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THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

Maite Murphy, Circuit Court Judge

RECEIVED  
OCT 16 2023  
SC Court of Appeals

Appellant case No. 2023-001295

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

Willie J. Bennett.....Appellant,

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

**APPELLANT'S FOURTH MOTION TO STAY ORDER**

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

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

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

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

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

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

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

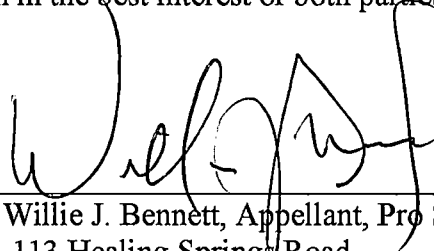
In paragraph 1, page 3 of 4 of Order dated September 20, 2023 (**Exhibit A**), the Court stated “However the Plaintiff has indicated he is seeking a repair estimate and has been treating with as physician while as the same has failed to provide any documentation supporting the same to date. Accordingly,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

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

Appellant asks the Court:

a. That Appellant is allowed to conduct discovery of Defendant, Claire H. Eckert, 2CE LLC, Christopher M. Eckert, and other Defendants as appropriate.

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



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

October 16, 2023  
Hopkins, South Carolina.

Other Counsels of Record:

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

Sweeny, Wingate & Barrow, P.A.  
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Collins Lacy, Attorney at Law  
ATTN: Kyle L. Brady  
1330 Lady Street, 6<sup>th</sup> Floor  
Columbia, South Carolina 29201

# **EXHIBIT**

**A**

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

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

**ORDER**

This matter is before the Court on Defendant Claire H. Eckert’s Motion for Protective Order or, in the alternative, Motion to Quash. The motion was heard by the Court via WebEx on June 27, 2023. Following consideration of the motion and submitted written material, along with oral arguments, the Court GRANTS Defendant’s Motion.

This is a negligence action arising out of a motor vehicle accident that occurred on July 17, 2022, at the parking lot of the Chick-fil-A branded restaurant located at 7424 Garners Ferry Road, Columbia, South Carolina 29209. The subject Chick-fil-A restaurant is owned and operated by 2CE, LLC. Defendant Sasha N. Gray, an employee of 2CE, LLC was operating a vehicle on behalf of the restaurant, when Gray’s vehicle allegedly came into contact with the rear bumper of the Plaintiff Willie J. Bennett’s, *pro se*, vehicle. Plaintiff is claiming both property damage and personal injury.

On May 8, 2023, Plaintiff served a subpoena *duces tecum* on the subject restaurant, requesting production of video, insurance information, and photographs and repair estimate of the involved vehicle driven by Defendant Gray. Defendants provided a written response to the subpoena *duces tecum* on the same date, advising that this information was previously requested

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

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

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

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

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

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

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

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

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

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

IT IS SO ORDERED.

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The Honorable Maite Murphy  
Presiding Judge



Richland Common Pleas

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

So Ordered

s/ Maite Murphy 2166

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

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

**EXHIBIT**

**B**

Mail FR-10 to: SC Department of Motor Vehicles  
Office of Financial Responsibility (803) 896-5000  
PO Box 1498, Blythewood, SC 29016-0050

SOUTH CAROLINA DEPARTMENT OF MOTOR VEHICLES FR-10 (REV. 02/2019)  
NOTICE OF REQUIREMENT

Submit Electronically: Agents or Company  
Representatives can submit your Insurance  
Information at WWW.SC-ALIR.COM

Date	Time	County	1 - Interstate 2 - US Primary 3 - SC Primary	4 - Secondary 5 - County 6 - PP	Collision Location (Rt. # / Name)	① Main Line 6 - Connection 2 - Alternate 7 - Business 5 - Spur	Miles:	Dir:	② Near City or Town of:
06-17-2022	1 8 3 5	40			576 / GARNERS FERRY RD		.01	NE SW	COLUMBIA

