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Dec 15 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM NEWBERRY COUNTY
Court of Common Pleas
Donald B. Hocker, Circuit Court Judge

Appellate Case No. 2023-001624
Civil Action No. 2020-CP-36-00384

Jefferson Davis, Jr. Appellant,

v.

Chad Connelly, Tom Persons, Geoffrey Chambers, Esq., and South Carolina
Educational Credit for Exceptional Needs Children Fund Respondents.

**RESPONDENTS CHAD CONNELLY, TOM PERSONS, GEOFFREY CHAMBERS, AND
SOUTH CAROLINA EDUCATIONAL CREDIT FOR EXCEPTIONAL NEEDS CHILDREN FUND’S
JOINT MOTION TO DISMISS APPEAL**

Respondents Chad Connelly, Tom Persons, Geoffrey Chambers, Esq., and South Carolina Educational Credit for Exceptional Needs Children Fund (“Exceptional SC”) (collectively “Respondents”) hereby move this Court for an Order dismissing the notice of appeal filed in this matter on October 13, 2023, for lack of appellate jurisdiction to review the orders appended to the notice of appeal because Appellant failed to serve the notice of appeal in accordance with the jurisdictional requirements of S.C. Code § 14-3-330 and the South Carolina Appellate Court Rules. The Court of Appeals should also dismiss the appeal because Appellant failed to file the notice of appeal in accordance with procedural requirements of the South Carolina Appellate Court Rules that require dismissal of the appeal, and because Appellant has failed to comply with other procedural requirements of the South Carolina Appellate Court Rules warranting dismissal.

BACKGROUND

Appellant Jefferson Davis, Jr. (“Appellant”), though an attorney licensed to practice law in the State of Georgia, filed the Summons and Complaint in this matter on September 11, 2020, and proceeded in the litigation *pro se*. (Exhibit A.) The Complaint asserted five causes of action against the various named defendants collectively, including causes of action for (1) defamation per se and per quod, (2) defamation by innuendo, (3) negligence, (4) intentional infliction of emotional distress, and (5) conspiracy. Appellant commenced the action against Respondents Chad Connelly,

Tom Persons, and Exceptional SC by serving the Summons and Complaint upon them individually between September 16, 2020, and September 18, 2020. Appellant failed to serve the Summons and Complaint upon Respondent Geoffrey Chambers. Respondents Chad Connelly, Tom Persons, and Exceptional SC filed a joint motion to dismiss the causes of action asserted against them on various grounds on October 16, 2020. Respondent Geoffrey Chambers filed a motion to dismiss on jurisdictional grounds on December 28, 2020.

The Honorable Donald B. Hocker dismissed the causes of action for defamation by innuendo and negligence asserted against Respondents Chad Connelly and Tom Persons pursuant to Rule 12(b)(6), SCRCF, in an Order filed on March 26, 2021. (Exhibit B.) Judge Hocker denied Respondents Chad Connelly and Tom Persons motions to dismiss the remaining causes of action asserted against them. Judge Hocker also dismissed all causes of action against Respondent Chambers pursuant to Rule 12(b)(2), (3), (4), and (5), SCRCF,¹ and against Exceptional SC, pursuant to Rule 12(b)(6), SCRCF. The circuit court sent written notice of the entry of the Order to all parties on March 26, 2021. (Exhibit E.) Appellant did not move for reconsideration, alteration, or amendment of the Order.

Respondents Chad Connelly and Tom Persons each served timely Answers on April 8, 2021. Respondents each also served Appellant with various interrogatories, requests for production, and requests for admission on July 27, 2021. Although Appellant admitted proper service and timely receipt of the written discovery requests, Appellant failed to provide any response to any of the discovery requests and failed to make any effort to obtain an enlargement of time to respond. At a hearing on October 7, 2021, The Honorable Donald B. Hocker orally ruled that Appellant must provide responses to the various interrogatories and requests for production by 5:00 pm on October 15, 2021. Judge Hocker filed a written Order Compelling Discovery on October 15, 2021. (Exhibit F.) Appellant did not move for reconsideration, alteration, or amendment of the Order Compelling Discovery.

On November 8, 2021, Judge Hocker also filed a written Order Deeming Admitted Defendants Chad Connelly and Tom Persons' Requests for Admission to Plaintiff and Denying Plaintiff's Request for Enlargement of Time to Respond or to Withdraw or Amend the Admissions. (Exhibit G.) The circuit court sent written notice of the entry of these orders to all parties in an email on November 8, 2021. (Exhibit H.) Appellant did not move for reconsideration, alteration, or amendment of the Order Deeming Admitted Defendants Chad Connelly and Tom Persons' Requests for Admission to Plaintiff and Denying Plaintiff's Request for Enlargement of Time to Respond or to Withdraw or Amend the Admissions.

On September 19, 2022, The Honorable Donald B. Hocker filed an Order Granting Summary Judgment in Favor of Defendants Chad Connelly and Tom Persons. (Exhibit I.) The order dismissed all remaining causes of action against Respondents Chad Connelly and Tom

¹ The Honorable Donald B. Hocker filed separate Orders on March 26, 2021, June 14, 2021, and December 15, 2021, addressing the dismissal on jurisdictional grounds of the claims against Geoffrey Chambers. (Exhibits B, C, D.) Appellant did not move for reconsideration, alteration, or amendment of the Orders.

Persons. Appellant received written notice of the entry of these orders on September 20, 2022. (Exhibit J.) Appellant did not move for reconsideration, alteration, or amendment of these orders.

On September 19, 2022, The Honorable Donald B. Hocker also filed an Order Granting Defendants' Motion for Sanctions Against Plaintiff. (Exhibit K.) In the order, Judge Hocker held that Appellant had willfully disobeyed the Order Compelling Discovery and sanctioned Appellant by ordering Appellant to pay all of Respondents' reasonable expenses, including attorney's fees, incurred as a result of Appellant's conduct. Appellant received written notice of the entry of this order on September 20, 2022. (Exhibit J.) Appellant did not move for reconsideration, alteration, or amendment of the order.

On January 3, 2023, The Honorable Donald B. Hocker filed an additional Order Granting Defendants' Motion for Sanctions Against Plaintiff in which Judge Hocker ordered Appellant to pay a certain amount of attorneys' fees and costs to Respondents Chad Connelly and Tom Persons within 90 days of the date of the order. (Exhibit L.) On January 18, 2023, Appellant filed Plaintiff's Notice and Motion for Reconsideration of Order. (Exhibit M.) On August 24, 2023, Judge Hocker filed an Order Denying Plaintiff's Motion for Reconsideration of Order (01/03/2023) after determining that the motion for reconsideration was untimely because it was served more than ten (10) days after Appellant's receipt of written notice of the entry of the Order Granting Defendants' Motion for Sanctions Against Plaintiff. (Exhibit N.) Respondents personally served Appellant with the Order Denying Plaintiff's Motion for Reconsideration of Order (01/03/2023) on September 15, 2023. (Exhibit O.)

On May 17, 2023, Respondents Chad Connelly and Tom Persons filed a Rule to Show Cause and Motion for an Order of Contempt and Additional Sanctions seeking an Order compelling Appellant to pay the amounts owed pursuant to the Order Granting Defendants' Motion for Sanctions Against Plaintiff filed on January 3, 2023, and imposing additional sanctions on Appellant. (Exhibit P.) Although the circuit court scheduled the hearing of this motion for December 5, 2023, Judge Hocker cancelled the hearing as a result of the appeal. (Exhibit Q.)

Appellant filed the notice of appeal in this matter with the clerk of the appellate court on October 13, 2023. (Exhibit R.) At that time, Appellant also filed a proof of service indicating that Appellant served Respondents "on October 13th, 2023, pursuant to Rule 262 and associated Orders by email to the attorney's primary email address[.]" (*Id.*) On November 9, 2023, Appellant filed a second proof of service of the notice of appeal in which Appellant admitted his failure to perfect service on October 13, 2023, because "only members of the SC Bar are entitled to service pursuant to Rule 262 and associated Orders by email to the attorney's primary email address." (Exhibit S.) Respondents have not received the hard copy of the notice of appeal through the mail as indicated on Appellant's second proof of service. Appellant has not filed a copy of the notice of appeal with the clerk of the lower court.

LEGAL STANARDS

"A party intending to appeal must serve and file a notice of appeal[.]" Rule 203(a), SCACR. The South Carolina Court of Appeals obtains exclusive jurisdiction over an appeal upon the service of the notice of appeal. Rule 205, SCACR; see also Tillman v. Oakes, 398 S.C. 245,

255 n.3, 728 S.E.2d 45, 51 n.3 (Ct. App. 2012). “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. Elam v. S.C. DOT, 361 S.C. 9, 14-15, 602 S.E.2d 772, 775 (2004) (citing Mears v. Mears, 287 S.C. 168, 337 S.E.2d 206 (1985)).

In appeals from the Court of Common Pleas, “[the] 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.”² Rule 203(b)(1), SCACR (emphasis added). “Rule 203(b), SCACR, requires a party to serve his notice of appeal within thirty days after receiving written notice of the entry of a final order or judgment, and failure to do so divests this court of subject matter jurisdiction and results in dismissal of the appeal.” Canal Ins. Co. v. Caldwell, 338 S.C. 1, 5 524 S.E.2d 416, 417 (Ct. App. 1999) (citing First Carolina Nat’l Bank v. A & S Enterprises, Inc., 272 S.C. 339, 251 S.E.2d 762 (1979); Burnett v. South Carolina State Highway Dep’t, 252 S.C. 568, 167 S.E.2d 571 (1969)). “[A] final judgment is one which operates to divest some right in such a manner as to put it beyond the power of the Court making the order to place the parties in their original condition after the expiration of the term; that is, it must put the case out of Court, and must be final in all matters within the pleadings.” Good v. Hartford Acc. & Indem. Co., 201 S.C. 32, 42, 21 S.E.2d 209, 212 (1942).

Service shall be perfected by one of four means. Rule 262(c), SCACR. First, service may be made by delivering a copy to the person by (1) handing it to the person, (2) leaving it at their office, or (3) leaving a copy at the person’s dwelling place or usual place of abode with some person of suitable age and discretion then residing there. Rule 262(c), SCACR. Second, service may be made by depositing a copy in the U.S. mail properly addressed to the person at that person’s last known address with sufficient first-class postage attached. Third, service may be made by leaving the document with the clerk of the appellate court. Finally, service may also be made by electronic means in a manner provided by order of the Supreme Court of South Carolina. Rule 262(c), SCACR.

