

Oct 10 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF CHARLESTON

NINTH JUDICIAL CIRCUIT

PET HELPERS, INC.,

CASE NO.: 2021-CP-10-2682

Plaintiff,

vs.

JANET FRISCO

Defendant.

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

2023 OCT 10 PM 2:35
CLERK OF COURT
JR

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 there was a low-cost adoption event sponsored by Bissell Pet Foundation planned for the weekend of May 9th lowering the adoption fee to \$25.00 since Bissell was subsidizing the adoptions. I also sent an email requesting his return April 23, 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 telling me he had been adopted. 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 the morning of May 7th. Later the Plaintiff's attorney sent me the redacted adoption application and the date of the alleged adoption was actually May 8TH (**EXHIBIT B**). 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 repeated when I called to check on my application (**EXHIBIT C**).

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 D**). 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 adoption photograph with Toby (EXHIBIT E). 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 Toby 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 by the street protesting, two of Pet Helper's employees tried to lure me on to Pet Helper's 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 Complaint on June 9, 2021, he made false statements that Defendant had trespassed that Day [Page 4, Item 23] and that the adoption was May 7 [Page 2, Item 14] (**EXHIBIT F**).

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 G**). 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 Return to 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 [Page 3, II-1] (**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 Helpers claimed was the person that adopted Toby (**EXHIBIT I**). 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 Defendant 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 (**EXHIBIT J**). 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 their attorney 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 objected to the consolidation of the two cases Pet Helpers v. Janet Frisco 2021-CP-10-2682 and Janet Frisco vs. Pet Helpers, Inc. and Melissa Susko 2021-CP-10-2848 with the *Plaintiffs Amended Objection to Defendant's Motion to Reconsider Consolidation (EXHIBIT K)*.

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

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 L**). Defendant has stated in 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 Defendant's right to privacy. The Plaintiff's attorney knew Defendant 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 by affidavit a continuance on the judgement on April 22, 2022 hearing pursuant to affidavit to 56(f) in order to submit interrogatories, but it was denied by the Court (**EXHIBIT M**).

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 to supplement my answer with the proposed amended pleading attached as Exhibit A. pursuant to SCRPC 56(d), but the court did not respond when I requested the review for the supplement to my answer (**EXHIBIT N**).

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.

Judge Bentley D. Price has been deemed overall unqualified after receiving one unqualified mark in the "reputation" category by the South Carolina Bar as of October 6, 2023 so Defendant now fully understands why the Plaintiff's attorney wanted a continuance at the first hearing for the Partial Summary Judgement scheduled December 12, 2021 so the motion could be heard by Judge Price. My appeal specifically mentions his abuse of the standard by Judge Price for accepting the unredacted adoption application without photo identification and not allowing Defendant to argue her motions during the hearing.

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 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 10, 2023


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

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 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 <intake@pethelpers.org> Fri, Apr 23, 2021 at 2:57 PM ☆
To: Janet Frisco

I will call you in a few minutes.

Katie

> Show original message

 Intake Department
1447 Folly Rd Charleston, SC29412
t: 843-795-1110 | p: 843-531-6130



<http://www.pethelpers.org/>



Get Trey Taylor Tickets at:
<https://charleston.boldtypetickets.com/events/111137472/an-intimate-evening-with-trey-taylor>

The information contained in this email, and any attachments hereto, is from Pet Helpers, Inc. and is intended only for use by the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this email, you are hereby notified that any dissemination, distribution, copying or use of the contents of this email, and any attachments hereto, is strictly prohibited. If you have received this email in error, please immediately notify me by reply email and permanently delete the original and any copy of this e-mail and any printout thereof.

EXHIBIT B

5/6/2021

Contract

Adoption Contract - May 8 2021

Tel.: 843-795-1110 | Fax: 843-795-8090



Pet Helpers
1447 Folly Road
Charleston, South Carolina 29412 USA
mausko@pethelpers.org
https://www.pethelpers.org/index.html

Person ID: [REDACTED]

"Slim Jim"

Animal Information

Animal ID: A47529858	Name: Slim Jim	Types: Dog	Gender: Male
ARN: Toby	DOB: 4/13/2020	Breeds: Hound/Mix	Altered: Yes
Chip #: 982091063428429	Current Age: 1 y 0 m 25 d	Colors: Brown/White	Size: Large
Type: 24PetWatch	Age Group: Adult - 1 year and older	Pattern: Tricolor	Weight: 50.20 pound

I, [REDACTED] (hereinafter Adopter), acknowledge receiving from Pet Helpers Adoption Center and Spay/Neuter Clinic (hereinafter Pet Helpers), custody of Slim Jim (microchip #: 982 091063428429), and, in return consideration to Pet Helpers hereby promise and agree to the following:

1. Use as Companion Animal: [REDACTED] Adopter Initials
 - a. Adopter agrees that the animal will be kept only as a companion animal. The above-named animal will not be used for fighting, breeding, racing, or experimental/research purposes.
2. Animal Care: [REDACTED] Adopter Initials
 - a. Adopter will, at his/her own expense, provide the adopted animal with adequate and proper quantities of wholesome food and water, safe and adequate shelter, proper and adequate exercise, training, appropriate veterinary attention, and, in general, treatment in accordance with the humane and prudent practices of animal care.
 - b. Adopter shall comply with all city, county, and state laws and regulations, including but not limited to, those relating to care, housing, licensing, ordinances, etc.
 - c. The animal adopted must live indoors and cannot be tethered or kenneled outdoors.
 - d. Although your adopted animal is microchipped, adopter agrees to have an ID tag and collar on adopted animals at all times.
 - e. Adopter shall provide heartworm and/or flea preventative for life of animal. If a canine is returned to Pet Helpers, adopters agrees to provide current heartworm test results at time of return. If tested positive, adopter shall be financially responsible for heartworm treatment.
 - f. Adopter is aware of maintenance needs of the species being adopted. Adopter agrees that he/she will not declaw, crop, dock or otherwise mutilate any animal he/she is adopting from Pet Helpers unless in cases of medical necessity.

~~EXHIBIT B~~

- g. Adopter agrees that if any behavioral issues arise after adoption, the adopter will enlist help from the Pet Helpers staff by contacting our shelter immediately. Adopter also agrees to work with our shelter trainer who can assist in overcoming any issues that may arise.

3. Prior Animal Care Charges or Convictions: [REDACTED] Adopter Initials

- a. Adopter represents that he/she has never been subject to legal action for cruelty to or neglect of animals. Adopter further represents that he/she has never owned an animal that has been confiscated by any animal control or humane organization for violations of state or local animal control regulations or animal adoption agreements.

4. Full Household Consent: [REDACTED] Adopter Initials

- a. Adopter represents that all household members have agreed to the adoption of the animal and will abide by the terms of this agreement.

5. Tenant and zoning: [REDACTED] Adopter Initials

- a. If the Adopter is a tenant, then Adopter agrees that he/she has permission from his/her landlord to own and possess this animal at his/her residence.
b. It is the responsibility of adopters to check local zoning and housing communities to ensure animal/breed is acceptable to live in such community.

6. No Guarantee Given Regarding Breed, Health or Temperament: [REDACTED] Adopter Initials

- a. Adopter acknowledges and understands that Pet Helpers makes no claims as to the temperament, health, disposition, or general condition of this animal. Pet Helpers has provided the adopter, to the fullest extent possible, information about the health, history and background of the animal. The Adopter understands that animals at Pet Helpers come from a rescue environment in which little may be known about the animal's past. Hence, Pet Helpers cannot guarantee that this animal is free from all illness despite the organization's best efforts and due diligence to minimize and prevent disease transmission. The adopter accepts responsibility for the animal based on the information available and provided at the time of this agreement.
b. Pet Helpers does not perform DNA testing to determine the breed of our animals. All breeds are 'best guessed' and opinion may vary.

7. Release of Liability: [REDACTED] Adopter Initials

- a. Adopter accepts possession of (subject to the conditions of the adoption contract), and responsibility for the animal adopted and agrees to release and discharge Pet Helpers, its agents, officers and directors, heirs or assignees forever from liability for any injury or damages to any person or property caused by the adopted animal, and from any causes of action, claims, suits, or demands whatsoever that may arise as a result of such injury or damages.

8. Transfer of Ownership: [REDACTED] Adopter Initials

- a. The Adopter agrees not to sell, trade, loan, or give away the animal without the prior written consent of Pet Helpers. This adoption agreement is non-transferable.
b. Adopter agrees to notify Pet Helpers via email of any address or phone number changes so that we can keep our records current in case your pet gets lost and we are notified.

9. Return of Animal to Pet Helpers: [REDACTED] Adopter Initials

- a. We at Pet Helpers seek forever homes for the animals that come through our shelter and encourage adopters to adopt our philosophy. Adopter can transfer the adopted animal into another home only after notifying Pet Helpers, giving us the first option of return and providing Pet Helpers with new adopters' information. Adopter will not be eligible for any refund of adoption donation fees or expenses.

However, if Pet Helpers can accept animal back into our shelter, all intakes are scheduled through our intake coordinator by appointment only.

10. Reservation of Rights: [Redacted] Adopter Initials

a. Pet Helpers reserves the right to an ongoing review of this adoption at random, to follow up on any complaints or reports to protect the welfare of this animal. If the Adopter does not satisfactorily uphold any of the terms of this Agreement and/or if any misrepresentations have been made to Pet Helpers in order to obtain the animal, Pet Helpers reserves the right to void this Agreement and take immediate possession of the animal, wherever it is located. At such time the adopter's rights shall be terminated and adopter agrees that he/she shall have no direct cause of action or claim against Pet Helpers, its officers, directors, staff, or volunteers regarding such removal and termination of rights. In the event the Adopter fails or refuses to return such animal upon demand, he/she hereby agrees to pay Pet Helpers reasonable attorneys' fees in the event an attorney is consulted or if suit is brought for the return of the animal.

11. Copy of Contract: [Redacted] Adopter Initials

a. Adopter acknowledges that he/she has received a copy of this Animal Adoption Contract signed by both parties.

I certify that I am over the age of 18 and lawfully competent to enter into this contract. I agree that all information provided in the Adoption Application and Adoption Contract is truthful to the best of my knowledge and belief. If it is found that any statements I have made on the Adoption Application and Contract are not true, the adopted animal can be confiscated.