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

HH-906846	Driver/Pedestrian's Full Name LEGALLY PARKED	HH-906847	Driver/Pedestrian's Full Name GARY GASHA NACOE
Unit # 01	Street	Unit # 02	Street 217 GUSTY LN
#Occ 1	City, State, & Zip SC	#Occ 1	City, State, & Zip HOPKINS SC 290619583
State SC	Driver's License #	State SC	Driver's License # 104244633
Year 2018	Body PK	Year 2019	Body 2S
Vehicle Make GMC	VIN # 3GTP1NEC6JG218178	Vehicle Make HOND	VIN # 3HGGK5H4XKM711249
State SC	Year 2099	State SC	Year 2023
License Plate # HV4007	Owner's D.L. # 4274225	License Plate # UCG972	Owner's D.L. # UNKNOWN
Home Telephone	Owner's Full Name BENNETT WILLIE J	Home Telephone	Owner's Full Name ECKERT CLAIRE HOLMES
Bus. Telephone	Street 113 HEALING SPRINGS RD	Bus. Telephone	Street 6005 HAMPTON RIDGE RD LOT33
Contributed To Collision Yes	City, State, & Zip HOPKINS SC 290619316	Contributed To Collision Yes	City, State, & Zip COLUMBIA SC 292091340

Unit # 01	Street	Home Telephone	Owner's Full Name
#Occ 1	City, State, & Zip	Bus. Telephone	Street
State SC	Driver's License #	Contributed To Collision Yes	City, State, & Zip
Year 2018	Body PK	Accident Insurance Information for Unit # 02	
Vehicle Make GMC	VIN #	Company Name ARCH INSURANCE	Area Code/Phone Number ( )
<b>All Units Insurance Information</b> (to be completed by Investigating Officer)			
Accident Insurance Information for Unit # 04		Accident Insurance Information for Unit #	
Company Name	Area Code/Phone Number ( )	Company Name	Area Code/Phone Number ( )
Agency Name	Policy Number 001761223U71075	Agency Name	Policy Number

**Automobile Liability Insurance Information**

Notice of Requirement Accepted  Signature \_\_\_\_\_

Y N Refused to Affix Signature?  
 Y N Vehicle Subject to Registration in SC?

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

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

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

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

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

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

Investigating Officer's Name HILL - AE	Rank PTL	SCCJA # 7825-3834	Code 4 0 0 1	Date	Reviewer's Name	Rank	Internal Agency Code 220014778
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Collision Location (Rt. # / Name) 1 PP-GARNERS FERRY RD Collision Line 6-Connection 7-Business Dir. N E S W COLUMBIA

Distance Offset Direction 1-Interstate 4-Secondary 2-US Primary 5-County 3-SC Primary 6-Other 7-Ramp Base Intersection (Rt. # / Name) 1 GPS COORDINATES 33 57 58.02 80 56 38.54

HH-906846 Driver/Pedestrian's Full Name LEGALLY PARKED HH-906847 Driver/Pedestrian's Full Name GRAY SASHA NACOE

Unit # 01 Sex Race Street 02 F BK 217 GUSTY LN Birth Date City, State, & Zip 01-21-2002 HOPKINS SC 290619503

Driver's License # Class Insurance Company: SC 104244633 D ARCH INSURANCE

Year Body Vehicle Make VIN # 2018 PK GMC 3GTP1NEC6JG215178 2019 ZS HOND 3HGGK5H4XKM711249

State Year License Plate # Owner's D.L.# SC 2099 HV4007 4274225 SC 2023 UCG972 UNKNOWN

Home Telephone (803) 6788757 Owner's Full Name BENNETT WILLIE J Home Telephone (803) 3276478 Owner's Full Name ECKERT CLAIRE HOLMES

Bus. Telephone Street 113 HEALING SPRINGS RD Bus. Telephone Street 6005 HAMPTON RIDGE RD LOT33

Contributed To Collision Yes No City, State, & Zip HOPKINS SC 290619319 Contributed To Collision Yes No City, State, & Zip COLUMBIA SC 292091340