In addition to service,³ “[t]he notice of appeal **shall** be filed with the clerk of the lower court and the clerk of the appellate court within ten (10) days after the notice of appeal is served.” Rule 203(d)(1)(B) (emphasis added). “The notice filed with the appellate court **shall** be accompanied by the following: (i) [p]roof of service showing that the notice has been served on all respondents [and] (ii) [a] copy of the order(s) and judgment(s) to be challenged on appeal if they have been reduced to writing[.]” Id. (emphasis added); see also Rule 262(b), SCACR (“Any document filed with the appellate court shall be accompanied by proof of service showing the document has been served on all parties.”). “If the notice of appeal is not timely filed or the filing

² “When a timely . . . motion to alter or amend the judgment . . . has been made, the time for appeal for all parties shall be stayed and shall run from receipt of written notice of entry of the order granting or denying such motion.” Rule 203(b)(1), SCACR. An untimely post-trial motion does not stay the time for appeal. Canal Ins. Co. v. Caldwell, 338 S.C. 1, 5-6, 524 S.E.2d 416, 418 (Ct. App. 1999); Leviner v. Sonoco Prods. Co., 339 S.C. 492, 494, 530 S.E.2d 127, 128 (2000).

³ Serving and filing are two separate acts. See Rule 203(b), (d), SCACR.

fee is not paid in full, the appeal **shall** be dismissed, and shall not be reinstated except as provided by Rule 260.” Rule 203(d)(3) (emphasis added).

“The failure of a party to comply with the procedural requirements for perfecting an appeal may deprive the court of ‘appellate’ jurisdiction over the case[.]” Great Games v. S.C. Dep’t of Revenue, 339 S.C. 79, 82 n.5, 529 S.E.2d 6, 7 n.5 (2000). “Whenever it appears that an appellant or a petitioner has failed to comply with the requirements of these Rules, the clerk **shall** issue an order of dismissal, which shall have the same force and effect as an order of the appellate court.” Rule 260(a), SCACR (emphasis added).

ARGUMENT

This appellate court should dismiss the instant appeal for lack of appellate jurisdiction to review the appealed orders because Appellant failed to comply with the jurisdictional and procedural requirements for perfecting an appeal. As a threshold matter, the appellate court lacks appellate jurisdiction because Appellant failed to serve the notice of appeal in accordance with the jurisdictional requirements of S.C. Code § 14-3-330 and the South Carolina Appellate Court Rules. In addition, Appellant failed to file the notice of appeal in accordance with procedural requirements of the South Carolina Appellate Court Rules that require dismissal of the appeal. Moreover, Appellant has also failed to comply with other procedural requirements of the South Carolina Appellate Court Rules that warrant dismissal of the appeal. As a result, this appellate court should dismiss the appeal.

I. This appellate court lacks appellate jurisdiction because Appellant failed to serve the notice of appeal in accordance with the jurisdictional requirements of S.C. Code § 14-3-330 and the South Carolina Appellate Court Rules.

Appellant seeks to invoke the appellate jurisdiction of the South Carolina Court of Appeals in this matter pursuant to S.C. Code § 14-3-330 through the service of a notice of appeal filed with the clerk of the appellate court on October 13, 2023. Appellant alleges service the notice of appeal upon Respondents on November 9, 2023, in a proof of service also filed on November 9, 2023.⁴ Through the notice of appeal, Appellant seeks appellate review of nine interlocutory or immediately appealable orders entered by the circuit court between March 26, 2021, and August 24, 2023.

Appellant’s petition for appellate jurisdiction is predicated upon service of a notice of appeal within thirty (30) days after receipt of written notice of the entry of the Order Denying Plaintiff’s Motion for Reconsideration of Order (01/03/2023) on September 15, 2023. The Order Denying Plaintiff’s Motion for Reconsideration of Order (01/03/2023), however, is interlocutory because the order denied Plaintiff’s Notice and Motion for Reconsideration of Order in which Appellant sought reconsideration of the Order Granting Defendants’ Motion for Sanctions Against Plaintiff through which the circuit court ordered Appellant to pay attorneys’ fees and costs as a

⁴ As discussed above, Appellant has conceded his failure to perfect service on Respondents on October 13, 2023. Respondents have not received hard copies of the notice of appeal as indicated in the second proof of service.

sanction for failing to comply with an Order Compelling Discovery filed on October 15, 2021. See Ex parte Whetstone, 289 S.C. 580, 580, 347 S.E.2d 881, 881 (1986) (“An order directing a party to participate in discovery is interlocutory and not directly appealable under S.C. Code Ann. § 14-3-330 (1976).”). Accordingly, the Order Denying Plaintiff’s Motion for Reconsideration of Order (01/03/2023) is not a final order that can be the basis of a notice appeal. See id.

Moreover, the circuit court previously ended Appellant’s claims against Respondents Chambers and Exceptional SC by entering the Order filed on March 26, 2021, and against Respondents Chad Connelly and Tom Persons by entering the Order Granting Summary Judgment in Favor of Defendants Chad Connelly and Tom Persons on September 19, 2022.⁵ See Watson v. Underwood, 407 S.C. 443, 459, 756 S.E.2d 155, 164 (Ct. App. 2014) (“[T]he granting of Respondents’ summary judgment motion is immediately appealable.”); Lebovitz v. Mudd, 289 S.C. 476, 479, 347 S.E.2d 94, 96 (1986) (holding that an order granting a motion to dismiss under Rule 12(b)(6) as to one of multiple claims is immediately appealable). Appellant received written notice of the entry of these orders on March 26, 2021, and August 2, 2022. Appellant failed to serve a timely notice of appeal of those final orders. As a result, the matters concluded by the unappealed orders became the law of the case in all subsequent proceedings involving the parties. Professional Bankers Corp. v. Floyd, 285 S.C. 607, 613, 331 S.E.2d 362, 365 (Ct. App. 1985) (citing Matheson v. McCormac, 187 S.C. 260, 196 S.E. 883 (1938) (“An appealable order from which no appeal is taken becomes the law of the case in all subsequent proceedings involving the same parties and the same subject matter.”)). The appellate court, therefore, also lacks appellate jurisdiction to review these final orders. Rule 203(b)(1), SCACR.

In the event, *arguendo*, that the interlocutory Order Granting Defendants’ Motion for Sanctions Against Plaintiff filed on January 1, 2023, constituted a final order, the appellate court still lacks appellate jurisdiction in this matter because Appellant’s service of Plaintiff’s Notice and Motion for Reconsideration of Order filed on January 18, 2023, did not stay the time for the service of a notice of appeal because Appellant served the motion for reconsideration more than 10 days after Appellant’s receipt of written notice of the order on December 28, 2022. Canal Ins. Co. v. Caldwell, 338 S.C. 1, 5-6, 524 S.E.2d 416, 418 (Ct. App. 1999); Leviner v. Sonoco Prods. Co., 339 S.C. 492, 494, 530 S.E.2d 127, 128 (2000). As discussed in the Order Denying Plaintiff’s Motion for Reconsideration of Order (01/03/2023), Appellant received written notice of the Order Granting Defendants’ Motion for Sanctions Against Plaintiff on December 28, 2022, and did not serve Plaintiff’s Notice and Motion for Reconsideration of Order until January 18, 2023. As a result, the circuit court no longer had jurisdiction to reconsider the order and the unappealed order became the law of the case upon expiration of the appeal period on January 27, 2023. Accordingly, this appellate court lacks appellate jurisdiction to review these orders. Rule 203(b)(1), SCACR.

⁵ The circuit court previously dismissed Appellant’s causes of action for defamation by innuendo and negligence asserted against Respondents Chad Connelly and Tom Persons pursuant to Rule 12(b)(6)(a), SCRPC, in the Order filed on March 26, 2021. As Appellant did not move for reconsideration of the order or serve a notice of appeal within thirty (30) days after receipt of written notice of entry of the order, this appellate court also lacks appellate jurisdiction to review the Order. Lebovitz v. Mudd, 289 S.C. 476, 479, 347 S.E.2d 94, 96 (1986) (holding that an order granting a motion to dismiss under Rule 12(b)(6) as to one of multiple claims is immediately appealable).

II. Appellant failed to file the notice of appeal in accordance with procedural requirements of the South Carolina Appellate Court Rules that require dismissal of the appeal.

As discussed above, the South Carolina Appellate Court Rules expressly provide that “[t]he notice of appeal **shall** be filed with the clerk of the lower court **and** the clerk of the appellate court within ten (10) days after the notice of appeal is served.” Rule 203(d)(1)(B) (emphasis added). In addition, “[t]he notice filed with the appellate court **shall** be accompanied by . . . [p]roof of service showing that the notice has been served on all respondents[.]” *Id.* (emphasis added); see also Rule 262(b), SCACR (“Any document filed with the appellate court shall be accompanied by proof of service showing the document has been served on all parties.”). “If the notice of appeal is not timely filed . . . , the appeal **shall** be dismissed[.]” Rule 203(d)(3) (emphasis added).

Appellant failed to follow these procedural rules in several respects. First, Appellant failed to file a copy of the notice of appeal with the clerk of the circuit court—let alone within ten days of service as required by Rule 203(d)(1)(B). As a result, the appeal must be dismissed pursuant to Rule 203(d)(3).

Second, Appellant failed to file with the clerk of the appellate court proof of service that showed that the notice of appeal had been served on all respondents in accordance with Rule 203(d)(1)(B) and Rule 262(b), SCACR. The notice of appeal filed with the clerk of the appellate court on October 13, 2023, included with the filing a proof of service indicating that all respondents had been served with the notice of appeal “on October 13th, 2023, pursuant to Rule 262 and associated Orders by email to the attorney’s primary email address[.]” However, as conceded by Appellant, Rule 262(c)(3) does not allow *pro se* parties not admitted to practice law in South Carolina to serve a document on a lawyer admitted to practice law in South Carolina using the lawyer’s primary e-mail address listed in the Attorney Information System (AIS). See South Carolina Supreme Court Order Re: Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules, Appellate Case No. 2020-000447 (May 6, 2022). As conceded by Appellant, the proof of service accompanying the notice of appeal filed on October 13, 2023, does not satisfy the procedural rule because it did not show that the notice of appeal had been served on all respondents. In fact, the proof of service patently shows that the notice of appeal had not been served. As a result, the appeal must be dismissed pursuant to Rule 203(d)(3) and Rule 260(a), SCACR.