[Redacted Signature] _____
Adopter Signature

05/08/21

Date

[Redacted Signature] _____
Signature
Agent, Pet Helpers Adoption Center

5/8/21

Date

EXHIBIT C

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:

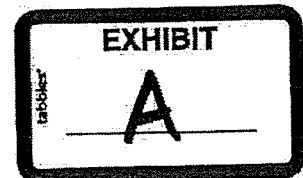
1. I am the Executive Director of the Plaintiff company, Pet Helpers, Inc. which is a non-profit animal adoption center and spay/neuter clinic which serves communities in the Lowcountry, including, Charleston County, Dorchester County, Berkeley County, and surrounding areas.

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.

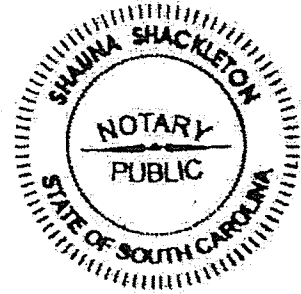
SWORN to and subscribed before me
this 9th day of JUNE, 2021.

Shanna Shackleton

Notary Public for South Carolina

My commission expires: 12/18/2030

NOTARY SEAL



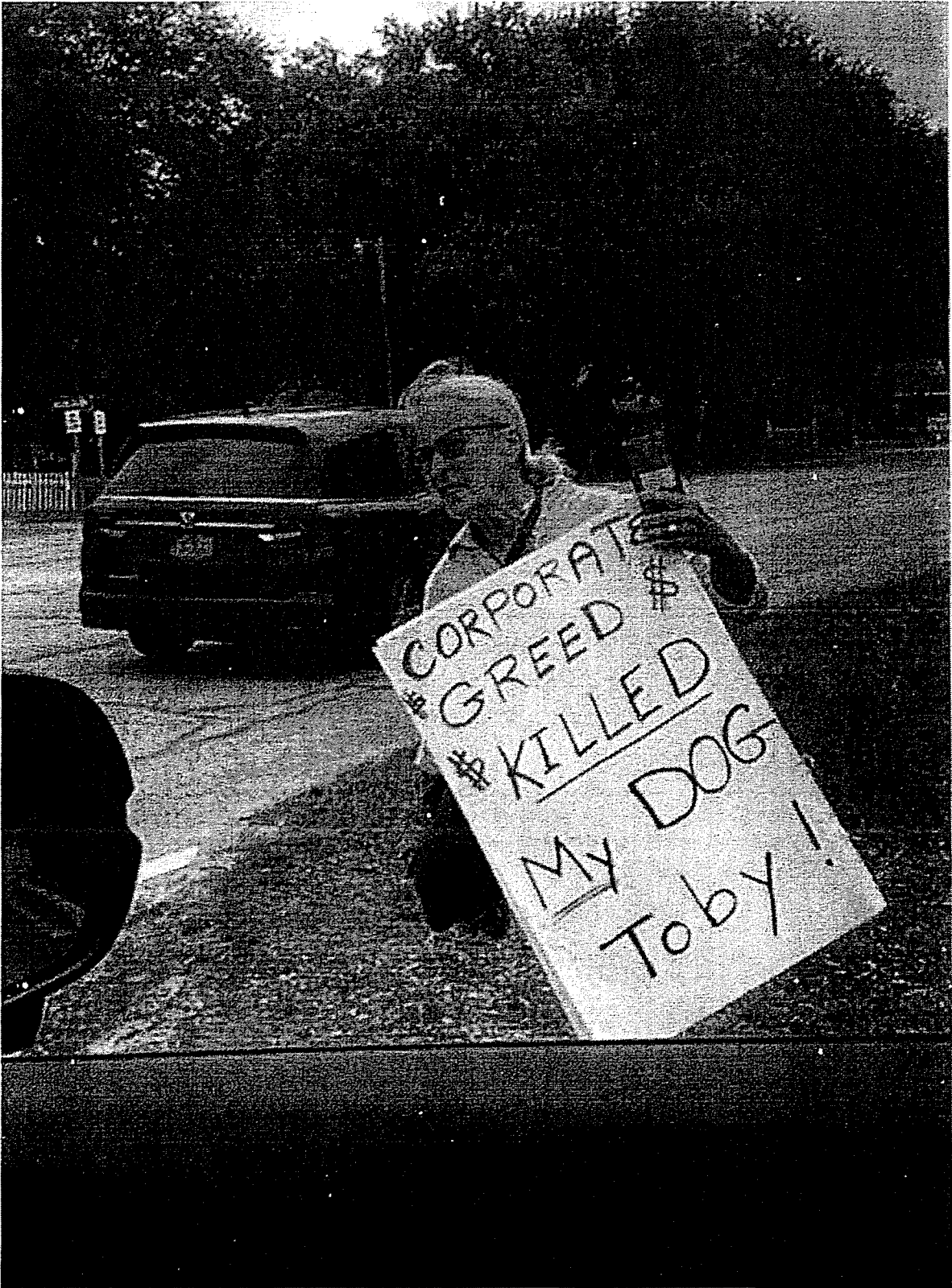
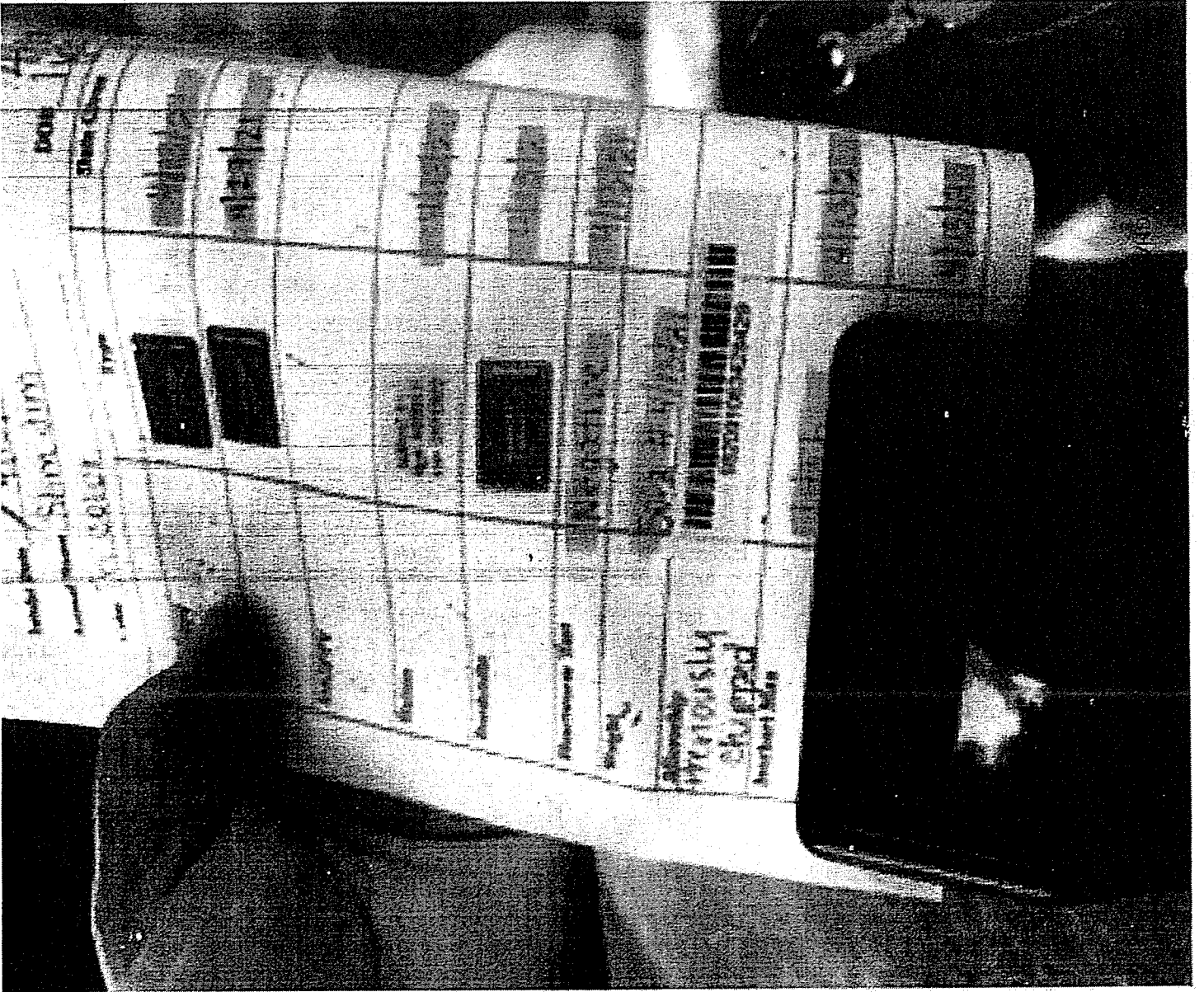


EXHIBIT
A



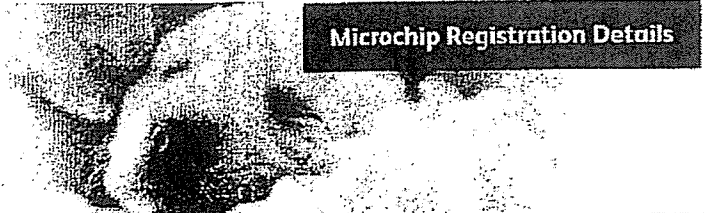
EXHIBIT
B



tabbles
EXHIBIT
C



Microchip Registration Details



MICROCHIP DETAILS	YOUR PET	SHELTER/CLINIC DETAILS
Microchip Number: 982091063428429	Pet Name: Toby	Shelter/Clinic Name: Patrick Veterinary Clinic
Microchip Provider: 24PetWatch	Species: Dog	Date of Adoption/Registration: 09/09/2020
	Sex: Male	Tel: 843-722-4470
	Description: Tan and Black	
	Breed: Hound	
	Birth Date: 09/09/2019	

YOUR DETAILS	ONLINE ACCOUNT	LOST PET SERVICES
Owner Name: Janet Frisco	Ensure your account information is accurate by visiting mypethealth.com	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Owner Address: 203 Cardinal Dr Summerville, SC 29485-7015		Important: If you selected 'no', we will not be able to contact you in the event that your pet goes missing. Should you wish to change your selection, please call us at 1-866-597-2424.
Tel(Primary): 843-804-0875		
Email(Personal):		

Get Toby the protection they deserve!

The Lifetime Protection Membership™

Best in class Lost Pet Services and member benefits:



Live Agents available 24/7/365 to quickly launch the lost pet recovery process.



\$25 Petco Coupon redeemable for in-store purchases with Pals Rewards member sign-up.



\$30 discount code to Rover.com* that covers 1-2 walks or 1 night of dog boarding.

