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S.C. SUPREME COURT

Exhibit 1

STATE OF SOUTH CAROLINA)
)
COUNTY OF DORCHESTER)

IN THE COURT OF COMMON PLEAS

John Trenton Pendarvis,)
)
Plaintiff,)

Civil Action No. 2021-CP-18-1486

v.)

**DEFENDANT SLED'S
SUPPLEMENTAL RESPONSES TO
PLAINTIFF'S FIRST SET OF
INTERROGATORIES**

L.C. Knight, in his official capacity as)
Dorchester County Sheriff; Mark Keel,)
in his official capacity as Chief of the)
South Carolina State Law Enforcement)
Division; Hugh E. Weathers, in his official)
capacity as the South Carolina)
Commissioner of Agriculture;)
and John Doe(s),)
)
Defendants.)
_____)

TO: BRADLEY HUTTO AND PATRICK J. McLAUGHLIN,
COUNSEL FOR PLAINTIFF

Pursuant to Rule 33, SCRCP, and in compliance with the Order issued February 28, 2023, the Defendant Mark Keel, in his official capacity as Chief of the South Carolina State Law Enforcement Division (hereafter referred to as "Defendant SLED") supplements its responses to the Plaintiff's First Set of Interrogatories as follows:

10. Please identify with specificity all communications between SLED and/or any of its agents/employees internally and/or externally (with third parties) about the Plaintiff and/or any "case" involving the incident giving rise to the complaint in this matter. Such identification would include the who, what, when, where, and why of the communication.

RESPONSE #10:

In accordance with Rule 33(c), SCRCPP, the Defendant Keel refers the Plaintiff to the email and mail correspondence produced herewith which includes the requested information in this interrogatory for each such communication.

SUPPLEMENTAL RESPONSE #10:

In accordance with Rule 33(c), SCRCPP, the Defendant SLED refers the Plaintiff to the email and mail correspondence produced on November 5, 2021, which includes emails between Adam Whitsett and Judge Diane Goodstein's office, emails between Adam Whitsett and the South Carolina Attorney General's Office, and emails contained within the SLED investigative file. In addition, in supplementation, the Defendant SLED has performed an IT search for email communications "about the Plaintiff and/or any 'case' involving the incident giving rise to the complaint in this matter," and based on that search, the Defendant SLED is producing additional email communications and attachments which are Bates-numbered SLED-0169 through SLED-1253.

In addition to the electronic and written communications referenced previously and in this supplemental response, the Defendant SLED also reiterates that the oral communications by Special Agent John Neale on August 28, 2019 and September 19, 2019, are stated in detail in the Reports of Investigation dated August 28, 2019 and September 19, 2019, and as prepared by Special Agent Neale as the reporting agent. In addition, the Defendant SLED has also produced and refer the Plaintiff to the body camera videos that contain oral communications responsive to this interrogatory.

The Defendant SLED does not have telephone call records for any such communications, but Special Agent Neale recalls having telephone communications with John Stokes of SCDA arranging meeting times and dates for going to the grow location. As far as communications with the Dorchester County Sheriff's Office, Special Agent Neale spoke with Lt. Frank Thompson, but has no specific recall of its date or time. Special Agent Neale recalls that the conversation consisted of letting him know that SLED was investigating the information received from the SCDA and seeking assistance with the arrest and transport of the Plaintiff.

Additionally, based on his recollection, Captain Jason Wells contacted Jonathan Calore with the South Carolina Forestry Commission. Mr. Calore provided Captain Wells with the name of an equipment operator who could assist. Captain Wells does not recall the name of that equipment operator and does not have any record of that individual's name. This information was previously provided in response to Interrogatory #38.

Further, Adam Whitsett recalls participation in a workshop for law enforcement officers on or about September 17, 2019, at which SCDA employees were present, including Alden Terry and likely Derek Underwood (although they may have been others). Mr. Whitsett recalls participating in conversation with SCDA employees about the Plaintiff but does not recall the specifics of any such conversation. Mr. Whitsett also had verbal as well as email communications with Robert Cook and David Jones of the South Carolina

Attorney's General's Office regarding issues of law related to the opinions prepared by the Attorney General's Office in July through September 2019, but he has no specific recall of dates or the specifics of any such conversations.