Third, Appellant failed to file the notice of appeal with either the clerk of the lower court or the clerk of the appellate court within ten days of actual service upon all respondents on November 9, 2023. Appellant did not file a copy of the notice of appeal with the clerk of the lower court at all—let alone within ten days of a proof of service showing actual service as required by Rule 203(d)(1)(B). Appellant also did not re-file a copy of the notice of appeal with the clerk of the appellate court within ten days of that date as required by a strict reading of Rule 203(d)(1)(B). As a result, the appeal must be dismissed pursuant to Rule 203(d)(3).

III. Appellant has also failed to comply with other procedural requirements of the South Carolina Appellate Court Rules that warrant dismissal of the appeal.

The South Carolina Appellate Court Rules that “[A]ppellant shall, within the time provided for ordering the transcript, make satisfactory arrangements (including agreement regarding payment for the transcript), in writing with the court reporter for furnishing the transcript.” Rule 207(1), SCACR. “In appeals from the court of common pleas, . . . the transcript must be ordered within ten (10) days after the date of service of the notice of appeal.” *Id.* “Appellant shall contemporaneously furnish all parties, the Office of Court Administration, and the clerk of the appellate court with copies of all correspondence with the court reporter.” *Id.* “Unless the parties otherwise agree in writing, appellant must order a transcript of the entire proceedings below.” *Id.* “If appellant has not received the transcript within the allotted time nor received notification of an extension within ten (10) days after the allotted time, appellant shall notify the Office of Court Administration, the clerk of the appellate court, and the court reporter in writing.” Rule 207(5), SCACR.

At the latest, the South Carolina Appellate Court Rules required Appellant to order the transcripts of the hearings for the twelve orders appended to the notice of appeal on or before November 20, 2023. Almost a month after that deadline, Appellant has failed to provide Respondents with any correspondence requesting the various transcripts. In fact, Appellant has failed to provide Respondents with a copy of any correspondence with any of the court reporters for the hearings of any of the twelve orders appended to the notice of appeal. Moreover, Appellant has failed to respond to various written inquiries regarding the status of the transcripts. (Exhibit T.) As a result, the appeal must be dismissed pursuant to Rule 260(a), SCACR.

Respectfully submitted,

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***Attorneys for Respondents Chad Connelly,
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– and –

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***Pro Se and Attorney for South Carolina
Educational Credit for Exceptional Needs
Children Fund***

December 15, 2023

EXHIBIT A

STATE OF SOUTH CAROLINA
COUNTY OF NEWBERRY

Jefferson Davis, Jr.,

Plaintiff,

vs.

Chad Connelly, Tom Persons, Geoffrey
Chambers, *Esq.*, & South Carolina Educational
Credit for Exceptional Needs Children Fund,

Defendants.

) IN THE COURT OF COMMON PLEAS
) EIGHTH JUDICIAL CIRCUIT
)

) C.A. NO. 2020-CP-36- 00384
)

SUMMONS
(Jury Trial Demanded)

FILED
NEWBERRY COUNTY
2020 SEP 11 PM 2:35
CLARENCE P. FOLK
CLERK OF COURT

TO THE DEFENDANTS 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 upon the subscriber, at the address shown below, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the Complaint within the time aforesaid, judgment by default will be rendered against you for the relief demanded in the Complaint.

Respectfully submitted,



Jefferson Davis, Jr.
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PLAINTIFF

September 10, 2020
Greenville, South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF NEWBERRY

Jefferson Davis, Jr.,

Plaintiff,

vs.

Chad Connelly, Tom Persons, Geoffrey
Chambers, Esq., & South Carolina Educational
Credit for Exceptional Needs Children Fund,

Defendants.

) IN THE COURT OF COMMON PLEAS
) EIGHTH JUDICIAL CIRCUIT
)

) C.A. NO. 2020-CP-36-

00384

COMPLAINT
(Jury Trial Demanded)

FILED
NEWBERRY COUNTY
2020 SEP 11 PM 2:35
CLERK OF COURT

Jefferson Davis, Jr. (herein "Plaintiff" or "Plaintiff Davis") states his complaint as follows:

INTRODUCTION

1. On October 9th, 2018, South Carolina's First Circuit Solicitor's Office publicly released the **Twenty-Eighth State Grand Jury Report** (hereinafter the "Report"). The Grand Jury's 270-page Report outlined a playbook for "**pay-for-influence schemes**" in South Carolina state government by lobbyist principals and others. (Report, page 1-2, emphasis added.) "In directing the designated prosecutor to draft a report, the Grand Jury acted upon the belief that citizens of a democratic society must be informed about the conduct of those entrusted with governance, and that transparency is the greatest weapon against **corrupt and incompetent government.**" (Report, page 1, emphasis added.)

2. In seeking release of the Report, the State of South Carolina's September 6th, 2018, **MOTION FOR DISCLOSURE OF GRAND JURY'S REPORT** states that the "undersigned firmly believes that the greatest weapon against corruption and incompetence in government is transparency. Indeed, public exposure may be the only true deterrent to public corruption." (Motion, page 1.) The State's Motion goes on to proffer that

"the instant Report preserves the interests of due process and grand jury confidentiality by submitting the Report for public disclosure only after the underlying investigation has concluded and by ensuring that the findings of the Report are not mere accusations but are instead a presentation of the grand jury's recommendations to pursue further legal process. The Report includes relevant evidence and testimony to support those recommendations in the interest of disclosing matters of great public concern regarding public officials of this State."

(Motion, page 2-3, emphasis added.)

3. Plaintiff Davis is filing this Complaint to say "**no more**" to unfounded and defamatory statements made in the public square regarding matters of a political nature against private citizens. The truth matters and dirty tactics like those on the national stage go on right here in South Carolina (and unfortunately perhaps everywhere). **At some point good people must stand up**, say no more and call out these people that tell defamatory lies and employ these dirty tricks and tortious acts. With the filing of this lawsuit, Plaintiff Davis is making his small stand and saying "**no more**" to paid political hacks spreading lies to support their political friends and self-interested political and financial goals. Lies in this case that are also hurting K-12 children with "special needs". Taxpayers, citizens and the children of South Carolina deserve better.

PLAINTIFF

4. Plaintiff **Jefferson Davis, Jr.** is a citizen, resident, taxpayer, and registered elector of Greenville County, South Carolina. Plaintiff Davis was born in Charleston, SC, attended K-12 school here in South Carolina, is a graduate of The Citadel in Charleston, SC, and received a law degree and Master of Business Administration from the University of South Carolina. Plaintiff Davis is a tax attorney (not a litigator), an active member of the Georgia Bar and a licensed CPA in Georgia.

DEFENDANTS

5. Defendant **Chad Connelly** (“Connelly”) is the now former Executive Director of the **South Carolina Educational Credit for Exceptional Needs Children Fund** (hereinafter the “**ECENC Fund**”), a former board member at Palmetto Family Council and Palmetto Family Alliance, a resident of Newberry County and a citizen of the State of South Carolina residing at 107 Connelly Drive, Prosperity, South Carolina 29217.
6. Defendant **Tom Persons** (“Persons”) is the now former Board Chairman of the **ECENC Fund**, a principal of **Lindsay & Persons Public Relations, LLC**, and a political and business partner with (including sharing office space) the registered lobbyist Christopher M. Lindsay, as well as a resident of Richland County and a citizen of the State of South Carolina residing at 100 Dibble Lane, Columbia, South Carolina 29223.

7. Defendant **Geoffrey Chambers, Esq.** (“Chambers”) is the general counsel and attorney for the **ECENC Fund**, upon information a belief he is a citizen of the State of South Carolina with a mailing address of 411 Walnut Street #10646, Green Grove Springs, FL 32043 and an office address of 1201 Main Street, Ste 985, Columbia, SC 29201, which is the same registered business office address of Defendant ECENC Fund.
8. Defendant the **South Carolina Educational Credit for Exceptional Needs Children Fund** (the “ECENC Fund”) is a South Carolina legislatively created non-profit organization formed by the State of South Carolina having its operations administered by the South Carolina Department of Revenue. The ECENC Fund conducts operations and activities throughout the State of South Carolina, including maintaining offices and headquarters in Richland County. **Rick Reames**, the former Director of the South Carolina Department of Revenue, is the registered agent of Defendant ECENC Fund with an address of 1201 Main St., Suite 985, Columbia, South Carolina 29201 (which is the registered business office location where Mr. Reames is not located and as such is in violation of S.C. Code Ann. § 33-5-101).

JOINT & SEVERAL

9. All Defendants herein are sued jointly and severally.

JURISDICTION AND VENUE

10. This court has jurisdiction of the subject matter of this complaint and of the parties. Venue is proper.

FACTUAL ALLEGATIONS

1. Plaintiff Davis is an advocate for K-12 “special needs” children and K-12 tax credit scholarships that allow these children to attend specialized K-12 schools.
2. Plaintiff Davis has been involved with and founded multiple non-profit organizations that have raised tens of millions, if not now over \$100 million, in K-12 tax credit scholarships benefiting thousands upon thousands of children.
3. Plaintiff Davis is also considered by many as a “watchdog”, exposing corruption surrounding school choice in the state of South Carolina.
4. Since 2013, Plaintiff Davis has exposed various levels of self-interested political and financial corruption, malfeasance, and outright incompetence related to certain named individual Defendants. This includes but is not limited to Embezzlement, Perjury, Drug Trafficking (in the case of one of their hires), Data Breaches, violations of the SC Charitable Solicitations Act, Professional Ethics Violations (in the case of one of their business associates related to this program – **Mr. Stephen Kirkland, CPA, CMC**), Racism & Favoritism in scholarship awards, etc., etc., etc.
5. Plaintiff Davis is considered a “thorn in their side” by the named individual Defendants given his exposure of their self-interested political and financial goals.
6. Plaintiff Davis has also exposed within the K-12 education and school choice movement similar illegal conduct to that which was outlined in the 270-page **Twenty-Eighth State Grand Jury Report** released on October 9th, 2018.