LIMITED TIME OFFER: 10% OFF
Expires within 7 days*. Promo Code: ADUS-01
(Regular Price: \$94.95)

1-833-461-8757 www.24PetWatch.com

*For new customers only.
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ELECTRONICALLY FILED - 2021 Jun 09 11:54 AM - CHARLESTON - COMMON PLEAS - CASE#2021CP1002682



EXHIBIT D



EXHIBIT E



BLAINE JOHN

Animal Care Technician

EXHIBIT F

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.

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

PET HELPERS, INC.,

Plaintiff,

vs.

JANET FRISCO,

Defendant.

IN THE COURT OF COMMON PLEAS

NINTH JUDICIAL CIRCUIT

CASE NO.: 2021-CP-10-_____

SUMMONS

(Jury Trial Demanded)

TO: THE DEFENDANT ABOVE-NAMED:

YOU ARE HEREBY SUMMONED AND REQUIRED TO ANSWER the Complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to this Complaint on the Clerk of Court for Charleston County and upon the subscriber at his office, 1004 Anna Knapp Blvd., 2nd FL, Mt. Pleasant, South Carolina, 29464, within thirty (30) days after service hereof, exclusive of the day of such service.

YOU ARE HEREBY GIVEN NOTICE FURTHER that if you fail to appear and defend and fail to answer the Complaint as required by this Summons within thirty (30) days after the service hereof, judgment by default will be rendered against you for the relief demanded in the Complaint.

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

EXHIBIT G

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

BY
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.

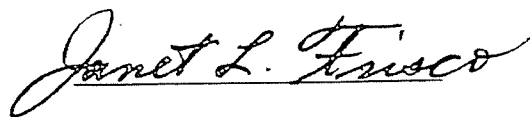
Whenever an Interrogatory calls for information claimed by YOU to be privileged, please supply sufficient factual detail to enable the Court to determine whether or not such document or communication is entitled to claim of privilege, including (1) the date and dates of the communication or document; (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 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

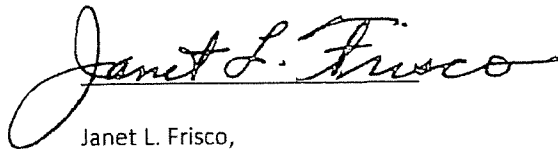


Janet L. Frisco, Pro Se Defendant
203 Cardinal Drive
Summerville, South Carolina 29485
843-804-0875
janetfrisco@yahoo.com

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 Julie J. Armstrong

JULIE J. ARMSTRONG
CLERK OF COURT

2022 NOV 29 PM 4:30

FILED

EXHIBIT H

RECEIVED

Jul 24 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable Bentley D. Price

Court of Appeals Case No. 2022-000775
Circuit Court Case No. 2021-CP-10-2682

Pet Helpers, Inc. Respondent,

v.

Janet L. Frisco Appellant,

v.

Melissa Susko Third-Party Respondent.

**RESPONDENTS' RETURN TO APPELLANT'S MOTION TO STRIKE SECOND
AMENDED DESIGNATION OF MATTER**

Respondents move this Honorable Court for an Order denying Appellant's Motion to Strike Matters from Respondents' Second Amended Designation of Matter because Respondents' Second Amended Designation of Matter was timely filed and served and because Respondents' Designation does not include any matter irrelevant to this appeal.

PROCEDURAL BACKGROUND

On December 6, 2022, this Court ordered, among other things, that Respondents had until January 5, 2023 to file their Initial Brief and Designation of Matter. Respondents filed their Designation of Matter on December 12, 2022, but neglected to certify that the Designation did not

include any irrelevant matters. Thereafter, on December 20, 2022, Appellant filed a Motion to Strike Respondents' Designation of Matter. On December 21, 2022, Respondents filed their first Amended Designation of Matter to include the proper certification.

On February 15, 2023, this Court ordered that Respondents' Amended Designation of Matter was accepted as filed. Also, on February 15, 2023, this Court ordered Appellant, among other things, to amend her Initial Brief within thirty days.

Appellant filed her Amended Initial Brief on March 17, 2023. On March 21, 2023, Respondents filed a Motion to Strike Appellant's Amended Initial Brief. On May 15, 2023, this Court denied Respondents' Motion to Strike and ordered Respondents to submit their Initial Brief and Designation of Matter within thirty days.

On June 15, 2023, this Court ordered an extension of time to allow Respondents to file and serve their Initial Brief and Designation of Matter until July 14, 2023. Thereafter, Respondents timely filed and served their Initial Brief and a Second Amended Designation of Matter on July 11, 2023.

ARGUMENT

I. THIS COURT SHOULD DENY APPELLANT'S MOTION BECAUSE RESPONDENTS TIMELY FILED THEIR SECOND AMENDED DESIGNATION OF MATTER PURSUANT TO DEADLINES SET FORTH BY THIS COURT IN ITS ORDER DATED JUNE 15, 2023.

Appellant argues that Respondents' Second Amended Designation of Matter is untimely. Appellant's argument is without merit because this Court extended the deadline for Respondents' Designation of Matter. Pursuant to Rule 263(b), SCACR, "[t]he time prescribed by these Rules for performing any act except the time for serving the notice of appeal under Rules 203 and 243 may be extended or shortened by the appellate court, or by any judge or justice thereof."

Here, on June 15, 2023, this Court ordered that the “time for filing the Respondent’s . . . Designation of Matter is extended to July 14, 2023.” Thereafter, Respondents timely filed and served their Second Amended Designation of Matter on July 11, 2023. Accordingly, this Court should deny Appellant’s Motion to Strike.

II. THIS COURT SHOULD DENY THE MOTION BECAUSE RESPONDENTS’ SECOND AMENDED DESIGNATION OF MATTER MEETS THE REQUIREMENTS OF RULE 209, SCACR.

Rule 209(b) provides,

The Designation must clearly identify what the party desires to have included in the Record on Appeal, and the Designation may only propose to include portions of the transcript, pleadings, orders, exhibits, or other materials which may be properly included in the Record on Appeal [See Rule 210(c)]. A party shall not include any matter in his Designation which is not relevant to the appeal.

Here, Appellant moves to strike eight (8) designations from Respondents’ Second Amended Designation of Matter. In her Motion to Strike, Appellant does not directly assert that these designations are irrelevant. Instead, Appellant asserts that Respondents “arbitrarily” included additional designations. Assuming, *arguendo*, that Appellant asserts that the designations are irrelevant, this Court should deny Appellant’s Motion to Strike because the designations are relevant to this appeal as follows:

1) **Affidavit of Third-Party Respondent Melissa Susko in Support of Respondents’ Motion for Emergency Ex Parte Restraining Order and Injunctive Relief filed June 9, 2021** – Third-Party Respondent Melissa Susko’s affidavit is relevant because the lower court based its Order Granting Summary Judgment, which is the subject of this appeal, on the affidavits on file in this case. For example, the lower court wrote that [Respondents] submitted affidavits and exhibits to the court to show that [Appellant’s] claims that [Respondents] killed the dog were false. Additionally, on page 10 of Appellant’s Initial Brief, she claims that Respondents,

including Respondent Melissa Susko, made false statements on court documents, such as the affidavit in issue, to obtain restraining orders against her. Accordingly, Ms. Susko's affidavit is relevant, it should be included in the Record on Appeal, and Appellant's Motion to Strike should be denied.

2) **Appellant's Answers to Requests for Admission dated July 7, 2021** – In the Summary Judgment Order that is the subject of this appeal, the lower court refers explicitly to Appellant's Answers to Requests for Admission as part of the basis for the lower court's decision. Specifically, on page 11 of its order, the lower court wrote "Moreover, in [Appellant's] answers to requests for admission, the only discovery request [Appellant] responded to, [Appellant] conceded that her claims that [Respondents] killed the dog are untrue." Accordingly, Appellant's Answers to Requests for Admission are relevant, they should be included in the Record on Appeal, and Appellant's Motion to Strike should be denied.

3) **Respondents' Answer and Counterclaim filed July 9, 2021** – As previously indicated, the lower court based its order, which is the subject of this appeal, upon "the record in this case, the pleadings, affidavits, and memorandums filed by the parties" which includes the aforementioned Answer and Counterclaim. Additionally, Appellant argues on appeal that Respondents' claims against her, including those asserted in the Answer and Counterclaim, were "fraudulent," that Respondents made "false claims on court documents" such as the Answer and Counterclaim, and that the lower court is an "accomplice" in injustice. Accordingly, Respondents' Answer and Counterclaim is relevant, it should be included in the Record on Appeal, and Appellant's Motion to Strike should be denied.

4) **Respondents' Motion for Consolidation filed July 9, 2021** – In her Statement of the Case in her Initial Brief, Appellant references Respondents' Motion for Consolidation.

Moreover, Appellant argues that all orders of the lower court should be reversed which, presumably, includes the lower court's order to consolidate Appellant's separate lawsuit into the case at bar. Moreover, Respondents' Motion and the order consolidating Appellant's separate lawsuit with this action are part of the procedural history of this case. Indeed, on page 3 of the order on appeal, the lower court specifically referenced Respondents' Motion to Consolidate and the Order of Consolidation. Accordingly, Respondents' Motion to Consolidate is relevant, it should be included in the Record on Appeal, and Appellant's Motion to Strike should be denied.

5) **Affidavit of Blaine John filed July 28, 2021** – The Affidavit of Blaine John was filed with the lower court to support Respondents' motion for summary judgment. Additionally, in granting Respondents summary judgment, the lower court wrote on page 11 of its order that it reviewed “the affidavits and exhibits to the court to show that [Appellant's] claims that [Respondents] killed the dog were false.” Lastly, Appellant references Blaine John and his Affidavit in her Initial Brief. On page 7 of her Initial Brief, Appellant argues that the lower “court acted like they knew beforehand that the Respondent's lawyer was going to submit an adoption application as evidence that a third party, not Blaine John the Pet Helper's employee, as Appellant contends, had legitimately adopted [the dog].” Additionally, on page 10 of her Initial Brief, Appellant argues that “Blaine John . . . posed as the adopter” and that Respondents “presented an affidavit from Blaine John . . . [that was not] admissible as evidence in court and [does] not prove that the adoption was legitimate.” Accordingly, the Affidavit of Blaine John is relevant, it should be included in the Record on Appeal, and Appellant's Motion to Strike should be denied.