12. Please describe with specificity any and all communications between you and the other co-Defendants in this matter concerning the Plaintiff and the incidents giving rise to the complaint in this matter. For the purposes of this Interrogatory, we are specifically seeking the date and time of any such contact/communication, the method of such contact/communication, and a description of the information exchanged via the contact/communication.

RESPONSE #12:

In accordance with Rule 33(c), SCRPC, the Defendant Keel directs the Plaintiff to the following documents that are responsive to this interrogatory:

SLED Report of Investigation for Case #78-19-0145 re: August 28, 2019 hemp sampling, which is Bates-numbered pages SLED-001 to SLED-042

SLED Report of Investigation for Case #78-19-0145 re: Arrest of John Trenton Pendarvis and the destruction of his illegal hemp cultivation on September 19, 2019, which is Bates-numbered pages SLED-043 to SLED-088

August 5, 2019 Memorandum from Derek Underwood to Lt. Jason Wells

SUPPLEMENTAL RESPONSE #12:

In accordance with Rule 33(c), SCRPC, and in supplementation of the foregoing, the Defendant SLED has performed an IT search for email communications related to the Plaintiff and the investigation underlying this litigation, and based on that search, the Defendant SLED is producing additional email communications and attachments which are Bates-numbered SLED-0169 through SLED-1253, and those emails include communications between SLED personnel and employees of the South Carolina Department of Agriculture.

In addition to the electronic and written communications previously referenced, the Defendant SLED also reiterates that the oral communications by Special Agent John Neale on August 28, 2019 and September 19, 2019, are stated in detail in the Reports of Investigation dated August 28, 2019 and September 19, 2019, and as prepared by Special Agent Neale as the reporting agent. In addition, the Defendant SLED has also produced and refer the Plaintiff to the body camera videos that contain oral communications responsive to this interrogatory.

The Defendant SLED does not have telephone call records for any such communications, but Special Agent Neale recalls having telephone communications with John Stokes of SCDA arranging meeting times and dates for going to the grow location. As far as communications with the Dorchester County Sheriff's Office, Special Agent Neale spoke with Lt. Frank Thompson, but has no specific recall of its date or time. Special Agent Neale recalls that the conversation consisted of letting him know that SLED was investigating the information received from the SCDA and seeking assistance with the arrest and transport of the Plaintiff.

Additionally, based on his recollection, Captain Jason Wells contacted Jonathan Calore with the South Carolina Forestry Commission.. Mr. Calore provided Captain Wells with the name of an equipment operator who could assist. Captain Wells does not recall the name of that equipment operator and does not have any record of that individual's name. This information was previously provided in response to Interrogatory #38.

Further, Adam Whitsett recalls participation in a workshop for law enforcement officers on or about September 17, 2019, at which SCDA employees were present, including Alden Terry and likely Derek Underwood (although they may have been others). Mr. Whitsett recalls participating in conversation with SCDA employees about the Plaintiff but does not recall the specifics of any such conversation. Mr. Whitsett also had verbal as well as email communications with Robert Cook and David Jones of the South Carolina Attorney's General's Office regarding issues of law related to the opinions prepared by the Attorney General's Office in July through September 2019, but he has no specific recall of dates or the specifics of any such conversations.

19. Please list with specificity every communication (stating how it occurred and who it was with) that took place in the investigation/handling of any insurance claim opened as a result of the incident complained of in the complaint prior to the engagement of defense counsel. Plaintiff would note that statements between and information conveyed from an insured and an insurance company adjuster are not protected by the attorney-client privilege.

RESPONSE #19:

The Defendant Keel is not in possession of the claims file created by and in the possession of the South Carolina Insurance Reserve Fund. Upon information and belief, there is likely no information responsive to this interrogatory. It is believed that IRF's first notice of this claim was receipt of the lawsuit from SLED on August 31, 2021, and it was assigned to the undersigned counsel on September 1, 2021. Moreover, any information contained within an IRF claims file is not discoverable under South Carolina statutory law, specifically S.C. Code Ann. § 1-11-140(G), which provides: "Documentary or other material prepared by or for the Insurance Reserve Fund in providing any insurance

coverage authorized by this section or any other provision of law which is contained in any claim file is subject to disclosure to the extent required by the Freedom of Information Act only after the claim is settled or finally concluded by a court of competent jurisdiction.” Because the current litigation is ongoing and has not been settled or finally adjudicated by a court of competent jurisdiction, the IRF claims file is not subject to disclosure.