7. On February 12th, 2020, Plaintiff Davis filed a COMPLAINT FOR DECLARATORY JUDGMENT & INJUNCTIVE RELIEF against Defendants Connelly, Persons and the ECENC Fund (hereinafter the **"DJ Action"**).
8. The DJ Action was filed in the Court of Common Pleas, Eighth Judicial Circuit, State of South Carolina, County of Newberry, and has a case reference of C.A. NO. 2020-CP-36-00093.
9. With the filing of the DJ Action, Plaintiff Davis sought a court determination as to whether the defendants had violated S.C. Code Ann. § 12-6-3790(B)(4) which states the **"public charity may expend up to two percent of the fund for administration and related costs"**. The ECENC Fund is the referenced "public charity".
10. Plaintiff Davis, a CPA and tax attorney, supported his DJ Action with third party CPA financial reports which indicated **\$99,935 had been illegally misappropriated** (in Plaintiff Davis' belief "embezzled" pursuant to the criminal code S.C. Code Ann. § 16-13-230 – Breach of Trust with Fraudulent Intent) by the ECENC Fund's Executive Director, Defendant Connelly, and Board Chairman, Defendant Persons, for the fiscal year 7/1/2018 – 6/30/2019.
11. All indications at the time of filing the DJ Action (February 12th, 2020) were that the misappropriation (again, in Plaintiffs belief "embezzlement") were ongoing, with an additional \$125,643 accruing since 7/1/2019 based on financial calculations presented to the Court.

12. As such, it appeared (and still does today, just in a much greater dollar amount) that at the time of filing (February 12th, 2020) that a **grand total of approximately \$250,000 had been misappropriated** from the ECENC Fund and Plaintiff Davis asked the Court for a Temporary Restraining Order (TRO) to order a cease to further illegal misappropriations in excess of the statutory limit of two present.

13. The Honorable Donald Hocker heard the matter at a hearing in Greenwood on March 5th, 2020.

14. Unfortunately, on April 29th, 2020, it was the determination of the Court that Plaintiff Davis did not have the necessary procedural “standing” to prosecute the DJ Action with Judge Hocker ruling as follows:

“Grants Defendants’ Motion to Dismiss this case on the issue of Standing, only recognizing the current state of the law in South Carolina and that South Carolina has not addressed the issue of whether a Donor has standing.”

15. An appeal is forthcoming so that our South Carolina appellate courts can address this unique procedural issue involving a non-profit, a donor, and a statutory “contract” as to the use of donated funds (i.e., the two percent limit of S.C. Code Ann. § 12-6-3790(B)(4)).

[CONTINUED ON NEXT PAGE.]

16. However, at the March 5th, 2020 hearing before Judge Hocker, the Defendants made unfounded claims in Court that Plaintiff Davis was attempting to shut down the ECENC Fund, thus leaving parents and schools without scholarship funding.

17. A draft of the March 5th, 2020 exchange is as follows:

ECENC Fund Attorney (Geoffrey Chambers): His TRO is based upon shutting a corporation down, freezing its assets, because he alleges it is going to go over this 2% max. ¶

PLAINTIFF DAVIS: Your Honor, I have got to object to that, that is not, I have not asked for this corporation to be shut down. I have not asked for its assets to be frozen. What the Defendants have done here is try to scare a bunch of parents and tell them I am trying to shut this organization down. This is about how much they are paying themselves, not what they are paying families. ¶

COURT (to Plaintiff Davis): I understand. ¶

COURT (to ECENC Fund Attorney): What I understand when I asked Mr. Davis what the basis for the temporary injunction is and what he told me if I understood him correctly is that he wants an injunction requiring this corporation to comply with the statute in so far as 98% and 2%, that is what I heard him saying. ¶

PLAINTIFF DAVIS: Yes sir. ¶

COURT: I am not understanding that he is wanting to shut the corporation down. ¶

ECENC Fund Attorney (Geoffrey Chambers): OK.

March 5, 2020: Draft Hearing Transcript ... NO ONE is trying to shut down the program!!!

18. It was made abundantly clear to the Court verbally as well as in legal filing that Plaintiff Davis' efforts with the filing of the DJ Action were to protect children, families and schools as all evidence (as of the time of filing, and to this day) indicates the Defendants have illegally misappropriated substantial funds intended for these beneficiaries.

19. Plaintiff Davis' February 24th, 2020 Motion for TRO filed in the DJ Action clearly states there was no intent to shut down the ECENC Fund or harm children, parents, or schools.

¹ This temporary restraining order should in no way limit or delay the ECENC Fund itself or other legislatively appointed board members of the ECENC Fund from issuing scholarships which are already delayed by the negligence and malfeasance of the individual Defendants, Mr. Chad Connelly and Mr. Tom Persons.

February 24, 2020 TRO - Page One Footnote
No Intent to Shut Down Program or Stop Scholarships!!!!

20. It is a typical "scare tactic" employed by Defendants to frustrate Plaintiff Davis' advocacy efforts on behalf of K-12 "special needs" children and K-12 tax credit scholarships that allow these children to attend specialized K-12 schools.

21. As demonstrated in the March 5th, 2020 exchange, it was also clear to the Court and Judge Hocker that Plaintiff Davis had no intent to shut down the ECENC Fund or harm children, parents, or schools.

[CONTINUED ON NEXT PAGE.]

22. However, following the hearing, just six days later, on March 11th, 2020, Defendants sent the following mass email blast to several thousand parents, school leaders and other individuals (including legislators).

LAWSUITS

Although we've not covered this subject before with you as parents, we have kept your schools updated about the legal threats we have received, the time wasted, and the program money we've been forced to expend on frivolous lawsuits from the founder of a now-defunct scholarship organization.

We feel that it is prudent however, at this time, to inform you of a new threat to the program. This individual, who has repeatedly filed lawsuits against us and has **consistently lost each and every lawsuit** in court, **?** has filed suit yet again. This time he filed a temporary restraining order, in my home county of Newberry, not only intending to hurt me personally, but also our Board Chairman, our Board of Directors, and your students. It is the intention of this individual to shut down Exceptional SC with absolutely no regard to the impact that would have on your students and your schools.

Last week, we appeared in court to defend against this, and the judge in the case has asked for a written response of our objections to his lawsuit.

Please know that we will keep you informed on the progress of this most recent attempt to impact South Carolina's only exceptional needs scholarship program as soon as we hear from the judge.

**March 11, 2020: Exceptional SC
Update to Parents - More Defamatory
Statements & Scare Tactics?!?!?**

23. Defendants, individually and collectively, have continued to make such false and defamatory claims both verbally and in writing to interested parties, including legislators.
24. This March 11th, 2020 email and related verbal statements and writings by Defendants, individually and collectively, were false and defamatory.
25. It has never been Plaintiff Davis' intention to "shut down" the ECENC Fund, nor does Plaintiff Davis have "absolutely no regard to the impact that would have on your students and schools" as the Defendants mass email blast falsely claims.
26. However, Plaintiff Davis' DJ Action and compiled evidence did put the South Carolina Department of Revenue, as the administrator of the ECENC Fund, as well as the ECENC Fund Board of Directors on notice to the misappropriations by the Defendants.
- 27. Defendant Connelly was terminated as Executive Director of the ECENC Fund in July 2020.**
- 28. Defendant Persons resigned from the ECENC Fund board at the same time as Defendant Connelly's termination in July 2020.**
29. The separation of Defendant Persons and Defendant Connelly from the ECENC Fund is upon information and belief due in part to their misappropriation of funds exposed by Plaintiff Davis, among other bad acts and failed performance.

30. On September 7th, 2020, Plaintiff Davis submitted through legal counsel a request that the March 11th, 2020 false and defamatory statements be retracted publicly by the ECENC Fund.
31. This request was necessary as it has come to Plaintiff Davis' attention that due to the March 11th, 2020 mass email blast, large numbers of interested parties believe Plaintiff Davis is attempting to shut down the ECENC Fund as the email falsely stated.
32. The widespread belief created by the Defendants that Plaintiff Davis wants to "shut down" the ECENC Fund has hindered substantially the advocacy efforts of Plaintiff Davis related to the upcoming September 15th, 2020 special legislative session of the SC General Assembly.
33. Without a retraction by the ECENC Fund, it is virtually impossible, in a short amount of time and given the limitations of COVID-19, to convince the necessary parties that Plaintiff Davis' intent is not to shut down the ECENC Fund.
34. On September 9th, 2020, Defendant Chambers communicated to Plaintiff Davis that the ECENC Fund stood by its claims and were refusing to retract the statements contained in the mass email blast of March 11th, 2020.
35. Defendant Chambers is a long-term family friend of Defendant Persons and remains angry and frustrated as to the matters Plaintiff Davis has exposed about Defendant Persons, Defendant Connelly, and Defendant Chambers personally and professionally

36. Defendants defamed Plaintiff Davis to further their own self-interest political and financial goals.

A FIRST CAUSE OF ACTION
(DEFAMATION PER SE & PER QUOD)

37. Plaintiff Davis repeats and re-alleges each allegation and paragraph already stated above.

38. The Defendants, individually and collectively, made false and defamatory statements about Plaintiff Davis.

39. The Defendants, individually and collectively, published both verbally and in writing to third parties false and defamatory statements about Plaintiff Davis.

40. The statements were false and defamatory *per se*.

41. The Defendants, individually and collectively, knew or should have known that the statements were false.

42. The false and defamatory statements made by Defendants, individually and collectively, have caused Plaintiff Davis' legislative advocacy and professional reputation to be damaged.

43. The defamatory statements made by Defendants, individually and collectively, have caused the Plaintiff Davis to suffer general damages, as well as special damages including lost job opportunities, lost back and future wages / income, lost benefits, damages for severe emotional stress, anxiety, inconveniences, mental anguish, loss of

enjoyment of life, loss of consortium, embarrassment, humiliation, damage to his professional reputation, and loss of possible job positions.

44. As the direct and proximate result of the Defendants' defamatory statements, individually and collectively, which were made with malice and with the specific intent to harm Plaintiff Davis and others, Plaintiff Davis is entitled to special damages, actual damages, incidental damages, and punitive damages, all in an amount to be determined by a jury.