6) **Amended Notice of Appeal filed on January 14, 2022 in Pet Helpers, Inc. v. Janet L. Frisco, Appellant Case No, 2022-000021** – As previously set forth herein, Appellant argues that all orders of the lower court should be reversed. This Court must determine what issues

have been preserved for appellate review. Accordingly, Appellant's first appeal is relevant, it should be included in the Record on Appeal, and Appellant's Motion to Strike should be denied.

7) **Order Dismissing Appeal filed March 2, 2022 re: Pet Helpers, Inc. v. Janet L. Frisco, Appellant Case No. 2022-000021** – Inasmuch as Appellant argues that all orders of the lower court should be reversed, and this Court must determine what issues have been preserved for appellate review, this Court's Order dismissing Appellant's first appeal is relevant, it should be included in the Record on Appeal, and Appellant's Motion to Strike should be denied.

8) **Third-Party Respondent Melissa Susko's Affidavit in Support of Motion for Partial Summary Judgement filed on April 12, 2022** – Third-Party Respondent Melissa Susko's Affidavit was filed with the lower court in support of Respondents' summary judgment motion. As previously set forth herein, the lower court wrote on page 11 of its order that it reviewed "the affidavits and exhibits to the court to show that [Appellant's] claims that [Respondents] killed the dog were false."

As the lower court noted on pages 12 and 13 in the Order Granting Summary Judgment, "after learning the dog was still alive, [Appellant] pivoted her case to claim that [Respondents] had 'staged' the dog's adoption . . . to prevent [Appellant] from reclaiming the dog." On page 10 of Appellant's Initial Brief, Appellant still contends that Third-Party Respondent Melissa Susko "staged" the dog's adoption. Here, the lower court considered Third-Party Respondent Melissa Susko's Affidavit wherein Ms. Susko refutes Appellant's allegation that the dog's adoption was a ruse. Accordingly, Ms. Susko's affidavit is relevant, it should be included in the Record on Appeal, and Appellant's Motion to Strike should be denied.

CONCLUSION

This Court should deny Appellant's Motion to Strike because Respondents timely filed and served their Second Amended Designation of Matter on July 11, 2023, pursuant to this Court's order on June 15, 2023, extending the time for filing Respondents' Designation of Matter to July 14, 2023. Additionally, this Court should deny Appellant's Motion to Strike because the pleadings, discovery responses, witness affidavits, and other documents Respondents designated are relevant to this appeal.

Respectfully submitted,

FUTERAL & NELSON, LLC

/s/ Stephan V. Futeral

Stephan V. Futeral

SC Bar ID 66427

1004 Anna Knapp Blvd., Suite 3

Mount Pleasant, South Carolina 29464

(843) 284-5500 Phone (843) 284-5501 Fax

sfuteral@charlestonlaw.net

Attorney for Respondent and Third Party Respondent

Dated: July 24, 2023

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

Jul 24 2023

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

SC Court of Appeals

The Honorable Bentley D. Price

Court of Appeals Case No. 2022-000775
Common Pleas Court Case No. 2021-CP-10-2682

Pet Helpers, Inc. Respondent,

v.

Janet L. Frisco Appellant,

v.

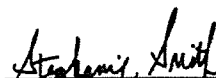
Melissa Susko Third-Party Respondent.

PROOF OF SERVICE

I certify that I have served the *Respondents' Return to Appellant's Motion to Strike Second Amended Designation of Matter* by delivering the same via email and United States Regular Mail, postage prepaid, on July 24, 2023, addressed to the Appellant as follows:

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

FUTERAL AND NELSON, LLC



Stephanie M. Smith

Paralegal to Stephan V. Futeral, Esq.

Dated: July 24, 2023

EXHIBIT H (CONT.)

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

PET HELPERS, INC.,

Plaintiff,

vs.

JANET FRISCO,

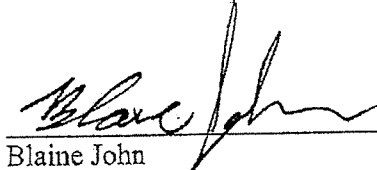
Defendant.

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

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: 02/18/2020

NOTARY SEAL

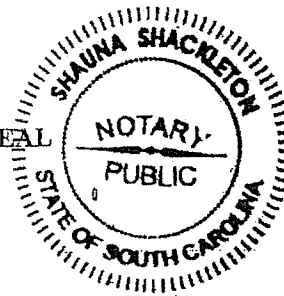


EXHIBIT I



Blaine John
Oct. 24, 2021



Owner
Oct. 23, 2021

EXHIBIT J

The South Carolina Court of Appeals

Pet Helpers, Inc., Respondent,

v.

Janet L. Frisco, Appellant.

Appellate Case No. 2022-000021

ORDER

Appellant failed to timely serve her notice of appeal pursuant to Rule 203(b)(1), SCACR, which provides "[a] notice of appeal shall be served on all respondents within thirty (30) days after receipt of written notice of entry of the order or judgment." Accordingly, this appeal is dismissed. *See Elam v. S.C. Dep't of Transp.*, 361 S.C. 9, 14-15, 602 S.E.2d 772, 775 (2004) ("The requirement of service of the notice of appeal is jurisdictional, *i.e.*, if a party misses the deadline, the appellate court lacks jurisdiction to consider the appeal and has no authority or discretion to 'rescue' the delinquent party by extending or ignoring the deadline for service of the notice."). The remittitur will be sent as provided by Rule 221(b), SCACR.



FOR THE COURT

Columbia, South Carolina

cc:
Janet L. Frisco
Stephan Victor Futeral, Esquire

FILED
Mar 02 2022

EXHIBIT K

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT COURT
CASE #:2021-CP-10-2848

PLAINTIFF'S AMENDED OBJECTION TO
DEFENDANTS' MOTION TO RECONSIDER
CONSOLIDATION

2021 NOV 19 PM 3:38

FILED

JUDGE J. ARMSTRONG
CLERK OF COURT
DGR

JANET L. FRISCO,
PLAINTIFF

Vs.

PET HELPERS, INC. & MELISSA SUSKO
DEFENDANTS

CURRENT TWO CASES INVOLVING THE PARTIES SHOULD NOT BE CONSOLIDATED AS REQUESTED IN PLAINTIFFS MOTION TO RECONSIDER MOTION TO CONSOLIDATE BECAUSE COURT OF COMMON PLEAS HAS EXHIBITED BIAS IN THIS CASE AS IN A PREVIOUS CASE #2005CP100368 JANET FRISCO VS. DEBRA WALKER:

I object to my complaint #2021CP102848 against Pet Helpers, Inc being consolidated into their complaint #2021CP102682 because the merits of my case have not been considered and my *Motion to Amend My Answer* filed on October 19, 2021 has not been scheduled for a hearing. Pet Helper's attorney has been given preference by the court in his motions to place restraining orders on me which he told blatant lies in order to attain. After which he made two motions to show cause which resulted in me paying a sanction of \$5434.32 to pay for his lawyer fees and court costs. I was jailed for four days for contempt of court because I didn't comply with the restraining orders that were created by plaintiff's legal counsel to cover-up Pet Helpers fraudulent behavior in faking the adoption of my dog Toby and soliciting donations based on a fabrication that they had found him a good home. My objections and motions that I have filed in Case #2021-CP-10-2682 have been ignored by the court while they consistently favored Pet Helpers' complaint against me throughout the litigation.

Now contrary to Mr. Futeral's claim that I had no injury on which to base a claim, I can adamantly say that I have unjustly been charged \$5434.32 to avoid serving a thirty-day sentence in which I suffered an untold amount of mental duress and hardship for four days of incarceration. I should be compensated for that by the plaintiffs as well as refunded the entire amount of money I had to pay to Mr. Futeral to be released from jail.

Pet Helpers took Toby under false pretenses and he suffered the entire time he was with them waiting for me to return and bring him home. I would have immediately done so if they had allowed me to, but they wouldn't because they wanted to use Toby to solicit donations claiming he had been adopted. They didn't care how much suffering they inflicted on him or me. When I protested, Ms. Susko and Pet Helpers turned their lawyer loose on me and he has done everything in his power to literally destroy me aided by the Court of Common Pleas who has cooperated almost 100% in everything he has demanded during this litigation. I am submitting the complete history of my previous experience with the court in 2005 Janet Frisco Vs. Debra Walker to show that even though my case was ironclad against Ms. Walker

TIMELINE OF CASE 2005CP1003681

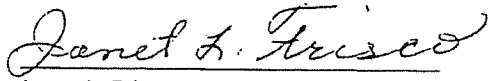
- 10/04** - My 1990 Honda Accord is stolen from the residence where my son, Charles A. Frisco is living.
- 12/09/04** - After finding out that from him that his roommate took the car while he was out, I call the Dorchester County Sheriff's Office to report it. Then I went in person to the DCSD to report the car stolen and Lt. Barnhill refuses to take a report because don't know where the car was stolen from.
- 01/26/05** - Debra Walker files a *REQUEST FOR VEHICLE INFORMATION (FORM 5027-A)* with South Carolina Highway Department checking box #7 which reads "For use in providing notice to owners of towed or impounded vehicles" and *REPORT OF UNCLAIMED VEHICLE (FORM TR-2)* checking box "Reporting and Requesting Information".
- 02/08/05** - I pay \$14.13 taxes on the vehicle with the County of Dorchester.
- 02/09/05** - I renew my registration and tags on the Honda.
- 02/09/05** - Debra Walker receives information from the SCHD that the car is not stolen (since there's no stolen car report).
- 02/25/05** - I receive a certified letter from Magistrate David C. Coker *NOTICE TO CLAIM VEHICLE/ITEM OF PERSONAL PROPERTY* which states that my vehicle has been stored since October 13, 2004 and has accrued storage fees of \$2660.00 saying it will be sold in a magistrate's sale if unclaimed with Ms. Walker's contact information.
- 03/05/05** - I go to the North Charleston Police to report the vehicle as stolen since I know it's located at Ms. Walker's home. Ofc. Alston tells me to go to Judge Coker and explain the situation.
- 03/08/05** - I spoke with Judge Coker and he said I can request a hearing and I can pick up my car.
- 03/12/05** - I return to the North Charleston Police Department to report the car stolen and request that Ofc. Gann follow me to Ms. Walker's home to meet Jennings Towing. I request that the officer file a report concerning the incident. The car is towed to Rick Hendrick's Honda on Savannah Highway. The report states in error that my son didn't remember where he left the car.
- 03/17/05** - I return to Judge Coker and schedule a hearing for 4/1/05 and Ms. Walker is summoned.
- 04/01/05** - Ms. Walker does not appear at the hearing and Judge Coker says, that I got my car back and the matter is finished in his court.
- 04/27/05** - I turn in my tags to SCDMV.
- 04/29/05** - I cancel my insurance on the Honda effective 3/18/05 with Charles Chitwood State Farm.
- 05/13/05** - I receive a refund from State Farm in the amount of \$178.35
- 06/17/05** - A supplement to correct the North Charleston police report #2005009502 by is added by Lt. Tetanich at my request.
- 06/19/06** - I write Governor Mark Sanford concerning the story.
- 06/29/05** - I request copies of forms 5027-A and TR-2 as per Section 56-3-520 (B) under Article 4 that Ms. Walker filed with SCHD and release of my motor vehicle registration and licensing under Chapter 3.
- 06/05** - I file a complaint against Ms. Walker in the Charleston County Small Claims Court asking for \$2893.43 for damages, towing and insurance costs which is scheduled for 8/5/05.
- 07/18/05** - I request forms 5027-A and TR-2 under Section 56-3-520 (B) from the SCHD that were illegally submitted by Debra Walker to obtain information on my vehicle.
- 08/05/05** - Judge James Turner rules in favor of Ms. Walker.
- 08/10/05** - Faxed copies of Form 5027-A Ms. Walker illegally submitted to SCHD to Calvin Jones with FBI per his request.
- 08/12/05** - I appeal and file a motion for a new trial in case #2005-SC-87-0481 against Ms. Walker.
- 08/17/05** - My motion for a new trial is denied in small claims court.

