralegal to Stephan V. Futeral