A SECOND CAUSE OF ACTION
(DEFAMATION BY INNUENDO)

45. Plaintiff Davis repeats and re-alleges each allegation and paragraph already stated above.

46. The Defendants, individually and collectively, made misleading innuendo and statements about Plaintiff Davis which misrepresented in a defamatory manner Plaintiff Davis within the community.

47. As the direct and proximate result of the Defendants' defamatory statements, individually and collectively, which were made with malice and with the specific intent to harm Plaintiff Davis and others, Plaintiff Davis is entitled to special damages, actual damages, incidental damages, and punitive damages, all in an amount to be determined by a jury.

A THIRD CAUSE OF ACTION
(NEGLIGENCE)

48. Plaintiff Davis repeats and re-alleges each allegation and paragraph already stated above.

49. The Defendants, individually and collectively, were negligent, careless, reckless and willfully acted with actual malice in that they had a duty to ensure the truthfulness of their statements but they knew their statements were false and nevertheless acted with reckless disregard for the truth by publishing their statements to third parties.

50. Defendants, individually and collectively, were negligent, careless, reckless and willfully acted with actual malice in their other actions as stated in the paragraphs above by virtue of the doctrine of agency and/or respondeat superior.

A FORTH CAUSE OF ACTION
(INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS)

51. Plaintiff Davis repeats and re-alleges each allegation and paragraph already stated above.

52. The Defendants, individually and collectively, had specific knowledge of severe and other medical conditions suffered by Plaintiff Davis' spouse, and intentionally used that information to inflict additional emotional distress on Plaintiff Davis and his wife.

53. The conduct of the Defendants, individually and collectively, was intended to inflict emotional distress on Plaintiff Davis and was outrageous beyond the bounds of conduct expected by members of society; the outrageous conduct caused Plaintiff Davis to suffer severe emotional distress, which resulted in Plaintiff Davis incurring expense for medical treatment.

A FIFTH CAUSE OF ACTION
(CONSPIRACY)

54. Plaintiff Davis repeats and re-alleges each allegation and paragraph already stated above.

55. The Defendants, individually and collectively, conspired and colluded together and amongst themselves and/or third parties, for the purpose of injuring Plaintiff Davis.

56. Plaintiff Davis was damaged as a direct and proximate result of this conspiracy and collusion by the Defendants, individually and collectively.

57. The Defendants are senior political, government and community figures. Given the stature and position of Defendants in the community both locally and nationally, Plaintiff Davis sustained substantial embarrassment and pain & suffering because of this conspiracy and collusion.

58. Plaintiff Davis and his wife were dealing with some major medical issues, known to the Defendants, incurring substantial expenses due to the additional stress incurred because of the Defendants civil conspiracy. But for their civil conspiracy, Plaintiff

Davis and his wife would not have had this additional stress and pain & suffering or additional medical expenses.

59. Plaintiff Davis also had to incur substantial additional out of pocket expenses and personal time to combat the Defendants' false statements and their civil conspiracy and as such was not able to focus on his legislative advocacy and professional endeavors, thus suffering substantial damages.

60. Plaintiff Davis has been harmed both in his legislative advocacy and professionally due to the Defendants civil conspiracy and the constant requirement to stay 110% attentive to any efforts to further tarnish the image and reputation of Plaintiff Davis aligned to his K-12 children and K-12 tax credit scholarship advocacy.

61. Defendants conspired together to direct others (including other Defendants) to not do business or communicate with Plaintiff Davis and associated entities and parties by making false and defamatory statements, innuendo, and threat of withholding financial support.

62. Plaintiff Davis has had at least \$50,000 - \$100,000 plus in out of pocket special damages directly related to the Defendants' civil conspiracy, plus any additional compensation for pain & suffering and lost income and wages to be calculated.

63. Plaintiff Davis requests judgment on this cause of action for actual damages, punitive damages, and costs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Davis prays that this Honorable Court inquire into the matters alleged and render a judgment for actual and punitive damages in an amount to be determined by a jury. Plaintiff Davis further prays for costs and attorney's fees against the Defendants and any such other and further relief as the Court may deem just and proper.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'J. Davis', written over a horizontal line.

Jefferson Davis, Jr.
403 McCarter Avenue
Greenville, SC 29615
843-901-8036 (cell)
jeff@apogeetax.com

PLAINTIFF

September 10th, 2020
Greenville, South Carolina

EXHIBIT B

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF NEWBERRY	)	EIGHTH JUDICIAL CIRCUIT
	)	CIVIL ACTION NO.: 2020-CP-36-00384
	)	
JEFFERSON DAVIS, JR,	)	
	)	
Plaintiff,	)	ORDER
	)	
v.	)	
	)	
CHAD CONNELLY; TOM PERSONS,	)	
GEOFFREY CHAMBERS, ESQ.; AND	)	
SOUTH CAROLINA EDUCATIONAL	)	
CREDIT FOR EXCEPTIONAL NEEDS	)	
CHILDREN FUND	)	
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 Connelly, Persons, and The Fund. Defendant Chambers appeared pro se. (The Court notes that this action refers to a prior action filed by the Plaintiff and Connelly, Persons, and The Fund were the named Defendants. 2020-CP-36-00093)

Defendants' (Except Chambers) Motion to Dismiss: Rules 8(a) and 12(b)(6)

In this present action, the Plaintiff asserts five causes of action against the Defendants: Defamation Per Se and Per Quod; Defamation by Innuendo; Negligence; Intentional Infliction of Emotional Distress; and Conspiracy. Once again, in ruling on this Motion, the Court is not concerned with the merits of these various causes of action.

The Court will be consistent with its ruling in Case No. 00382 as it applies to Connelly and Persons in this case. The Court denies the Motion as to Defamation Per Se/Per Quod, Intentional Infliction of Emotional Distress and Conspiracy. The Court finds that the Complaint alleges sufficient facts to constitute a cause of action. The elements are sufficiently pled. As to

Negligence and Defamation by Innuendo, the Court grants the Motion to Dismiss based upon the Order in Case No. 00382, the same being incorporated herein by reference.

As to the Fund, the Court grants the Motion to Dismiss as to all causes of action as a non-profit corporation, in and of itself, cannot be held liable for committing a tort as alleged to by the Plaintiff.

As to Rule 8(a), the Court adopts its findings in its Order in Case No. 00382, the same being incorporated herein by reference.

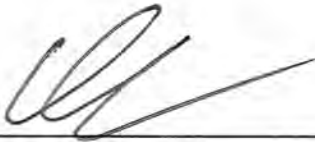
Defendant Chambers Motion to Dismiss: Rules 12(b)(2), (3), (4), (5), (6), (7)

It is not in dispute that service of the Summons (and Complaint) was never effected on this Defendant. Based upon Rule 12(b)(2), (4) and (5), the Motion to Dismiss is granted and the arguments made by said Defendant in his Motion to Dismiss on this issue is incorporated herein by reference. This Order is temporary and Mr. Chambers is directed to prepare for the Court a more formal Order on this issue. The Court is not making a ruling either way, at this time, on the other issues raised in the Motion.

Plaintiff's Motion for Default Judgment as it relates to Defendant Chambers

In light of the above ruling, this Motion is now moot.

SO ORDERED.



DONALD B. HOCKER
CIRCUIT COURT JUDGE

Laurens, South Carolina
Date: 03/26/2021



Newberry Common Pleas

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

Case Number: 2020CP3600384

Type: Order/Other

Circuit Court Judge

s/Donald B. Hocker, Judge Code 2167

EXHIBIT C

STATE OF SOUTH CAROLINA

COUNTY OF NEWBERRY

Jefferson Davis, Jr.,

Plaintiff,

v.

Chad Connelly, Tom Persons, Geoffrey Chambers, Esq., & South Carolina Educational Credit for Exceptional Needs Children Fund,

Defendants.

IN THE COURT OF COMMON PLEAS

CIVIL ACTION NO.: 2020-CP-36-00384

ORDER

A hearing was held on February 12, 2021 via the Judicial Branch's Virtual Courtroom. The Plaintiff appeared pro se. Defendant Chambers appeared pro se.

Defendant Chambers Motion to Dismiss: SCRCP 12(b)2, 12(b)4 and 12(b)5: Failure to Serve the Summons and Complaint and Lack of Jurisdiction

"A civil action is commenced when the summons and complaint are filed with the clerk of court if: (1) the summons and complaint are served within the statute of limitations in any manner prescribed by law; or (2) if not served within the statute of limitations, actual service must be accomplished not later than one hundred twenty days after filing." Rule 3(a), SCRCP; see also S.C. Code § 15-3-20. "Copies of the original summons shall be served upon each defendant." Rule 4(a), SCRCP.

"The purpose of the summons is to acquire jurisdiction of the person of the defendant and to give him notice of the action and an opportunity to appear and defend." White Oak Manor, Inc. v. Lexington Insurance Company, 407 S.C. 1, 8-9, 753 S.E.2d 537, 541 (2014) (quoting State v. Sanders, 118 S.C. 498, 502-03, 110 S.E. 808, 810 (1920)). "Without jurisdiction, a court cannot proceed at all in any cause; jurisdiction is the power to declare law, and when it ceases to exist, the only function remaining to a court is that of announcing the fact and dismissing the cause." Limehouse v. Hulsey, 404 S.C. 93, 104, 744 S.E.2d 566, 572 (2013) (quoting 32A Am.Jur.2d Federal Courts § 581 (2007)). "When a defendant is not properly served, 'the Court has no jurisdiction of the defendant, and all proceedings based on the pretended service are void.'" Momani v. Van Surdam, 296 S.C. 409, 410, 373 S.E.2d 691, 692 (Ct. App. 1988) (quoting Wyman v. Hoover, 10 S.C. 135, 136 (1878)). "It is the

plaintiff's burden to show that the court has personal jurisdiction over the defendant.” Fassett v. Evans, 364 S.C. 42, 47, 610 S.E.2d 841, 843 (Ct. App. 2005) (citing Jensen v. Doe, 292 S.C. 592, 594, 358 S.E.2d 148, 148 (Ct. App. 1987)).