08/24/05 - I pay fees at the SCDMV in Columbia, SC for information on my vehicle's current status.
09/09/05 - I appeal and file a complaint with the Charleston County Court of Common Pleas case #05-CP-10-3681 requesting \$2893 in damages plus court costs demanding a jury trial.
09/09/05 - I write to Mr. Edward Wicker with the SCDMV concerning Ms. Walker's fraudulent use of Form 5027-A.
09/21/05 - Ms. Walker is served a summons by Charleston County Sheriff's Department.
09/22/05 - I receive a RETURN from the Small Claims Court Judge James Turner.
10/20/05 - I write another letter to SCHD concerning the fraudulent use of Form 5027-A and gave them Special Agent Calvin Jones with FBI contact information.
11/01/06 - I receive letter from my state senator Thomas L. Moore acknowledging correspondence I sent him concerning story.
12/02/05 - I receive letter from Charles Chitwood acknowledging receipt of my letter to him concerning the fraud that was committed and irregularities with the courts and law enforcement.
12/05/06 - I receive letter from The Supreme Court of South Carolina Office of the Disciplinary Counsel after reporting a complaint about Judge Davis Coker's involvement with laundering my car and they say they can't do anything.
12/11/06 - I write another letter to Governor Sanford concerning the story.
01/25/06 - I appear at hearing in the Court of Common Pleas and am told by a court clerk that Ms. Walker was not notified to be there. Judge Markley Dennis dismisses the case and it is ended by a non-jury trial according to Public Record as of 1/27/06.
02/02/06 - Last entrée in public record Form 4 in RE: order 2006 127 9990 mailed first class. I am not sure who it was mailed to, but I never received anything concerning the verdict in the case.
02/06/05 - Wrote letter to State Farm Insurance Company in Bloomington, IL relating the entire incident with Ms. Walker, the courts and law enforcement.
05/01/06 - Wrote letter to Dorchester County Sheriff's Department to the attention of Thomas Marshall relating the problems I had reporting the theft of my car and the subsequent lawsuits.
02/06/07 - I write a letter to Representative Henry Brown concerning the story.
03/07/07 - I write another letter to State Farm Insurance Corporate Office to the attention of Susan Mullinax concerning Ms. Walker, law enforcement and the courts and how they handled the theft and fraudulent activities surrounding it.
10/08/09 - Sold my 1990 Honda Accord for \$200.00 to a private party. According to Blue Book it had a value of approximately \$2000 if it was not damaged.

Case #2005CP1003681 PUBLIC RECORD ENTREES

05/18/05 - Non liquidated, civil converted cost
05/23/05 - Service Vanderhorst
06/17/05 - Answer
07/01/05 - Civil Court Default Date
08/05/05 - Civil court event
08/05/05 - Finding for defendant at non-jury trial
09/09/05 - Receipt #05-11475
09/09/05 - Civil appeal from small claims court
09/20/05 - Transfer to other court
09/20/05 - Findings for defendant jury trial

09/20/05 – Judgement Janet Frisco
09/20/21 – Judgement Debra Walker
09/20/05 - Memo Return done



Janet L. Frisco, Pro Se

Dated: 11/19/21

CERTIFICATE OF SERVICE

The foregoing document Plaintiff's Amended Objection to the Defendants' Motion to Reconsider Consolidation was served on the following by email and U.S. Mail with sufficient postage affixed, this 19th day of November 2021:

Stephan V. Futeral

1004 Anna Knapp Blvd. Suite 3
Mt. Pleasant, South Carolina 29494
sfuteral@charlestonlaw.net

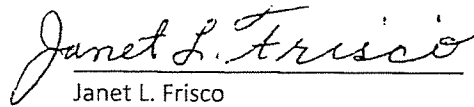

Janet L. Frisco

EXHIBIT L

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.

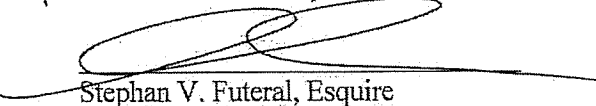
To add or remove categories of data from your request, click the boxes on the right side of Facebook.

- 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

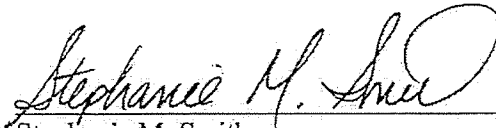
Dated: 6/18/21

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

EXHIBIT M

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

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

PET HELPERS, INC.,

AFFADAVIT OF JANET FRISCO

Plaintiff

JANET FRISCO,

Defendant

BY DGA

JULIE J. ARMSTRONG
CLERK OF COURT

2022 APR 21 PM 1:48

FILED

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

I, Janet Frisco, pursuant to SCRPC Rule 56(f) request additional time to submit discovery requests to Plaintiff which is essential to justify my opposition to their Motion for Partial Summary Judgement. I cannot present by affidavit facts concerning the staged adoption of my dog Toby and Pet Helper's fraud soliciting donations and subsidies without their discovery disclosures.

Janet Frisco
Janet Frisco

SWORN to and subscribed before me
this 21 day of April, 2022.

Sherry M Funk
Notary Public for South Carolina
My commission expires 09/24/2022

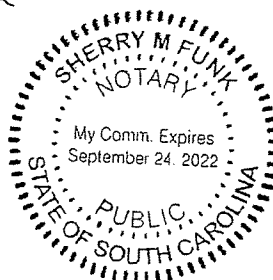


EXHIBIT N

STATE OF SOUTH CAROLINA)
 COUNTY OF CHARLESTON)
PET HELPERS, INC.)
 Plaintiff)
 vs.)
JANET FRISCO)
 Defendant)

IN THE COURT OF COMMON PLEAS
 JUDICIAL CIRCUIT
 CASE NO. 2021-CP-10-2682
 MOTION AND ORDER INFORMATION
 FORM AND COVERSHEET

Plaintiff's Attorney: <u>Stephan Futeral</u> Bar No. _____ Address: <u>1004 ANNAKNAPP BLYD. STE. 3</u> Phone: _____ Fax _____ E-mail: _____ Other: _____	Defendant's Attorney: <u>JANET FRISCO,</u> <u>PRO SE</u> , Bar No. _____ Address: <u>203 CARDINAL DR. SUMMERVILLE</u> Phone: _____ Fax _____ E-mail: _____ Other: _____
<input type="checkbox"/> MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) <input checked="" type="checkbox"/> FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) <input type="checkbox"/> PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)	
SECTION I: Hearing Information	
Nature of Motion: _____ Estimated Time Needed: _____ Court Reporter Needed: <input type="checkbox"/> YES / <input type="checkbox"/> NO	
SECTION II: Motion/Order Type	
<input checked="" type="checkbox"/> Written motion attached <input type="checkbox"/> Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order. <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <u>Janet L. Frisco</u> Signature of Attorney for <input type="checkbox"/> Plaintiff / <input checked="" type="checkbox"/> Defendant <u>March 24,</u> 20<u>22</u> Date submitted </div>	
SECTION III: Motion Fee	
<input type="checkbox"/> PAID - AMOUNT: \$ _____ <input type="checkbox"/> EXEMPT: (check reason) <ul style="list-style-type: none"> <input type="checkbox"/> Rule to Show Cause in Child or Spousal Support <input type="checkbox"/> Domestic Abuse or Abuse and Neglect <input type="checkbox"/> Indigent Status <input type="checkbox"/> State Agency v. Indigent Party <input type="checkbox"/> Sexually Violent Predator Act <input type="checkbox"/> Post-Conviction Relief <input type="checkbox"/> Motion for Stay in Bankruptcy <input type="checkbox"/> Motion for Publication <input type="checkbox"/> Motion for Execution (Rule 69, SCRCP) <input type="checkbox"/> Proposed order submitted at request of the court, or, reduced to writing from motion made in open court per judge's instructions Name of Court Reporter: _____ <input type="checkbox"/> Other: _____	
JUDGE'S SECTION <input type="checkbox"/> Motion Fee to be paid upon filing of the attached order. <input type="checkbox"/> Other: _____	JUDGE CODE _____ Date: _____, 20____
CLERK'S VERIFICATION	
Collected by: _____ Date Filed: _____, 20____	
<input type="checkbox"/> MOTION FEE COLLECTED: \$ _____ <input type="checkbox"/> CONTESTED - AMOUNT DUE: \$ _____	

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON


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

**MOTION FOR LEAVE TO SUPPLEMENT ANSWER TO
PLAINTIFF'S COMPLAINT PERSUANT TO SCRPC RULE
15(D) and AMENDED COUNTERCLAIM FOR MALICIOUS
PROSECUTION**

Pet Helpers, Inc., Plaintiff

Vs.