Estimated Speed Speed Limit C.D.L. Req: Yes No T/B S Req: Yes No Alc/Drg Info (see back): Yes No Towed By Yes No 0 NP 5 NP

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

Unit # Sex Race Street Home Telephone Owner's Full Name Birth Date City, State, & Zip Bus. Telephone Street State Year License Plate # Owner's D.L.#

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

Property Owner/Witness: Address State Zip: Phone

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

PRIVATE PROPERTY

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

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

Seq#	Date of Birth	Sex	Race	Injury	Seat	R/S	A.B.D.	Eject	LAI	Tran	Name	Street Address	Zip Code
1					99						LEGALLY		
2	01-21-2002	F	BK	0	2	01	13	4	3	1	1	2	GRAY SASHA NACOE 217 GUSTY LN HOPKINS SC 290619583

<b>Race</b> AP-Asian/Pacific Islander AI-Alaskan Native or American Indian B-Black (African American) H-Hispanic C-Other U-Unknown	<b>W-White (Caucasian)</b> MR-Multi-Racial	<b>a) Injury Status</b> 0- No Apparent Injury 1- Possible Injury 2- Suspected Minor Injury 3- Suspected Serious Injury 4- Fatal	<b>Seating Loc.</b> 01 02 03 04 05 06 07 08 09	<b>20- Pedestrian</b> 30- Trailing Unit 40- Bus or Van (4th row or Higher) 50- Other Enclosed Area (nontrailing) 51- Other Unenclosed Area (nontrailing)	<b>60- Gleaner of Cab</b> 70- Riding on Unit Exterior 80- Lap 89- Unk./NA	<b>Restraint/Safety Device</b> 00- None Used 11- Shoulder Belt 12- Lap Belt Only 13- Shoulder & Lap Belt 21- Child Safety Seat 89- Other 89- Unknown Pedestrian, Motor/Pedalcycle Only 91- Helmet 91- Reflective Clothing 41- Protective Pads 61- Lighting
<b>Air Bag Deployment / Switch</b> 1- Deployed Front 2- Deployed Side 3- Deployed Both 4- Not Deployed 7- Not Applicable 8- Deployment Link 9- Unknown	<b>Ejection</b> 1- Not Ejected 2- Part. Ejected 3- Tot. Ejected 7- Not Applicable 9- Unknown	<b>b) 2 or 3 Wheel Motorized Vehicle Only</b> Head Injury 1- Yes 2- No Location After Impact 1- Not Trapped 2- Extricated (Mechanical Means) 3- Freed (non-mech.) 4- Not Applicable 9- Unknown	<b>a) Transported to Medical Facility</b> 1- Yes 2- No 3- Unknown	<b>b) By:</b> 1- EMS 2- Police 3- Other 8- Unknown		

