

STATE OF SOUTH CAROLINA
COUNTY OF NEWBERRY

) EIGHTH JUDICIAL CIRCUIT
) COURT OF COMMON PLEAS
)
)

JEFFERSON DAVIS, JR.

PLAINTIFF,

) ORDER AS TO MOTION TO QUASH,
) STAY, AND PROTECTIVE ORDER
)

) CASE NO.: 2020-CP-36-00382
)

v.

CHAD CONNELLY; DAVE WILSON;
STEPHEN KIRKLAND; TOM PERSONS;
NEIL MELLEN; E3 SOFTWARE, LLC;
ENDURANCE INTERNATIONAL
GROUP HOLDINGS, INC; JOHN DOE
#1; JOHN DOE #2; & JOHN DOES 3-40;

RECEIVED
Oct 13 2023
SC Court of Appeals

DEFENDANTS.

A hearing was held on February 12, 2021, via the Judicial Branch’s Virtual Courtroom. The Plaintiff appeared pro se. Justin Novak appeared on behalf of Defendants Wilson, Persons, Connelly, and Mellen. Geoffrey Chambers appeared on behalf of South Carolina Educational Credit for Exceptional Needs Children Fund (ECENC).

The Plaintiff filed and served four (4) Subpoenas and they were directed to:

1. ECENC
2. Secretary of State Mark Hammond
3. State Senator Josh Kimbrell
4. Citizens for Life

The following Motions to Quash, Stay and for a Protective Order were filed:

1. Mr. Chambers, on behalf of ECENC, as to the ECENC Fund Subpoena;
2. Mr. Novak, on behalf of Connelly and Wilson, as to the ECENC Fund and Citizens for Life Subpoenas;

3. Mr. Novak, on behalf of Connelly, Wilson, Persons, Mellon, as to Hammond and Kimbrell Subpoenas.

Based upon the arguments made at the above hearing and the Court's thorough review of what has been submitted prior to the hearing and subsequent to the hearing at the Court's request, the following findings and conclusions are made:

1. As to the Subpoenas to Hammond, Kimbrell, and Citizens for Life, they are very broad to where the Court cannot find the relevancy of the requested information to the facts and causes of action in this case. The Court attempted to give the Plaintiff every benefit of the doubt and even allowed him the right to provide a concise and succinct argument on the issue of relevancy, which he did, but again the Court remains uncertain as to the relevancy of this subpoenaed information from these three persons/entities.
2. As to the Subpoena to ECENC Fund, the Court recognizes that Judge Casey Manning, in the case of Davis v. Weaver, et.al. 2018-CP-40-02425, ordered a stay to all discovery pending the outcome of the appeal. ECENC currently is a party in that case. This Court believes that the best course of action would be to again stay all discovery as it relates to the ECENC Fund pending the outcome of the above appeal.
3. At the above hearing, the Court issued a temporary stay as to all discovery. Again, this stay shall remain in effect as to ECENC Fund (which is actually a party not in case 382 but in case 384). Discovery will be permitted as to other Defendants.

Accordingly, it is

1. That the Motions to Quash as to Hammond, Kimbrell and Citizens for Life Subpoenas are granted;

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2. That a ruling on the Motion to Quash ECENC Fund Subpoena is held in abeyance and the Subpoena is stayed pending the outcome of the above appeal;
3. That any discovery as it relates to ECENC is stayed pending the outcome of the above appeal.

SO ORDERED.



DONALD B. HOCKER
CIRCUIT COURT JUDGE

Laurens, South Carolina

Date: 3-26-21

#3



Newberry Common Pleas

Case Caption: Jefferson Davis Jr VS Chad Connelly , defendant, et al

Case Number: 2020CP3600382

Type: Order/Other

Circuit Court Judge

s/Donald B. Hocker, Judge Code 2167