Janet L. Frisco, Defendant


JULIE J. ARMSTRONG
CLERK OF COURT
2022 MAR 24 PM 3:38
FILED

To: THE ABOVE-NAMED PLAINTIFF, PET HELPERS, INC.:

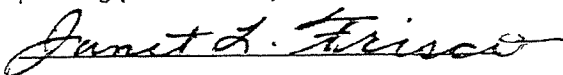
YOU WILL PLEASE TAKE NOTICE that the undersigned will move before the presiding judge, Court of Common Pleas for Charleston County, within ten (10) days or as soon thereafter as defendant may be heard to request leave of the court to supplement original answer to the Plaintiff's complaint pursuant to SCRPC 15(d) as follows:

SCRPC 15(d) SUPPLEMENTAL PLEADINGS. Upon motion of a party the court may, upon reasonable notice and upon such terms as are just, permit him to serve a supplement pleading setting forth transactions or occurrences or events which have happened since the date of the pleading sought to be supplemented, whether or not the original pleading is defective in its statement of a cause or action or defense. If the court deems it advisable that the adverse party plead thereto, it shall so order, specifying the time therefor.

Note:

This Rule 15(d) is the same as the Federal Rule, State practice since 1870 has followed this procedure. McClasian v. Latimer, 17 S.C. 123 (1882); Francis Marion Hotel v. Chicco, 131 S.C. 344, 127 S.E. 436 (1924).

Defendant's proposed *MOTION FOR LEAVE TO SUPPLEMENT ANSWER TO PLAINTIFF'S COMPLAINT AND AMENDED COUNTERCLAIM FOR MALICIOUS PROSECUTION* is attached to this pleading (see Exhibit A) for the court's consent and for review by the plaintiff.



Janet L. Frisco, Pro Se

DATED: March 24, 2022

CERTIFICATE OF SERVICE

The foregoing document ***MOTION FOR LEAVE TO SUPPLEMENT ANSWER TO PLAINTIFF'S COMPLAINT AND AMENDED COUNTERCLAIM FOR MALICIOUS PROSECUTION*** was served on the following by email and U.S. Mail with sufficient postage affixed this 21st day of March 2022:

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

Janet L. Frisco

Janet L. Frisco, Pro Se



2022 MAR 24 PM 3:38
JULIE J. ARMSTRONG
CLERK OF COURT

FILED

EXHIBIT A

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS

NINTH JUDICIAL CIRCUIT COURT

CASE #:2021-CP-10-2682

MOTION TO SUPPLEMENT ANSWER TO PLAINTIFF'S COMPLAINT PERSUANT TO SCRCP RULE 15(d) AND AMENDED COUNTERCLAIM FOR MALICIOUS PROSECUTION

Pet Helpers, Inc., Plaintiff

Vs.

Janet L. Frisco, Defendant

To: THE ABOVE-NAMED PLAINTIFF, PET HELPERS, INC.:

YOU WILL PLEASE TAKE NOTICE that the undersigned will move before the presiding judge, Court of Common Pleas for Charleston County, within ten (10) days or as soon thereafter as Pro Se may be heard, to supplement original answer to the Plaintiff's complaint pursuant to SCRCP Rule 15(d) and to counterclaim for malicious use of process in the wrongful initiation of a civil proceeding in order to seek relief of all sanctions, partial summary or default judgements, compensation for legal costs, sanction paid to the plaintiff's attorney, and return of my dog Toby that Pet Helpers obtained under false pretenses and whom they allowed to suffer separation from me contrary to their claims they try to keep pets and owners together or place them in good homes stated on their website. and to request a settlement from Pet Helpers for the immense pain and suffering inflicted on me by their lawsuit which caused me to be the victim of incarceration, intimidation, threats, multiple hearings, false accusations, calumny, oppressive discovery requests, unwarranted restraining orders, police harassment and other continued duress that I am still being subjected to through their malicious and fraudulent lawsuit.

SCRCP 15(d) SUPPLEMENTAL PLEADINGS. Upon motion of a party the court may, upon reasonable notice and upon such terms as are just, permit him to serve a supplement pleading setting forth transactions or occurrences or events which have happened since the date of the pleading sought to be supplemented, whether or not the original pleading is defective in its statement of a cause or action or defense. If the court deems it advisable that the adverse party plead thereto, it shall so order, specifying the time therefor.

Note:

This Rule 15(d) is the same as the Federal Rule, State practice since 1870 has followed this procedure. McClasian v. Latimer, 17 S.C. 123 (1882); Francis Marion Hotel v. Chicco, 131 S.C. 344, 127 S.E. 436 (1924).

BACKGROUND

At the time I answered the plaintiff's complaint I was not aware of information that is critical to any final decisions by the court. Since my original Answer to the Complaint, there is evidence that the adoption of my dog, Toby, a.k.a. Slim Jim, was staged by Melissa Susko and her employee, John Blaine on May 8, 2021. (See EXHIBIT A). The fake adoption was then advertised on their website in order to fraudulently solicit donations based on finding him a new home. (See EXHIBIT B). Katherine Leasure, in the Intake Department, and Ms. Susko lied about the date of the so-called adoption in order to prevent me from adopting my dog back after I submitted an online adoption application on the evening of May 7th 2021 (See EXHIBIT C) that Ms. Leasure sent me after I called and emailed and phoned her on several occasions about reclaiming my dog days after his surrender (See EXHIBIT D). Ms. Susko, Ms. Leasure, and Mr. Blaine are all complicit in the aforementioned behavior intended to defraud their donors by faking Toby's adoption in order to solicit donations from them and collect subsidies from the Bissell Pet Foundation.

Plaintiff's attorney filed the document *REPLY TO DEFENDANT'S 2ND MOTION TO AMEND ANSWER AND COUNTERCLAIMS* in reference to my two previous attempts to amend my answer to his client's complaint criticizing that I neglected to submit a proposed answer and reiterating again the history of this litigation including the plaintiff's claim of defamation and all the actions ordered against me thus far. He also includes that I haven't complied with his discovery requests or paid an additional sanction of \$1214 ordered by Judge Cothran. By doing this, counsel is attempting to distract the court from his serious infractions constituting fraud upon the court stemming from his false statements he used to obtain the restraining orders and concealing evidence of the fake adoption. The discovery requests, especially the Production, are oppressive and unreasonable because of their scope and were only created to prevent me from defending myself from a massive array of motions. Mr. Futeral also stresses that I haven't complied with his discovery requests or paid additional sanctions that were imposed by the court even though none of my arguments or filed objections were considered by the

court before their decisions. I made errors in filing amendments to my original answer and now Plaintiff's counsel is attempting to use my inadvertent oversights as an excuse to have the court dismiss my counterclaims against the plaintiff calling them "frivolous".

The plaintiff's attorney seems to think anything is permissible as long as he outwardly adheres to *The South Carolina Rules of Civil Procedure*, but he is actually abusing these rules in a fraudulent and malicious lawsuit in order to cover up the criminal behavior of his clients. There is a higher ethical rule that he entirely ignores in his pursuit of conquest.

He states in his Law Analysis II that I should not be allowed to amend my complaint until I pay additional sanctions ordered on January 22, 2021 because he is trying to incarcerate and extort more money from me so I will be unable to oppose him or defend myself in this lawsuit. I have already paid a sanction of \$5432.34 in order to be released from jail on November 9th, 2021 that is currently pending appeal in the South Carolina Court of Appeals and I shouldn't have to pay additional monies until a decision is reached concerning that and the other pending issues such as Mr. Futeral's fraud upon the court, malicious prosecution and possible abuse of discretion by other court officials in the Charleston County Court of Common Pleas that have been included in filings in the lower and upper court. My *Petition for Rehearing* was filed in the Court of Appeals on March 15, 2022 and is pending.

I am now submitting this **MOTION TO SUPPLEMENT ANSWER** under **SCRCP 15(d)** with **AMENDED CLAIM FOR MALICIOUS PROSECUTION** to the court, which I believe according to the rule, holds complete dominion as to whether my motion is heard, but additionally I have also submitted the proposed supplement for the plaintiff's review.

CONCLUSION

Pet Helpers' legal counsel, Stephan V. Futeral, is guilty of attempting to conceal his client's fraudulent behavior through the lawsuit and its' actions and fraud upon the court for concealing evidence and making false statements on filed documents and in court hearings in order to cover up criminal fraud by Pet Helpers, Inc. Mr. Futeral lied that I threatened employees, trespassed on Pet Helper's property and committed defamation in order to obtain the restraining orders and file the complaint against me. The lawsuit filed by the plaintiff's constitutes malicious prosecution because there was no defamation against the plaintiff involved. The complaint against me is merely a ploy to

conceal the plaintiff's criminal fraudulent actions. Everything I said was true except they hadn't killed my dog yet because I brought too much attention to their sinister actions through my public protests. I believed they would have euthanized Toby shortly after the fake adoption because a former employee approached me as I was protesting in front of Pet Helpers and told me the executive manager, Melissa Susko, told her she was certified to euthanize and the former employee also said that Ms. Susko had been involved in the euthanasia of two dogs, Cody and Dixie, who were not medically untreatable or aggressive when the employee worked at Pet Helpers. I truly believe they planned to kill him because I saw how they needlessly let him suffer separation for weeks after I left him there waiting for me to return when they knew I would come back for him. Unbelievably, Pet Helpers later denied in their Admits that dogs experience depression when abandoned. Plaintiffs have maliciously, with the assistance of their legal counsel, attempted to conceal a crime through the restraining orders and sanctions contained in the lawsuit when I reacted to their deception after unsuspectingly surrendering my dog Toby to them on April 13, 2021. They mislead me to believe that they would find him a good home, but instead they faked his adoption and probably would have killed him after they collected the donations and subsidies. The reason for their lawsuit is to cover-up their crime of fraud by suppressing the truth about the fake adoption and to destroy me in the process if necessary to reach that end.

Pet Helpers, Inc. has caused great injury to me by subjecting me to threats, intimidation, illegitimate restraining orders, calling the police for no reason, violation of my constitutional right to free speech, traumatizing me by incarceration, and causing me financial hardship through sanctions and currently a motion for a partial summary judgement and further sanctions when there is no legal basis because I have not committed libel or slander against them. On the contrary, I have only attempted to expose the truth about what they did to my rescued hunting dog and to me. Each time I looked at his pictures on their website, my heart was broken because I could see, and so could they, how sad he was although they denied it when I called and emailed repeatedly with concerns after the surrender, but they were only concerned with making money.

Their lawsuit has affected my health and overall well-being that may be a permanent condition when I was doing very well even starting my own landscaping business before I fell into Pet Helpers' trap that they set for the public and unwarily surrendered my dog to them. I have had to undergo almost a year of pain and suffering because they were only concerned with exploiting Toby in

order to make money allowing him to suffer separation and then prosecuting me for exposing the fake adoption and disposal of dogs. They deliberately and maliciously tried to harm me financially through the lawsuit and physically harm me through the incarceration in order to cover up their criminal actions.