<b>Non-Collision</b> 01- Cargo/Equip Loss or Shift 02- Cross Median/Center 03- Downhill Runaway 04- Equipment Failure 05- Fire/Explosion 06- Immersion 07- Jackknife 08- Overturn/Rollover 09- Ran off Road Left 10- Ran off Road Right 11- Separation of Unit 12- Spill (Two-Wheeled Veh.) 18- Other Non-Collision 19- Unk. Non-Collision	<b>Collision: Not Fixed</b> 20- Animal (Deer Only) 21- Animal (All Other) 22- Motor Veh. (In Transport) 23- Motor Veh. (Stopped) 24- Motor Veh. (Other Roadway) 25- Motor Veh. (Parkd) 28- Pedalcycle	<b>Collision: Fixed Object</b> 27- Pedestrian 29- Railway Veh. 29- Work Zone Maint. Equip. 38- Other Movable Object 39- Unk. Movable Object	<b>47- Embankment</b> 48- Equipment 49- Fence 50- Guardrail End 51- Guardrail Face 52- Highway Traffic Sign Post 53- Impact Attenuator/Crash Cushion 54- Light/Luminaire Support	<b>55- Mail Box</b> 56- Median Barrier 57- Overhead Sign Support 58- Other (Post, Pole, Support, Etc.) 59- Other (Wall, Building, Tunnel, Etc.) 60- Tree 61- Utility Pole 62- Work Zone Maint. Equipment 63- Other 69- Unknown
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<b>Manner of Collision (Struck Veh.)</b> 1- 00- Not Coll. w/ Motor Veh. 2- 10- Rear End 3- 20- Head On 41- Angle (↘/↗) 42- Angle (→/←) 43- Angle (↙/↕)	<b>50- Sideswipe Same Dir.</b> 60- Sideswipe Opposita Dir. 70- Backed Into 80- Unknown	<b>1st / Most Deformed Area</b> 1st Deformed: 1-19, 2-3, 3-4, 4-5, 5-6, 6-7, 7-8, 8-9, 9-10, 10-11, 11-12, 12-13, 13-14, 14-15, 15-16, 16-17, 17-18, 18-19, 19-20, 20-21, 21-22, 22-23, 23-24, 24-25, 25-26, 26-27, 27-28, 28-29, 29-30, 30-31, 31-32, 32-33, 33-34, 34-35, 35-36, 36-37, 37-38, 38-39, 39-40, 40-41, 41-42, 42-43, 43-44, 44-45, 45-46, 46-47, 47-48, 48-49, 49-50, 50-51, 51-52, 52-53, 53-54, 54-55, 55-56, 56-57, 57-58, 58-59, 59-60, 60-61, 61-62, 62-63, 63-64, 64-65, 65-66, 66-67, 67-68, 68-69, 69-70, 70-71, 71-72, 72-73, 73-74, 74-75, 75-76, 76-77, 77-78, 78-79, 79-80, 80-81, 81-82, 82-83, 83-84, 84-85, 85-86, 86-87, 87-88, 88-89, 89-90, 90-91, 91-92, 92-93, 93-94, 94-95, 95-96, 96-97, 97-98, 98-99, 99-100
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<b>Vehicle Type</b> 12- 01- Automobile 13- 12- Pickup Truck 14- 13- Truck Tractor 15- 14- Other Truck 16- 15- Mid Van 17- 16- Sport Utility 18- 17- Motorcycle 19- 18- Other Motorcycle 20- 19- Train 27- Pedalcycle 39- Animal Drawn Veh. 39- Animal (Ridden) 41- Pedestrian 61- School Bus 62- Passenger Bus 69- Other 90- Unk. (Hit and Run Only)	<b>Vehicle Use Code</b> 04- Ambulance 05- Personal 06- Driver Training 07- Construction/Maint. 08- Farm Use 09- Military 10- Transport Passengers 11- Transport Property 09- Wrecker or Tow 10- Police 11- Government 12- Fire Fighting 13- Logging 18- Other 41- Pedestrian	<b>Alcohol / Drug Test Given</b> A1- 1- Given - Known Results A2- 2- Given - Unusable A3- 3- Urine A4- 1- Breath (Alc Only) A5- 2- Blood 3- Given - Pending 4- None 5- Refused	<b>Special Use Only</b> 1- Under - Compartment Intrusion 2- Under - No Intrusion 3- Under - Unknown 4- Over - MV in transport 5- Over - Other Vehicle 6- None 9- Unknown