An individual may be served “by delivering a copy of the summons and complaint to him personally or by leaving copies thereof at his dwelling house or usual place of abode with some person of suitable age and discretion residing therein, or by delivering a copy to an agent authorized by appointment or by law to receive service of process.” Rule 4(d)(1), SCRCP. A corporation may be served “by delivering a copy of the summons and complaint to an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process and if the agent is one authorized by statute to receive service and the statute so requires, by also mailing a copy to the defendant.” Rule 4(d)(3), SCRCP. “Service of a summons and complaint upon [an individual or corporation] may be made by . . . registered or certified mail, return receipt requested and delivery restricted to the addressee. Service is effective upon the date of delivery as shown on the return receipt.” Rule 4(d)(8), SCRCP; see also Langley v. Graham, 322 S.C. 428, 430-31, 472 S.E.2d 259, 260-61 (Ct. App. 1996) (holding service ineffective where the defendant did not sign the return receipt and delivery was not restricted to the addressee only). “The person serving the process shall make proof of service thereof promptly and deliver it to the officer or person who issued same.” Rule 4(g), SCRCP. “If service was by mail, the person serving process shall show in his proof of service the date and place of mailing, and attach a copy of the return receipt or returned envelope when received by him showing whether the mailing was accepted, refused, or otherwise returned.” Id. “The return along with the receipt or envelope and any other proof shall be promptly filed by the clerk with the pleadings and become part of the record.” Id.

Plaintiff failed to assert personal jurisdiction because the Summons was never served as of the hearing of Defendant Chambers’ motion to dismiss pursuant to Rule 12(b) SCRCP.

The Plaintiff filed the Summons and Complaint in this action on September 11, 2020. Plaintiff served Defendants Connelly, Persons and Educational Credit for Exceptional Needs Children Fund within one week after filing the initial complaint. A month after other defendants were served, named Defendant Geoffrey Chambers submitted a letter requesting Plaintiff dismiss the lawsuit. Submission of this letter required an appearance in the electronic filing software. Plaintiff filed a motion to hold Defendant Chambers in default on November 30, 2020. On December 30, 2020 Defendant Chambers filed this Motion to Dismiss for failure to serve pursuant to Rules 12(b)(2), 12(b)(4) and 12(b)(5).

Defendant Chambers also moved for dismissal under Rule 12(b)(3), 12(b)(6) and 12(b)(7) SCRCp. Defendant Chambers' supporting memo requested dismissal for failure to serve, failure to plead any facts sufficient to support any cognizable cause of action and immunity from suit afforded to actions undertaken in representation of a client in litigation.

Plaintiff Davis never mentions serving Defendant Chambers with the Summons and Complaint or Defendant Chambers ever accepting service. The Plaintiff alleges Defendant Chambers made an appearance associated with a letter filed with this Court and mailed to Plaintiff. The letter requested Plaintiff Davis dismiss this action and stated why it is frivolous. It did not accept service.

At the hearing Plaintiff Davis represented to the Court that he never served Defendant Chambers. The Court determined at that point that it did not have jurisdiction and could take no further action other than to dismiss. See Limehouse v. Hulsey, 404 S.C. 93, 104, 744 S.E.2d 566, 572 (2013) (quoting 32A Am.Jur.2d Federal Courts § 581 (2007)). This Court lacked jurisdiction to consider Defendant Chambers' arguments that Plaintiff failed to plead facts sufficient to support any cognizable cause of action and immunity afforded to Defendant Chambers for his actions undertaken in the representation of a client in litigation.

Attempts to serve Defendant Chambers after the Court determined it lacked jurisdiction and could take no action other than dismissal are too late. The fate of this action against Defendant Chambers was sealed when the Plaintiff represented to this Court that he had never served Mr. Chambers.

Plaintiff's causes of action as to Defendant Geoffrey Chambers are hereby dismissed.

SO ORDERED.

DONALD B. HOCKER
CIRCUIT COURT JUDGE

Laurens, South Carolina
Date: 6/ /2021



Newberry Common Pleas

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

Case Number: 2020CP3600384

Type: Order/Dismissal

Circuit Court Judge

s/Donald B. Hocker, Judge Code 2167

EXHIBIT D

STATE OF SOUTH CAROLINA	)	
	)	
COUNTY OF LAURENS	)	IN THE COURT OF COMMON PLEAS
	)	EIGHTH JUDICIAL CIRCUIT
Jefferson Davis, Jr.	)	
	)	
Plaintiff,	)	
	)	
vs.	)	ORDER
	)	2020-CP-36-00384
Chad Connelly, Tom Persons,	)	
Geoffrey Chambers, Esq., and	)	
South Carolina Educational Credit	)	
for Exceptional Needs Children	)	
Fund.	)	
	)	
Defendants.	)	
	)	

The pro se Plaintiff filed a Motion to hold the Defendant, Geoffrey Chambers in default as to liability. This Court issued two Orders, dated March 26, 2021 and June 14, 2021, both are attached hereto. The Defendant refiled a second Motion seeking to hold the Defendant, Geoffrey Chambers, in default as to liability. The above two Orders are controlling in this case. The Plaintiff claims that there is no record that the June Order was served on him. While it has been customary in the various cases that the Plaintiff has brought for this Court to email him the Orders and for the Clerk to mail him the Orders, there is no proof that this Court can find that the above was accomplished with respect to the June Order.

Based upon the above and the attached, it is

Hereby Ordered that:

1. The Plaintiff's second Motion for Default as to liability (Chambers) is denied;
2. This Court is not making a finding or ruling that the Plaintiff did not receive the June 14, 2021 Order but only stating that it does not have proof that emailing or mailing was accomplished.



3. It is the parties' obligation to insure that the record is protected concerning anything provided to the Court leading up to this ruling herein.

So Ordered.



Donald B. Hocker
Eighth Judicial Circuit
Chief Administrative Judge for
Common Pleas

Laurens, South Carolina

Date: 12-15-21



STATE OF SOUTH CAROLINA
COUNTY OF NEWBERRY

Jefferson Davis, Jr.,

Plaintiff,

v.

Chad Connelly, Tom Persons, Geoffrey
Chambers, Esq., & South Carolina Educational
Credit for Exceptional Needs Children Fund,

Defendants.

IN THE COURT OF COMMON PLEAS
CIVIL ACTION NO.: 2020-CP-36-00384

ORDER

A hearing was held on February 12, 2021 via the Judicial Branch's Virtual Courtroom. The Plaintiff appeared pro se. Defendant Chambers appeared pro se.

Defendant Chambers Motion to Dismiss: SCRCP 12(b)2, 12(b)4 and 12(b)5: Failure to Serve the Summons and Complaint and Lack of Jurisdiction

"A civil action is commenced when the summons and complaint are filed with the clerk of court if: (1) the summons and complaint are served within the statute of limitations in any manner prescribed by law; or (2) if not served within the statute of limitations, actual service must be accomplished not later than one hundred twenty days after filing." Rule 3(a), SCRCP; see also S.C. Code § 15-3-20. "Copies of the original summons shall be served upon each defendant." Rule 4(a), SCRCP.

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plaintiff's burden to show that the court has personal jurisdiction over the defendant.” Fassett v. Evans, 364 S.C. 42, 47, 610 S.E.2d 841, 843 (Ct. App. 2005) (citing Jensen v. Doe, 292 S.C. 592, 594, 358 S.E.2d 148, 148 (Ct. App. 1987)).

An individual may be served “by delivering a copy of the summons and complaint to him personally or by leaving copies thereof at his dwelling house or usual place of abode with some person of suitable age and discretion residing therein, or by delivering a copy to an agent authorized by appointment or by law to receive service of process.” Rule 4(d)(1), SCRCP. A corporation may be served “by delivering a copy of the summons and complaint to an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process and if the agent is one authorized by statute to receive service and the statute so requires, by also mailing a copy to the defendant.” Rule 4(d)(3), SCRCP. “Service of a summons and complaint upon [an individual or corporation] may be made by . . . registered or certified mail, return receipt requested and delivery restricted to the addressee. Service is effective upon the date of delivery as shown on the return receipt.” Rule 4(d)(8), SCRCP; see also Langley v. Graham, 322 S.C. 428, 430-31, 472 S.E.2d 259, 260-61 (Ct. App. 1996) (holding service ineffective where the defendant did not sign the return receipt and delivery was not restricted to the addressee only). “The person serving the process shall make proof of service thereof promptly and deliver it to the officer or person who issued same.” Rule 4(g), SCRCP. “If service was by mail, the person serving process shall show in his proof of service the date and place of mailing, and attach a copy of the return receipt or returned envelope when received by him showing whether the mailing was accepted, refused, or otherwise returned.” Id. “The return along with the receipt or envelope and any other proof shall be promptly filed by the clerk with the pleadings and become part of the record.” Id.

Plaintiff failed to assert personal jurisdiction because the Summons was never served as of the hearing of Defendant Chambers’ motion to dismiss pursuant to Rule 12(b) SCRCP.

The Plaintiff filed the Summons and Complaint in this action on September 11, 2020. Plaintiff served Defendants Connelly, Persons and Educational Credit for Exceptional Needs Children Fund within one week after filing the initial complaint. A month after other defendants were served, named Defendant Geoffrey Chambers submitted a letter requesting Plaintiff dismiss the lawsuit. Submission of this letter required an appearance in the electronic filing software. Plaintiff filed a motion to hold Defendant Chambers in default on November 30, 2020. On December 30, 2020 Defendant Chambers filed this Motion to Dismiss for failure to serve pursuant to Rules 12(b)(2), 12(b)(4) and 12(b)(5).

Defendant Chambers also moved for dismissal under Rule 12(b)(3), 12(b)(6) and 12(b)(7) SCRCP. Defendant Chambers' supporting memo requested dismissal for failure to serve, failure to plead any facts sufficient to support any cognizable cause of action and immunity from suit afforded to actions undertaken in representation of a client in litigation.

Plaintiff Davis never mentions serving Defendant Chambers with the Summons and Complaint or Defendant Chambers ever accepting service. The Plaintiff alleges Defendant Chambers made an appearance associated with a letter filed with this Court and mailed to Plaintiff. The letter requested Plaintiff Davis dismiss this action and stated why it is frivolous. It did not accept service.

At the hearing Plaintiff Davis represented to the Court that he never served Defendant Chambers. The Court determined at that point that it did not have jurisdiction and could take no further action other than to dismiss. See Limehouse v. Hulsey, 404 S.C. 93, 104, 744 S.E.2d 566, 572 (2013) (quoting 32A Am.Jur.2d Federal Courts § 581 (2007)). This Court lacked jurisdiction to consider Defendant Chambers' arguments that Plaintiff failed to plead facts sufficient to support any cognizable cause of action and immunity afforded to Defendant Chambers for his actions undertaken in the representation of a client in litigation.