SUPPLEMENTAL RESPONSE #19:

The Defendant SLED has learned from the South Carolina Insurance Reserve Fund that no investigation or handling of this claim was performed pre-suit. As previously communicated, the IRF's first notice of this claim was receipt of the lawsuit from SLED on August 31, 2021, and it was assigned by adjuster Robert Byers to the undersigned counsel on September 1, 2021. The only communication between SLED and the IRF prior to the engagement of defense counsel is an email from Adam Whitsett, General Counsel for SLED, to the IRF dated August 31, 2021, a copy of which is produced herewith and is Bates-numbered SLED-1258.

20. Please list with specificity every individual involved in the handling and investigation of any insurance claim opened as a result of the incident complained of in the complaint prior to the engagement of defense counsel. Include in such listing the individual's title, contact info and participation in handling/investigating any insurance claim.

RESPONSE #20:

The Defendant Keel is not in possession of the claims file created by and in the possession of the South Carolina Insurance Reserve Fund. Upon information and belief, there is likely no information responsive to this interrogatory. It is believed that IRF's first notice of this claim was receipt of the lawsuit from SLED on August 31, 2021, and it was assigned to the undersigned counsel on September 1, 2021. Moreover, any information contained within an IRF claims file is not discoverable under South Carolina statutory law, specifically S.C. Code Ann. § 1-11-140(G), which provides: “Documentary or other material prepared by or for the Insurance Reserve Fund in providing any insurance coverage authorized by this section or any other provision of law which is contained in any claim file is subject to disclosure to the extent required by the Freedom of Information Act only after the claim is settled or finally concluded by a court of competent jurisdiction.” Because the current litigation is ongoing and has not been settled or finally adjudicated by a court of competent jurisdiction, the IRF claims file is not subject to disclosure.

SUPPLEMENTAL RESPONSE #19:

The Defendant SLED has learned from the South Carolina Insurance Reserve Fund that no investigation or handling of this claim was performed pre-suit. As previously communicated, the IRF's first notice of this claim was receipt of the lawsuit from SLED on

August 31, 2021, and it was assigned by adjuster Robert Byers to the undersigned counsel on September 1, 2021. The IRF's internal email communication dated September 1, 2021, setting up the file is produced herewith and is Bates-numbered SLED-1254 to SLED-1255.

LINDEMANN LAW FIRM, P.A.

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*Counsel for Defendant Mark Keel, in his official
capacity as Chief of the South Carolina State Law
Enforcement Division*

March 30, 2023

STATE OF SOUTH CAROLINA)
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COUNTY OF DORCHESTER)

IN THE COURT OF COMMON PLEAS

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Plaintiff,)

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capacity as the South Carolina)
Commissioner of Agriculture;)
and John Doe(s),)

**DEFENDANT SLED’S SUPPLEMENTAL
RESPONSES TO PLAINTIFF’S
REQUESTS FOR PRODUCTION**

Defendants.)
)
_____)

TO: BRADLEY HUTTO AND PATRICK J. McLAUGHLIN, COUNSEL FOR PLAINTIFF

Pursuant to Rule 34, SCRCP, and in compliance with the Order issued February 28, 2023, the Defendant Mark Keel, in his official capacity as Chief of the South Carolina State Law Enforcement Division (hereafter referred to as “Defendant SLED”) supplements its responses to the Plaintiff’s First Set of Requests for Production as follows:

9. Please provide a copy of any and all communications that in any way reference the Plaintiff, the investigation of and/or seizure/destruction of the Plaintiffs property.

RESPONSE #9:

See response to Request for Production #2.

SUPPLEMENTAL RESPONSE #9:

In supplementation of the foregoing, the Defendant SLED has performed an IT search for email communications related to the Plaintiff and the investigation underlying this litigation, and based on that search, the Defendant SLED is producing additional email

communications and attachments which are Bates-numbered SLED-0169 through SLED-1253. It should be noted that many of those documents are duplicative of the records and communications previously produced, but they are produced as the product of the IT search that was performed per the Court's direction although efforts to avoid duplication were attempted.

12. Please provide a copy of any and all communications, internal and external, involving SLED and any others concerning the Plaintiff and/or the Plaintiffs property.

RESPONSE #12:

See response to Request for Production #2.