Accordingly, the Defendant respectfully requests the following of this court:

1. Pet Helpers' illegitimate complaint Case # 2021-CP-10-2682 be dismissed and all associated restraining orders and sanctions rendered against me be immediately revoked and/or refunded.
2. I be reimbursed for all costs, pertaining to this case and my own complaint Case #2021-CP-10-2848 that was consolidated January 6, 2022 as well as the sanction of \$5432.34 I was forced to pay to be released from jail of November 9, 2021, a form of theft and extortion by the Plaintiff's attorney.
3. My dog Toby, who was not legitimately adopted, be returned to me as he should have been when I requested that Pet Helpers return him a week after the surrender.
4. Mr. Stephan Futeral, the Plaintiff's attorney, be reprimanded by the court and referred to the South Carolina Bar for his deceptive actions constituting fraud upon the court in this lawsuit.
5. I be compensated \$50,000 for my pain and suffering inflicted by the Plaintiff during the course of this malicious prosecution.

Janet L. Frisco, Pro Se

Dated: _____

CERTIFICATE OF SERVICE

The foregoing document *MOTION TO SUPPLEMENT ANSWER TO PLAINTIFF'S COMPLAINT AND AMENDED COUNTERCLAIM FOR MALICIOUS PROSECUTION* was served on the following by email and U.S. Mail with sufficient postage affixed, this ____ day of March 2022:

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

Janet L. Frisco, Pro Se



BLAINE JOHN

Animal Care Technician



EXHIBIT A

EXHIBIT A, CONT.

5/8/2021

Contract

Tel.: 843-795-1110 | Fax: 843-795-8090

Adoption Contract - May 8 2021



Pet Helpers
1447 Folly Road
Charleston, South Carolina 29412 USA
mausko@pethelpers.org
https://www.pethelpers.org/index.html

Person ID: [REDACTED]

"Slim Jim"

Animal Information

Animal ID: A47529858	Name: Slim Jim	Types: Dog	Gender: Male
ARN: Toby	DOB: 4/13/2020	Breeds: Hound/Mix	Altered: Yes
Chip #: 982091063428429	Current Age: 1 y 0 m 25 d	Colors: Brown/White	Size: Large
Type: 24PetWatch	Age Group: Adult - 1 year and older	Pattern: Tricolor	Weight: 50.20 pound

I, [REDACTED] (hereinafter Adopter), acknowledge receiving from Pet Helpers Adoption Center and Spay/Neuter Clinic (hereinafter Pet Helpers), custody of Slim Jim (microchip #: 982 09 1063428429), and, in return consideration to Pet Helpers hereby promise and agree to the following:

1. Use as Companion Animal: [REDACTED] Adopter Initials

a. Adopter agrees that the animal will be kept only as a companion animal. The above-named animal will not be used for fighting, breeding, racing, or experimental/research purposes.

2. Animal Care: [REDACTED] Adopter Initials

a. Adopter will, at his/her own expense, provide the adopted animal with adequate and proper quantities of wholesome food and water, safe and adequate shelter, proper and adequate exercise, training, appropriate veterinary attention, and, in general, treatment in accordance with the humane and prudent practices of animal care.

b. Adopter shall comply with all city, county, and state laws and regulations, including but not limited to, those relating to care, housing, licensing, ordinances, etc.

c. The animal adopted must live indoors and cannot be tethered or kenneled outdoors.

d. Although your adopted animal is microchipped, adopter agrees to have an ID tag and collar on adopted animals at all times.

e. Adopter shall provide heartworm and/or flea preventative for life of animal. If a canine is returned to Pet Helpers, adopters agrees to provide current heartworm test results at time of return. If tested positive, adopter shall be financially responsible for heartworm treatment.

f. Adopter is aware of maintenance needs of the species being adopted. Adopter agrees that he/she will not declaw, crop, dock or otherwise mutilate any animal he/she is adopting from Pet Helpers unless in cases of medical necessity.

- g. Adopter agrees that if any behavioral issues arise after adoption, the adopter will enlist help from the Pet Helpers staff by contacting our shelter immediately. Adopter also agrees to work with our shelter trainer who can assist in overcoming any issues that may arise.
3. Prior Animal Care Charges or Convictions: [REDACTED] Adopter Initials
- a. Adopter represents that he/she has never been subject to legal action for cruelty to or neglect of animals. Adopter further represents that he/she has never owned an animal that has been confiscated by any animal control or humane organization for violations of state or local animal control regulations or animal adoption agreements.
4. Full Household Consent: [REDACTED] Adopter Initials
- a. Adopter represents that all household members have agreed to the adoption of the animal and will abide by the terms of this agreement.
5. Tenant and zoning: [REDACTED] Adopter Initials
- a. If the Adopter is a tenant, then Adopter agrees that he/she has permission from his/her landlord to own and possess this animal at his/her residence.
- b. It is the responsibility of adopters to check local zoning and housing communities to ensure animal/breed is acceptable to live in such community.
6. No Guarantee Given Regarding Breed, Health or Temperament: [REDACTED] Adopter Initials
- a. Adopter acknowledges and understands that Pet Helpers makes no claims as to the temperament, health, disposition; or general condition of this animal. Pet Helpers has provided the adopter, to the fullest extent possible, information about the health, history and background of the animal. The Adopter understands that animals at Pet Helpers come from a rescue environment in which little may be known about the animal's past. Hence, Pet Helpers cannot guarantee that this animal is free from all illness despite the organization's best efforts and due diligence to minimize and prevent disease transmission. The adopter accepts responsibility for the animal based on the information available and provided at the time of this agreement.
- b. Pet Helpers does not perform DNA testing to determine the breed of our animals. All breeds are 'best guessed' and opinion may vary.
7. Release of Liability: [REDACTED] Adopter Initials
- a. Adopter accepts possession of (subject to the conditions of the adoption contract), and responsibility for the animal adopted and agrees to release and discharge Pet Helpers, its agents, officers and directors, heirs or assignees forever from liability for any injury or damages to any person or property caused by the adopted animal, and from any causes of action, claims, suits, or demands whatsoever that may arise as a result of such injury or damages.
8. Transfer of Ownership: [REDACTED] Adopter Initials
- a. The Adopter agrees not to sell, trade, loan, or give away the animal without the prior written consent of Pet Helpers. This adoption agreement is non-transferable.
- b. Adopter agrees to notify Pet Helpers via email of any address or phone number changes so that we can keep our records current in case your pet gets lost and we are notified.
9. Return of Animal to Pet Helpers: [REDACTED] Adopter Initials
- a. We at Pet Helpers seek forever homes for the animals that come through our shelter and encourage adopters to adopt our philosophy. Adopter can transfer the adopted animal into another home only after notifying Pet Helpers, giving us the first option of return and providing Pet Helpers with new adopters' information. Adopter will not be eligible for any refund of adoption donation fees or expenses.

However, if Pet Helpers can accept animal back into our shelter, all intakes are scheduled through our intake coordinator by appointment only.

10. Reservation of Rights: [Redacted] Adopter Initials

a. Pet Helpers reserves the right to an ongoing review of this adoption at random, to follow up on any complaints or reports to protect the welfare of this animal. If the Adopter does not satisfactorily uphold any of the terms of this Agreement and/or if any misrepresentations have been made to Pet Helpers in order to obtain the animal, Pet Helpers reserves the right to void this Agreement and take immediate possession of the animal, wherever it is located. At such time the adopter's rights shall be terminated and adopter agrees that he/she shall have no direct cause of action or claim against Pet Helpers, its officers, directors, staff, or volunteers regarding such removal and termination of rights. In the event the Adopter fails or refuses to return such animal upon demand, he/she hereby agrees to pay Pet Helpers reasonable attorneys' fees in the event an attorney is consulted or if suit is brought for the return of the animal.

11. Copy of Contract: [Redacted] Adopter Initials

a. Adopter acknowledges that he/she has received a copy of this Animal Adoption Contract signed by both parties.

I certify that I am over the age of 18 and lawfully competent to enter into this contract. I agree that all information provided in the Adoption Application and Adoption Contract is truthful to the best of my knowledge and belief. If it is found that any statements I have made on the Adoption Application and Contract are not true, the adopted animal can be confiscated.

[Redacted Signature]

Adopter Signature

05/08/21

Date

[Redacted Signature]

Signature
Agent, Pet Helpers Adoption Center

5/8/21

Date



Pet Helpers

Thank you for choosing to adopt! Please complete this questionnaire to help guide our conversation today.

Date: 5/1/21 Animal's Name: ~~Buster~~ Slim Jim ~~Adams~~ Animal ID #: 47529858

Adopter Name: _____

Address: _____ City/State/ZIP: _____

Email: _____

Cell phone: _____ Home phone: _____ Work phone: _____

Microchip Emergency Contact *Must be someone other than yourself*

Name: _____ Phone: _____

Best way you can be reached by phone?

Best time of day you can be reached?

We welcome adopters who rent or live in an apartment or condo. We want to alert you that some landlords and management companies have size and breed restrictions, limits on number of pets, and/or require pet deposits or additional fees.

Tell us about members of the new pet's household (e.g., # of adults/seniors/young children):

Tell us about pets at home (check all that apply):

- We have one or more dog(s)
- We have one or more cat(s)
- We have one or more small animal(s)
- I'd like help with introducing a new pet

Form continued on other side →



Pet Helpers

Other Info you want to share?

We'll explain this new pet's medical history and behavioral history. Check any additional topics you'd like to discuss:

- Feeding this pet
- Finding a veterinarian
- House-training/litter box training
- Declawing
- Grooming/nail trimming
- Crate-training
- Exercise, toys and fun activities
- Moving with pets
- Puppy/kitten-proofing your home
- Pulling on-leash
- Finding a trainer
- Flea/tick prevention
- Introducing this pet to other pets
- Heartworm prevention
- Microchips and other ID options

Other questions:

Extra services and opportunities we offer; check any you are interested in:

- Buying a crate with this adoption
- Information about low-cost spay and neuter services
- Information on our low-cost vaccination clinic for any current pets
- Information about volunteering or fostering with us
- Information on our next low-cost microchip implantation day for any current pets
- Information about supporting us with financial or in-kind donation
- Information about our training classes

Signature _____ Date 5/1/21

Approved by _____ Date 5/8/21

Notes: Extensively counselled!