Attempts to serve Defendant Chambers after the Court determined it lacked jurisdiction and could take no action other than dismissal are too late. The fate of this action against Defendant Chambers was sealed when the Plaintiff represented to this Court that he had never served Mr. Chambers.

Plaintiff's causes of action as to Defendant Geoffrey Chambers are hereby dismissed.

SO ORDERED.

DONALD B. HOCKER
CIRCUIT COURT JUDGE

Laurens, South Carolina
Date: 6/ /2021



Newberry Common Pleas

Case Caption: Jefferson Davis Jr VS Chad Connelly , defendant, et al
Case Number: 2020CP3600384
Type: Order/Dismissal

Circuit Court Judge

s/Donald B. Hocker, Judge Code 2167

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF NEWBERRY	)	EIGHTH JUDICIAL CIRCUIT
	)	CIVIL ACTION NO.: 2020-CP-36-00384
	)	
JEFFERSON DAVIS, JR,	)	
	)	
	)	ORDER
Plaintiff,	)	
	)	
v.	)	
	)	
CHAD CONNELLY; TOM PERSONS,	)	
GEOFFREY CHAMBERS, ESQ.; AND	)	
SOUTH CAROLINA EDUCATIONAL	)	
CREDIT FOR EXCEPTIONAL NEEDS	)	
CHILDREN FUND	)	
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 Connelly, Persons, and The Fund. Defendant Chambers appeared pro se. (The Court notes that this action refers to a prior action filed by the Plaintiff and Connelly, Persons, and The Fund were the named Defendants. 2020-CP-36-00093)

Defendants' (Except Chambers) Motion to Dismiss: Rules 8(a) and 12(b)(6)

In this present action, the Plaintiff asserts five causes of action against the Defendants: Defamation Per Se and Per Quod; Defamation by Innuendo; Negligence; Intentional Infliction of Emotional Distress; and Conspiracy. Once again, in ruling on this Motion, the Court is not concerned with the merits of these various causes of action.

The Court will be consistent with its ruling in Case No. 00382 as it applies to Connelly and Persons in this case. The Court denies the Motion as to Defamation Per Se/Per Quod, Intentional Infliction of Emotional Distress and Conspiracy. The Court finds that the Complaint alleges sufficient facts to constitute a cause of action. The elements are sufficiently pled. As to

Negligence and Defamation by Innuendo, the Court grants the Motion to Dismiss based upon the Order in Case No. 00382, the same being incorporated herein by reference.

As to the Fund, the Court grants the Motion to Dismiss as to all causes of action as a non-profit corporation, in and of itself, cannot be held liable for committing a tort as alleged to by the Plaintiff.

As to Rule 8(a), the Court adopts its findings in its Order in Case No. 00382, the same being incorporated herein by reference.

Defendant Chambers Motion to Dismiss: Rules 12(b)(2), (3), (4), (5), (6), (7)

It is not in dispute that service of the Summons (and Complaint) was never effected on this Defendant. Based upon Rule 12(b)(2), (4) and (5), the Motion to Dismiss is granted and the arguments made by said Defendant in his Motion to Dismiss on this issue is incorporated herein by reference. This Order is temporary and Mr. Chambers is directed to prepare for the Court a more formal Order on this issue. The Court is not making a ruling either way, at this time, on the other issues raised in the Motion.

Plaintiff's Motion for Default Judgment as it relates to Defendant Chambers

In light of the above ruling, this Motion is now moot.

SO ORDERED.



DONALD B. HOCKER
CIRCUIT COURT JUDGE

Laurens, South Carolina
Date: 03/26/2021



Newberry Common Pleas

Case Caption: Jefferson Davis Jr VS Chad Connelly , defendant, et al
Case Number: 2020CP3600384
Type: Order/Other

Circuit Court Judge

s/Donald B. Hocker, Judge Code 2167

EXHIBIT E

From: [Hocker, Donald B. Law Clerk \(Madison Hoffman\)](#)
To: [Jeff Davis](#); [Jasmine D. Smith](#); [Seldin, Harper](#); [Justin P. Novak](#); [M. Dawes Cooke, Jr.](#); [Wilson, Skyler C.](#); [Mackelcan, Douglas W.](#); [Cal Watson](#); [Lloyd, Susie](#); [Geoffrey Chambers](#)
Cc: [Hocker, Donald B. Secretary \(Regan A. Snow\)](#); [Hocker, Donald B.](#)
Subject: [EXT] Davis v. Connelly - Orders
Date: Friday, March 26, 2021 10:52:40 AM
Attachments: [03.26.2021 - Order as to Motion to Quash, Stay and Protective Order.pdf](#)
[03.26.2021 - Order -384.pdf](#)
[03.26.2021 - Order as to Motion to Dismiss Five Individual Defendants.pdf](#)

Good morning,

This email is regarding all matters argued and heard on February 12, 2021 (except as to Plaintiff's request to e-file which has already been ruled upon by the Court).

As to Case -382

Enclosed please find the following Orders:

1. As to Motions to Quash;
2. As to Motions to Dismiss Five Individual Defendants,

As to Motions to Dismiss from E3 Software and Endurance International, Judge Hocker requests that these Defendants' respective attorneys prepare an appropriate Order granting their Motion to Dismiss. The Court believes that 47 USCA 230 is controlling. Circulate the Order before submitting it to the Court. When presenting to the Court please email it only. The Court, if approved, will sign it, email it to the parties and handle getting it e-filed.

As to Case -384

Enclosed please find an Order as to the three matters presented. Please note that this Order requires Mr. Chambers to prepare a more formal Order on one issue.

All of the above Orders will be e-filed.

Best,

Madison Hoffman

Law Clerk to
Honorable Donald B. Hocker
P.O. Box 972
100 Hillcrest Square
Laurens, S.C. 29360
dhockerlc@sccourts.org

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## EXHIBIT F

STATE OF SOUTH CAROLINA

COUNTY OF NEWBERRY

Jefferson Davis, Jr.,

Plaintiff,

vs.

Chad Connelly and Tom Persons,

Defendants.

) IN THE COURT OF COMMON PLEAS

) EIGHTH JUDICIAL CIRCUIT

) CASE NO.: 2020-CP-36-00384

)

)

)

)

)

)

)

)

)

)

)

)

**ORDER COMPELLING  
DISCOVERY**

This matter came before me for a hearing on October 7, 2021, on Defendants' Chad Connelly and Tom Persons' Motion to Compel filed on September 27, 2021. Upon reviewing the motions, memoranda in support, and argument of the parties, this Court finds the following:

Defendants Connelly and Persons each served Plaintiff with Interrogatories, Requests for Production, and Requests for Admission on July 27, 2021. Plaintiff did not respond to the discovery requests within the time allotted by the South Carolina Rules of Civil Procedure. Counsel for Defendants Connelly and Persons made a *bona fide* attempt to resolve the overdue response with Plaintiff, but no response was received. As of the date of the hearing, Plaintiff had not responded to Defendants Connelly or Persons' discovery requests, contacted counsel for these defendants to advise of any difficulties responding to the requests, or requested an extension.

Defendants' Connelly and Persons requested an order of this Court compelling Plaintiff's responses to each of Defendants' Interrogatories and Requests for Production served upon Plaintiff. Additionally, Defendants' Connelly and Persons requested an order of this Court deeming admitted the matters in each Defendants' Requests for Admission served upon Plaintiff.

Based on the above, this Court finds Plaintiff has failed to respond to these Defendants' Interrogatories and Requests for Production within the time allotted under Rules 33, 34, and 37

of the South Carolina Rules of Civil Procedure. This Court will withhold a decision on whether to relieve Plaintiff from having the matters admitted in each of Defendant's Requests for Admission deemed admitted pursuant to Rule 36, SCRPC, until after Plaintiff provides this Court with documentation allowing it to determine whether Plaintiff's failure to respond to the Requests for Admission is justified.

IT IS THEREFORE ORDERED that Plaintiff shall provide full and complete responses by 5:00 p.m. on October 15, 2021, to the following discovery requests:

- Defendant Connelly's First Set of Interrogatories and Requests for Production; and
- Defendant Persons' First Set of Interrogatories and Requests for Production.

IT IS FURTHER ORDERED that Plaintiff will provide this Court, within 10 days of the date of this Order, documentation permitting it to determine whether Plaintiff's failure to respond to the Requests for Admission is excusable.

SO ORDERED.

October 7, 2021  
Newberry, South Carolina

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The Honorable Donald B. Hocker  
Circuit Court Judge



Newberry Common Pleas

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

**Case Number:** 2020CP3600384

**Type:** Order/Compel

Circuit Court Judge

s/Donald B. Hocker, Judge Code 2167

## EXHIBIT G

STATE OF SOUTH CAROLINA

COUNTY OF NEWBERRY

Jefferson Davis, Jr.,

Plaintiff,

v.

Chad Connelly, Tom Persons, Geoffrey  
Chambers, Esq., & South Carolina Educational  
Credit for Exceptional Needs Children Fund,

Defendants.

IN THE COURT OF COMMON PLEAS

CIVIL ACTION NO.: 2020-CP-36-00384

**ORDER DEEMING ADMITTED  
DEFENDANTS CHAD CONNELLY  
AND TOM PERSONS' REQUESTS FOR  
ADMISSION TO PLAINTIFF AND  
DENYING PLAINTIFF'S REQUEST  
FOR ENLARGEMENT OF TIME TO  
RESPOND OR TO WITHDRAW OR  
AMEND THE ADMISSIONS**

This matter came before the Court for hearing on October 7, 2021, upon the Motion to Compel on Behalf of Defendants Chad Connelly and Tom Persons ("Defendants") filed on September 27, 2021 ("Motion to Compel"). The Court previously filed an Order Compelling Discovery on October 15, 2021, in which the Court expressly reserved consideration of Defendants' motion for an Order deeming admitted each of Defendants' requests for admission after Plaintiff failed to respond to the requests for admission in accordance with Rule 36, SCRPC, and Plaintiff's request at the hearing for an enlargement of time to provide responses to the requests or otherwise withdraw or amend the admissions. After careful review and consideration of the parties' original submissions and arguments, Plaintiff's supplemental memorandum in support of the request for an enlargement of time to respond or otherwise withdraw or amend the admissions, and Defendants' supplemental responses to that memorandum, this Court grants the Motion to Compel and hereby orders each matter of which an admission was requested of Plaintiff admitted and conclusively established for trial. This Court also denies Plaintiff's request for an enlargement of time to submit responses to the requests for admission or otherwise withdraw or amend the admissions.