SUPPLEMENTAL RESPONSE #12:

In supplementation of the foregoing, the Defendant SLED has performed an IT search for email communications related to the Plaintiff and the investigation underlying this litigation, and based on that search, the Defendant SLED is producing additional email communications and attachments which are Bates-numbered SLED-0169 through SLED-1253. It should be noted that many of those documents are duplicative of the records and communications previously produced, but they are produced as the product of the IT search that was performed per the Court's direction although efforts to avoid duplication were attempted.

16. Produce every communication that took place in the investigation/handling of any insurance claim opened as a result of the incident complained of in the complaint prior to the engagement of defense counsel.

RESPONSE #16:

The Defendant Keel is not in possession of the claims file created by and in the possession of the South Carolina Insurance Reserve Fund. Upon information and belief, there are likely no documents responsive to this request. It is believed that IRF's first notice of this claim was receipt of the lawsuit from SLED on August 31, 2021, and it was assigned to the undersigned counsel on September 1, 2021. Moreover, any information contained within an IRF claims file is not discoverable under South Carolina statutory law, specifically S.C. Code Ann. § 1-11-140(G), which provides: "Documentary or other material prepared by or for the Insurance Reserve Fund in providing any insurance coverage authorized by this section or any other provision of law which is contained in any claim file is subject to disclosure to the extent required by the Freedom of Information Act only after the claim is settled or finally concluded by a court of competent jurisdiction." Because the current litigation is ongoing and has not been settled or finally adjudicated by a court of competent jurisdiction, the IRF claims file is not subject to disclosure.

SUPPLEMENTAL RESPONSE #16:

The Defendant SLED has learned from the South Carolina Insurance Reserve Fund that no investigation or handling of this claim was performed pre-suit. As previously communicated, the IRF's first notice of this claim was receipt of the lawsuit from SLED on August 31, 2021, and it was assigned by adjuster Robert Byers to the undersigned counsel on September 1, 2021. The only communication between SLED and the IRF prior to the engagement of defense counsel is an email from Adam Whitsett, General Counsel for SLED, to the IRF dated August 31, 2021, a copy of which is produced herewith and is Bates-numbered SLED-1258. Any additional communications that occurred between employees of the IRF or with its insureds prior to the engagement of defense counsel are produced herewith and are Bates-numbered SLED-1254 to SLED-1334.

17. Produce a copy of all investigative and claims handling materials prior to the assignment of this claim to an attorney. Plaintiff would note that statements between and information conveyed from an insured and an insurance company adjuster are not protected by the attorney-client privilege.

RESPONSE #17:

The Defendant Keel is not in possession of the claims file created by and in the possession of the South Carolina Insurance Reserve Fund. Upon information and belief, there are likely no documents responsive to this request. It is believed that IRF's first notice of this claim was receipt of the lawsuit from SLED on August 31, 2021, and it was assigned to the undersigned counsel on September 1, 2021. Moreover, any information contained within an IRF claims file is not discoverable under South Carolina statutory law, specifically S.C. Code Ann. § 1-11-140(G), which provides: "Documentary or other material prepared by or for the Insurance Reserve Fund in providing any insurance coverage authorized by this section or any other provision of law which is contained in any claim file is subject to disclosure to the extent required by the Freedom of Information Act only after the claim is settled or finally concluded by a court of competent jurisdiction." Because the current litigation is ongoing and has not been settled or finally adjudicated by a court of competent jurisdiction, the IRF claims file is not subject to disclosure.

SUPPLEMENTAL RESPONSE #17:

The Defendant SLED has learned from the South Carolina Insurance Reserve Fund that no investigation or handling of this claim was performed pre-suit. As previously communicated, the IRF's first notice of this claim was receipt of the lawsuit from SLED on August 31, 2021, and it was assigned by adjuster Robert Byers to the undersigned counsel on September 1, 2021. The only communication between SLED and the IRF prior to the engagement of defense counsel is an email from Adam Whitsett, General Counsel for SLED, to the IRF dated August 31, 2021, a copy of which is produced herewith and is Bates-numbered SLED-1258. Any additional communications that occurred between

employees of the IRF or with its insureds prior to the engagement of defense counsel are produced herewith and are Bates-numbered SLED-1254 to SLED-1334.

LINDEMANN LAW FIRM, P.A.

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Counsel for Defendant Mark Keel, in his official capacity as Chief of the South Carolina State Law Enforcement Division

March 30, 2023