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<b>Vehicle Attachment</b> 1- 1- None 2- 2- Mobile Home 3- 3- Semi-Trailer 4- Utility Trailer 5- Farm Trailer 6- Trailer w/Boat 7- Camper Trailer 8- Towed Motor Vehicle 9- Petroleum Tanker A- Lowboy Trailer B- Autocarrier Trailer C- Other Tanker D- Flat Bed E- Twin Trailers F- Other	<b>Drug Results</b> B1- 3- Marijuana B2- 1- Amphetamines B3- 2- Cocaine 3- Urine 4- Serum 8- Other 0- None/Minor 2- Functional Damage 3- Disabling Damage 4- Severe/Totalled 5- Not Applicable	<b>Alc Test Results</b> A1- 1- Two-way, Not Divided A2- 2- Two-way, Divided, Unprotected Median A3- 1- Gore A4- 2- Island A5- 3- Median A6- 4- Roadside A7- 5- Shoulder A8- 6- Outside Trafficway 3- Two-way, Divided, Barrier 4- One-Way 8- Other	<b>Extend of Deformity</b> 1- Under - Compartment Intrusion 2- Under - No Intrusion 3- Under - Unknown 4- Over - MV in transport 5- Over - Other Vehicle 6- None 9- Unknown
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<b>Action Prior to Impact (Vehicle)</b> 01- Backing 02- Changing lanes 03- Entering traffic lane 04- Leaving traffic lane 05- Making U-turn 06- Movements Essentially Straight Ahead 07- Overtaking/passing 08- Parked 09- Stowing or Stopped in traffic 10- Turning left 11- Turning right 23- Playing/Working on Vehicle 24- Pushing Vehicle 25- Standing 26- Walking, Playing, Cycling 88- Other 89- Unknown 27- Working	<b>Action Prior to Impact (Non-Motorist)</b> 21- Approaching/Leaving Vehicle 22- Entering/Crossing Location 23- Playing/Working on Vehicle 24- Pushing Vehicle 25- Standing 26- Walking, Playing, Cycling	<b>Alc Test Results</b> A1- 1- Two-way, Not Divided A2- 2- Two-way, Divided, Unprotected Median A3- 1- Gore A4- 2- Island A5- 3- Median A6- 4- Roadside A7- 5- Shoulder A8- 6- Outside Trafficway 3- Two-way, Divided, Barrier 4- One-Way 8- Other	<b>Extend of Deformity</b> 1- Under - Compartment Intrusion 2- Under - No Intrusion 3- Under - Unknown 4- Over - MV in transport 5- Over - Other Vehicle 6- None 9- Unknown
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<b>Weather Condition</b> 1- Clear (no adverse conditions) 2- Rain 3- Cloudy 4- Sleet, Hail 5- Snow 6- Fog, Smog, Smoke 7- Blowing Sand, Oil, Dirt or Snow 8- Severe Crosswinds 9- Unknown	<b>Light Condition</b> 1- Daylight 2- Dawn 3- Dusk 4- Dark (Lighting Unspecified) 5- Dark (Street Lamp Lit) 6- Dark (Street Lamp Not Lit) 7- Dark (No Lights)	<b>Junction Type</b> 01- Crossover 02- Driveway 03- Five/More Points 04- Four-way Intersection 05- Railway Grade Crossing 07- Shared Use Paths or Trails 08- T-Intersection 09- Traffic Circle 12- Y-Intersection 13- Nonjunction 89- Unknown	<b>Primary Contributing Factors</b> 01- Disregarded Signs, Signal, Etc. 02- Distracted/Inattention 03- Driving Too Fast for Conditions 04- Exceeded Authorized Speed Limit 05- Failed to Yield Right of Way 06- Ran off Road 07- Fatigued/Asleep 08- Followed Too Closely 09- Made an Improper Turn 10- Medical Related 12- Aggressive Operation of Vehicle 13- Over-overtaking/Over-steering 14- Swerving to Avoid Object 15- Wrong Side or Wrong Way 16- Under the Influence 17- Vision Obscured (Within Unit) 18- Improper Lane Usage/Change 19- On Cell Phone 20- Tending 28- Other Improper Action 29- Unk.	<b>Roadway</b> 30- Debris 31- Non-Highway Work 32- Obstruction in Roadway 33- Road Surface Condition (i.e. Wet) 34- Ruts, Holes, Bumps 35- Shoulders (None, Low, Soft, High) 36- Traffic Control Device (i.e. Missing) 37- Work Zone (Genstr./Maint./Utility) 38- Worn, Travel-Polished Surface 48- Other 49- Unknown	<b>Non-Motorist</b> 50- Inattentive 51- Lying &/or Illegally in Roadway 52- Failure to Yield Right of Way 53- Not Visible (Dark Clothing) 54- Disregard Signs, Signals, Etc. 55- Improper Crossing 56- Daring 57- Wrong Side of Road 58- Under the Infl. 59- Other 60- Other Person Under Infl.	<b>Environmental</b> 60- Animal in Road 61- Glare 62- Obstruction 63- Weather Condition 65- Other 69- Unknown
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**EXHIBIT**