Pet Helpers Adoption Shelter and Spay/Neuter Center
New York, NY 10011

Here's the Happy Ending Update you've all been waiting for on recently-adopted staff favorite, Slim Jim! 🐾 We are thrilled to share that Slim Jim found the loving and attentive home he deserves. His new owner works from home, so Dad is always there to make sure Slim is getting all the care he needs. As an only dog, Slim Jim is the star of the show. Each day, they go on a long walk, so Slim can follow scents and explore his new neighborhood. 🌳

His adopter just can't get over how "majestic" Slim looks when the sunlight hits his shimmering coat. When these two best friends aren't working or going on mini-adventures, they like to cuddle up on the couch to watch all their favorite TV shows. Congratulations to Slim Jim and his new Dad! We know you two are going to have the best life together! 🐾💖🐾

Share your Happy Ending Updates, pictures and stories with us in our DMs! Happy endings at Pet Helpers are just new beginnings for pets and their owners. 🐾🐾

Make the next happy ending at pethelpers.org today! 🐾

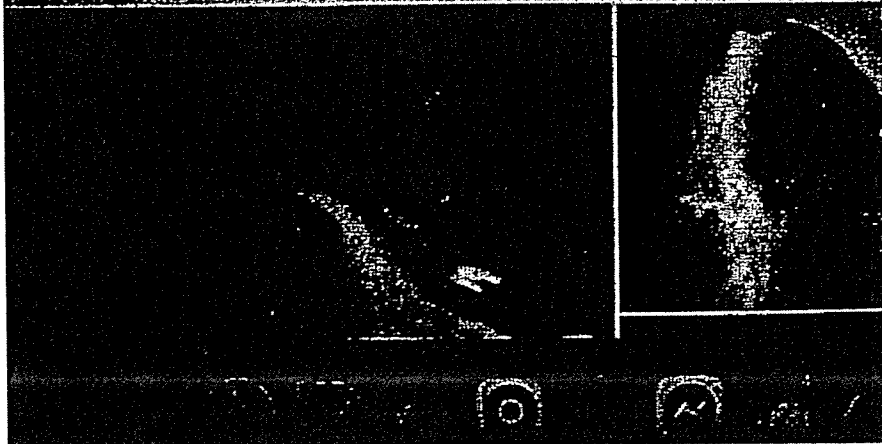


EXHIBIT B

2/28/22, 5:42 AM

Yahoo Mail - Re: Application for adoption

EXHIBIT C

Re: Application for adoption

From: Janet Frisco (janetfrisco@yahoo.com)

To: office@pethelpers.org

Date: Friday, May 7, 2021, 05:14 PM EDT

Thank you for sending the application. I would have sent it yesterday but I couldn't edit it on my phone and had to use my P.C. I am hoping I can get an appointment for adoption tomorrow or early next week. I miss him so much.

Janet Frisco

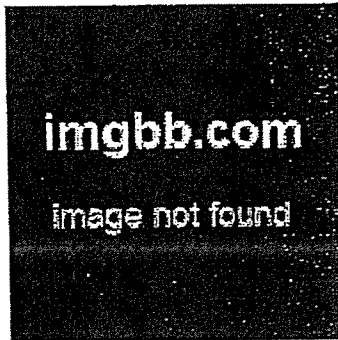
On Thursday, May 6, 2021, 04:33:36 PM EDT, Front Desk <office@pethelpers.org> wrote:



1447 Folly Rd Charleston, SC29412
t: 843-795-1110 | m: 843-795-1110
e: office@pethelpers.org



<http://www.pethelpers.org/>



Let your Child Learn the Magic of Animal Rescue this August at Pet Helpers!

Register Here: <https://pethelpers.org/hairy-pawtter/>

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Curbside adoption questionnaire.docx
53.9kB

Front Desk Add keywords

Compose

- Inbox 599+
- Unread
- Starred
- Drafts 4
- Sent
- Archive
- Spam
- Trash
- Less
- Views Hide
- Photos
- Documents
- Subscriptions
- Deals
- Groceries
- Receipts
- Travel
- Folders Hide
- + New Folder
- 2019 tax docu...
- Accident
- Andrea
- Animal Advocacy 3
- Appeal
- AT & T 3
- carriage horses 1
- Computer Upd...
- Important
- Meadowbrook
- MILDRED BLACK
- Next hearing
- Outbox
- Toby
- trident Security 4

Back



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Curbside a... .docx
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Front Desk <office@pethelpers.org> Sat, May 8, 2021 at 9:47 AM To: Janet Frisco

Hello This is Katie. Have you received my emails concerning Slim Jim?

Thank You Katie



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Curbside adoption... Page 1 of 3



Thank you for choosing to adopt! Please complete this questionnaire to help guide our

Date: 5/7/21 Adopter's Name: JIMMY BRYAN Animal ID #: _____
 Adopter Name: JIMMY BRYAN Address: _____
 Address: 705 CANNONAL DRIVE, SUMMERVILLE, SC 29585
 Email: jimmybryan@yahoo.com
 Cell phone: 843-804-0475 Home phone: 703 Work phone: 8335
 Maximum Emergency Contact (Must be someone other than yourself)
 Name: STEPHEN DOTSON Phone: 843-838-4274

Best way you can be reached by phone? Cell Home
 Best time of day you can be reached? Morning Afternoon

We welcome adopters who rent or live in an apartment or condo. We want to let you that if you cannot complete these steps and best practices, we will not be able to help you with additional fees.

Tell us about members of the new pet's household (e.g., # of adults/children/pets) in your own words. Please include a dog's back yard with a privacy fence. I have other dogs at home that live outside in the yard.

Tell us about your home (check all that apply):
 The house has a fence



Pet Helpers

Thank you for choosing to adopt! Please complete this questionnaire to help guide our conversation today.

Date: 5/7/21 Animal's Name: SLIM JIM Animal ID #: not sure

Adopter Name: JANET FRISCO

Address: 203 CARDINAL DRIVE SUMMERVILLE SC 29485 City/State/ZIP:

Email: janetfrisco@yahoo.com

Cell phone: 843-804-0875 Home phone: n/a Work phone: 843-767-3855

Microchip Emergency Contact ***Must be someone other than yourself***

Name: ELIZABETH DOTSON Phone: 843-826-4274

Best way you can be reached by phone?	<input checked="" type="checkbox"/> Cell	<input type="checkbox"/> Home	<input type="checkbox"/> Work
Best time of day you can be reached?	<input checked="" type="checkbox"/> Morning	<input checked="" type="checkbox"/> Afternoon	<input checked="" type="checkbox"/> Evening

We welcome adopters who rent or live in an apartment or condo. We want to alert you that some landlords and management companies have size and breed restrictions, limits on number of pets, and/or require pet deposits or additional fees.

Tell us about members of the new pet's household (e.g., # of adults/seniors/young children): I am a single woman living in my own two story house with a large back yard with a privacy fence. I have other dogs of which two are elderly and a cat that lives outside in front yard.

Tell us about pets at home (check all that apply):

- We have one or more dog(s)
- We have one or more cat(s)
- We have one or more small animal(s)
- I'd like help with introducing a new pet

Form continued on other side →



Pet Helpers

Other info you want to share?

I surrendered Toby (Slim Jim) but I regret it because I was really attached to him after rescuing him from starvation and impoundment and keeping him for eight months. I neutered, wormed and vaccinated him and he was thriving. I know he is attached to me too and he looks really sad in his adoption pictures. I don't think he realized I wasn't coming back for him. I can take care of him and give him a good home like I do for all my other dogs that I've rescued. My whole life is dogs and going to church. They all sleep in the beds, eat well, heart worm prevention and are cared for better than some humans. They get to go on outings and walks and see vet regularly.

We'll explain this new pet's medical history and behavioral history. Check any additional topics you'd like to discuss:

- Feeding this pet
- House-training/litter box training
- Grooming/nail trimming
- Exercise, toys and fun activities
- Puppy/kitten-proofing your home
- Finding a trainer
- Introducing this pet to other pets
- Microchips and other ID options
- Finding a veterinarian
- Declawing
- Crate-training
- Moving with pets
- Pulling on-leash
- Flea/tick prevention
- Heartworm prevention

Other questions:

Extra services and opportunities we offer; check any you are interested in:

- Buying a crate with this adoption
- Information on our low-cost vaccination clinic for any current pets
- Information on our next low-cost microchip implantation day for any current pets
- Information about our training classes
- Information about low-cost spay and neuter services
- Information about volunteering or fostering with us
- Information about supporting us with financial or in-kind donation

Signature Janet L. Frisco Date 5/7/20

Approved by _____ Date _____

Notes:

2/28/22, 5:38 AM

Yahoo Mail - Re: Received Email Re: Toby

EXHIBIT D

Re: Received Email Re: Toby

From: Janet Frisco (janetfrisco@yahoo.com)

To: intake@pethelpers.org

Date: Friday, April 23, 2021, 02:06 PM EDT

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

On Fri, Apr 23, 2021 at 2:06 AM, intake pethelpers <intake@pethelpers.org> wrote:

Thank you for contacting the Intake Department at Pet Helpers. We have received your email and are working very hard finding animals homes and will get back to you with in 24 to 48 hours. If this is an emergency, please call the shelter directly 843-795-1110.

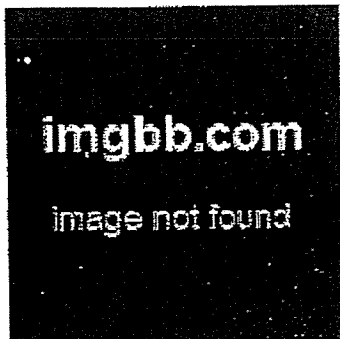
****Note in our "peak seasons" it may take us longer to respond.****



Intake Department
1447 Folly Rd Charleston, SC29412
t: 843-795-1110 | p: 843-531-6160



<http://www.pethelpers.org/>



Get Trey Taylor Tickets at:

RECEIVED

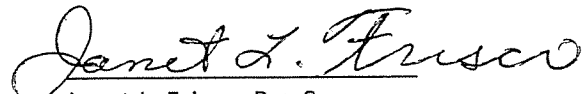
Oct 10 2023

SC Court of Appeals

PROOF OF SERVICE

The foregoing document **AMENDED REPLY TO PLAINTIFF'S MEMORANDUM IN OPPOSITION TO DEFENDANT'S MOTION TO COMPEL DISCOVERY** in Case No. 2021-CP-10-2682 Pet Helpers, Inc. v. Janet Frisco was served by email and regular U.S. Mail with sufficient postage affixed this 10th day of October 2023 to the Plaintiff's legal representative named below:

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


Janet L. Frisco, Pro Se

sf
2023 OCT 10 PM 2:35