**C**

STATE OF SOUTH CAROLINA

ISSUED BY THE COMMON PLEAS COURT IN THE COUNTY OF RICHLAND

Willie J. Bennett, Plaintiff

v.

SUBPOENA IN A CIVIL CASE

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

Case Number: 2023-CP-40-00017

Pending in Richland County

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

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

PLACE OF TESTIMONY COURTROOM DATE AND TIME AM

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

PLACE OF DEPOSITION DATE AND TIME

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

PLEASE SEE ATTACHE EXHIBIT "A"

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

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

PREMISES DATE AND TIME AM

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

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

Attorney/Issuing Officer's Signature Date Print Name Willie J. Bennett 2 MAY 2023

Clerk of Court/Issuing Officer's Signature Date Print Name 5/2/23

## PROOF OF SERVICE

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

## DECLARATION OF SERVER

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

Executed on \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF SERVER

\_\_\_\_\_  
ADDRESS OF SERVER

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

### (c) Protection of Persons Subject to Subpoenas.

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

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

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

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

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

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

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

**(iv)** subjects a person to undue burden.

**(B)** If a subpoena:

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

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

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

**(d) Duties in Responding to Subpoena.**

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

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

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

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

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

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

**SUBPOENA EXHIBIT "A"**

**TO CLAIRE H. ECKERT**

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

Civil Action No. 2023-CP-40-00017

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

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

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

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

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

IN THE COURT OF COMMON PLEAS

FIFTH JUDICIAL CIRCUIT

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

**AFFIDAVIT OF RECORDS  
CUSTODIAN**

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

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

Date: \_\_\_\_\_

BY: \_\_\_\_\_

Print Name: \_\_\_\_\_

SWORN to and SUBSCRIBED before me

this \_\_\_\_ day of \_\_\_\_\_, 2023

\_\_\_\_\_  
(L.S.)

NOTARY PUBLIC for \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

**EXHIBIT**

**D**

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

May 2, 2023

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

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

Chick-Fil-A:

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

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

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

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

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

  
Willie J. Bennett

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

STATE OF SOUTH CAROLINA

ISSUED BY THE COMMON PLEAS COURT IN THE COUNTY OF RICHLAND

Willie J. Bennett, Plaintiff

v.

SUBPOENA IN A CIVIL CASE

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

Case Number: 2023-CP-40-00017

Pending in Richland County

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

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

PLACE OF TESTIMONY COURTROOM DATE AND TIME , AM

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

PLACE OF DEPOSITION DATE AND TIME

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

PLEASE SEE ATTACHE EXHIBIT "A"

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

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

PREMISES DATE AND TIME , AM

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

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

Attorney/Issuing Officer's Signature Date Print Name Willie J. Bennett 2 MAY 2023 WILLIE J. BENNETT

Clerk of Court/Issuing Officer's Signature Date Print Name Geonette Whitehead 5/2/23 Willie J. Bennett, 113 Healing Springs Road, Hopkins, South Carolina 29061, (803) 319-5740

## PROOF OF SERVICE

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

## DECLARATION OF SERVER

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

Executed on \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF SERVER

\_\_\_\_\_  
ADDRESS OF SERVER

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

### (c) Protection of Persons Subject to Subpoenas.

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

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

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

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

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

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

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

**(iv)** subjects a person to undue burden.

**(B)** If a subpoena:

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

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

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

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

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

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

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

**AFFIDAVIT OF RECORDS  
CUSTODIAN**

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

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

Date: \_\_\_\_\_

BY: \_\_\_\_\_

Print Name: \_\_\_\_\_

SWORN to and SUBSCRIBED before me  
this \_\_\_\_ day of \_\_\_\_\_, 2023

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

**SUBPOENA EXHIBIT "A"**

TO Check-Fil-A

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

Civil Action No. 2023-CP-40-00017

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

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

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

**EXHIBIT**

**E**

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

May 3, 2023

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

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

Mrs. Eckert:

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

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

  
Willie J. Bennett

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

STATE OF SOUTH CAROLINA

ISSUED BY THE COMMON PLEAS COURT IN THE COUNTY OF RICHLAND

Willie J. Bennett, Plaintiff

v.

SUBPOENA IN A CIVIL CASE

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

Case Number: 2023-CP-40-00017

Pending in Richland County

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

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

PLACE OF TESTIMONY COURTROOM DATE AND TIME , AM

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

PLACE OF DEPOSITION DATE AND TIME

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

PLACE DATE AND TIME

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

PREMISES DATE AND TIME , AM

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

Attorney/Issuing Officer's Signature Date Print Name

Clerk of Court/Issuing Officer's Signature Pro Se Litigant's Name, Address and Telephone Number Date Print Name

## PROOF OF SERVICE

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

## DECLARATION OF SERVER

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

Executed on \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF SERVER

\_\_\_\_\_  
ADDRESS OF SERVER

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

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

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

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

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

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

**(iv)** subjects a person to undue burden.

**(B)** If a subpoena:

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

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

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

**(d) Duties in Responding to Subpoena.**

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

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

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

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

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

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

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

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

**AFFIDAVIT OF RECORDS  
CUSTODIAN**

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

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

Date: \_\_\_\_\_

BY: \_\_\_\_\_

Print Name: \_\_\_\_\_

SWORN to and SUBSCRIBED before me

this \_\_\_\_\_ day of \_\_\_\_\_, 2023

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

**SUBPOENA EXHIBIT "A"**

**TO CLAIRE H. ECKERT**

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

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

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

**EXHIBIT**

**F**

STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND

Willie J. Bennett,

Plaintiff,

v.

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

Defendants.

IN THE COURT OF COMMON PLEAS  
FIFTH JUDICIAL CIRCUIT

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

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

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

RICHLAND COUNTY  
FILED

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

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

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



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

July 23, 2023  
Hopkins, South Carolina.

**CERTIFICATE OF SERVICE**

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

**PARTIES SERVED:**

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

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

July 23, 2023  
Hopkins, South Carolina.

RICHLAND COUNTY  
FILED

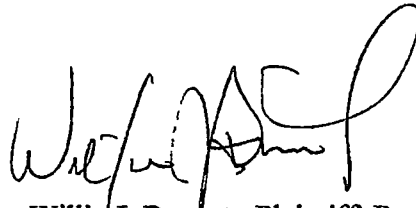
2023 JUL 24 AM 9:21

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

RECEIVED

SEP 28 2023

SC Court of Appeals



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

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

Maite Murphy, Circuit Court Judge

RECEIVED  
OCT 16 2023  
SC Court of Appeals

Appellant case No. 2023-001295

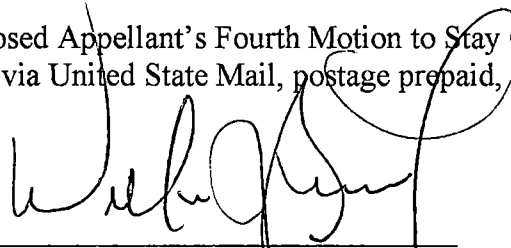
Richland County Court Case No. 2023-CP-40-00017

Willie J. Bennett.....Appellant,

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

PROOF OF SERVICE

The undersigned certifies that copies of the enclosed Appellant's Fourth Motion to Stay Order have been sent to the below attorneys of records via United State Mail, postage prepaid, October 16, 2023.



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

October 16, 2023  
Hopkins, South Carolina.

Other Counsels of Record:

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

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