A handwritten signature in black ink, appearing to be "J. Davis" or similar, with a stylized flourish.

## FINDINGS

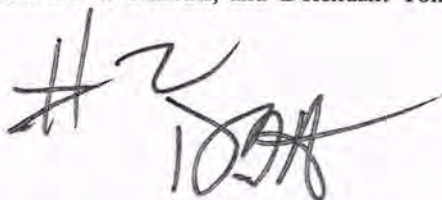
Plaintiff, who, though an attorney licensed to practice law in the State of Georgia, prosecutes this action as a *pro se* litigant, filed the Summons and Complaint in this matter on September 11, 2020. Plaintiff shortly thereafter commenced the action against Defendants by serving the Summons and Complaint upon Defendant Tom Persons on or about September 16, 2020, and upon Defendant Chad Connelly on or about September 18, 2020. In commencing this action, Plaintiff assumed full responsibility for complying with the substantive and procedural requirements of the South Carolina Rules of Civil Procedure. State v. Burton, 356 S.C. 259, 265 n.5, 589 S.E.2d 6, 9 n.5 (2003).

On July 27, 2021, Defendants properly served Plaintiff with their respective interrogatories, requests for production, and requests for admission.<sup>1</sup> Although Plaintiff admits proper service and timely receipt of these written discovery requests and the requests state on their respective front pages that they were being served in accordance with Rules 33, 34, and 36, SCRPC, respectively, Plaintiff failed to provide any response to any of the written discovery requests within the time periods expressly prescribed in the clear and unambiguous language of Rules 33, 34, and 36, SCRPC. Plaintiff also failed to make any effort to obtain an enlargement of time to respond to the written discovery requests, including either by requesting an extension from Defendants or by petitioning the Court for an enlargement of time to respond.

On September 8, 2021, Defendants notified Plaintiff by U.S. Mail and electronic mail that the deadline to respond to their written discovery requests had passed. In the correspondence, Defendants also sought to elicit voluntary responses to the interrogatories and requests for production and avoid judicial intervention to compel responses to those requests. After Plaintiff again failed to provide any

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<sup>1</sup> These written discovery requests included Defendant Chad Connelly's First Set of Interrogatories to Plaintiff, Defendant Chad Connelly's First Set of Requests for Production to Plaintiff, Defendant Chad Connelly's First Set of Requests for Admission to Plaintiff, Defendant Tom Persons' First Set of Interrogatories to Plaintiff, Defendant Tom Persons' First Set of Requests for Production to Plaintiff, and Defendant Tom Persons' First Set of Requests for Admission to Plaintiff.

Handwritten signature and initials, possibly "H2" and "105A", in black ink.

response, Defendants filed a motion to compel responses from Plaintiff on September 27, 2021, that included a request for an Order deeming each of the requests for admission admitted in accordance with Rule 36, SCRCP. Again, Plaintiff failed to provide any response or petition the Court for relief.

Only at the properly noticed hearing of the Motions to Compel on October 7, 2021,<sup>2</sup> did Plaintiff make any effort to obtain an enlargement of time to provide responses to Defendants' requests for admission or otherwise withdraw or amend any admissions resulting from his failure to respond. As a result of Plaintiff's request at the hearing, the Court provided all parties with the opportunity to supplement their submissions and arguments to address Plaintiff's request.

On October 13, 2021, Plaintiff filed a memorandum in support of his request for an enlargement of time to provide responses to the Defendants' requests for admission or otherwise withdraw or amend any admissions resulting from his failure to respond. On October 20, 2021, Defendants filed a reply to Plaintiff's memorandum.

### ORDER

"A party may serve upon any other party a written request for the admission, for purposes of the pending action only, of the truth of any matters within the scope of Rule 26(b) set forth in the request that relate to statements or opinions of fact or of the application of law to fact, including the genuineness of any documents described in the request." Rule 36(a), SCRCP. "The matter is admitted unless, within 30 days after service of the request, or within such shorter or longer time as the court may allow or as stipulated in writing by the parties pursuant to Rules 29 and 6(b), the party to whom the request is directed serves upon the party requesting the admission a written answer or objection addressed to the matter, signed by the party or by his attorney[.]" Id. "Any matter admitted under this

<sup>2</sup> Defendants served their motion to compel on Plaintiff on September 28, 2021, which was nine days prior to the date of the hearing; however, Plaintiff consented to consideration of the motion at the hearing on October 7, 2021, after counsel for Defendants raised the issue and sought Plaintiff's consent at the beginning of the hearing.

#3 10381

rule is conclusively established unless the court on motion permits withdrawal or amendment of the admission.” Rule 36(b), SCRCPP.

“South Carolina has long had the discovery rule that failure to respond to requests for admissions renders any matter listed in the request conclusively admitted for trial.” Scott v. Greenville Housing Authority, 353 S.C. 639, 645, 579 S.E.2d 151, 154 (Ct. App. 2003). “The purpose of Rule 36 is to allow parties to narrow the issues and determine which facts do not need to be proven because they are admitted.” Id. at 650, 579 S.E.2d at 157. “[The South Carolina Court of Appeals] has affirmed the seriousness of the ramifications for a failure to respond to requests in a timely manner.” Nexstar Media Group, Inc. v. Davis Roofing Group, LLC, 431 S.C. 593, 602, 848 S.E.2d 597, 602 (Ct. App. 2020). “[O]ur courts have repeatedly found that failure to respond to requests for admissions deems matters contained therein admitted for trial, regardless of whether the admission concerns a matter responded to in a party’s pleadings.” Id. at 603, 848 S.E.2d at 602 (quoting Scott, 353 S.C. at 646, 579 S.E.2d at 154-55). “Discovery is the quintessence of preparation for trial and, when discovery rights are trampled, prejudice must be presumed.” Scott, 353 S.C. at 652, 579 S.E.2d at 158.

In commencing this action, Plaintiff assumed full responsibility for complying with the substantive and procedural requirements of the South Carolina Rules of Civil Procedure. Burton, 356 S.C. at 265 n.5, 589 S.E.2d at 9 n.5. Plaintiff admits to proper service and timely receipt of each of the requests for admission and to his failure to respond to them either by admission, denial, or objection within the time allotted by Rule 36, SCRCPP. Plaintiff, however, seeks relief from these substantive and procedural requirements based upon the demands of various work and personal commitments outside the scope of this litigation, including those required by his concurrent prosecution of six other civil actions as a *pro se* litigant.

While the Court understands that parties have commitments outside of their involvement with litigation and is very sorry for some of the personal matters encountered by Plaintiff, the fact remains

#4  
103A

that Plaintiff made no effort to obtain an extension of time to respond to the requests from opposing counsel or by petitioning the Court for an enlargement of time to respond prior to the hearing on October 7, 2021—almost two and a half months after service of Defendants’ requests for admission. In fact, Plaintiff failed to communicate in any manner with the Defendants regarding the requests for admission despite opposing counsel’s subsequent correspondence, filing and service of the Motion to Compel, and receipt of notice of the hearing on the Motion to Compel.

Plaintiff’s assertion that any request for an extension of time to respond to the requests for admission from opposing counsel would have been fruitless and, therefore, constitutes grounds for relief from the clear and unambiguous language of Rule 36, SCRCP, is unpersuasive. As indicted in Rule 36(a), SCRCP, Plaintiff could have petitioned the Court for an enlargement of time to respond “for cause shown” prior to the expiration of the period prescribed in Rule 36, SCRCP, pursuant to Rule 6(b), SCRCP. After the expiration of the specified period, the petitioning party must demonstrate “good cause shown”. Rule 6(b), SCRCP.

Plaintiff has failed to demonstrate the good cause now necessary to excuse his failure to respond in any manner to Defendants’ requests for admissions for several months. Again, Plaintiff has elected to prosecute this action as a *pro se* litigant and, therefore, has assumed full responsibility for complying with the substantive and procedural requirements of the South Carolina Rules of Civil Procedure. This holds true for each of the seven currently pending civil actions that Plaintiff has elected to prosecute as a *pro se* litigant. The mere fact that Plaintiff has had various work and personal commitments outside the scope of this litigation is not grounds to relieve him of his obligation to comply with the South Carolina Rules of Civil Procedure or seek timely relief pursuant to Rule 6(b), SCRCP.

Furthermore, Defendants have been prejudiced by Plaintiff’s failure to respond to the requests for admission. The purpose of written requests for admission is to allow the parties to narrow the

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issues and determine which facts do not need to be proven. Plaintiff's failure to respond to the requests for admission, to seek timely relief, and to otherwise engage in written discovery has frustrated the discovery process during the almost two and a half months since initial service of written discovery upon him. Plaintiff's contention that there will be no delay in the case by granting him a belated reprieve to respond to the requests for admission is insufficient to demonstrate lack of prejudice to Defendants because it ignores Defendants' rights to engage in the discovery process outlined in the South Carolina Rules of Civil Procedure.

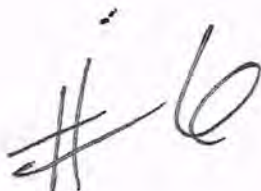
**THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that the Motion to Compel on Behalf of Defendants Chad Connelly and Tom Persons filed on September 27, 2021, is hereby **GRANTED** in accordance with the above order and each matter of which an admission was requested of Plaintiff in Defendant Chad Connelly's First Set of Requests for Admission to Plaintiff and Defendant Tom Persons' First Set of Requests for Admission to Plaintiff served on July 27, 2021, are hereby deemed admitted and the matters conclusively established for trial. Plaintiff's request for an enlargement of time to submit responses to these requests for admission or otherwise withdraw or amend the admissions is hereby **DENIED**.

**AND IT IS SO ORDERED.**



The Honorable Donald B. Hocker

November 5, 2021



## EXHIBIT H

**From:** [Hocker, Donald B. Secretary \(Regan A. Snow\)](#)  
**To:** [Justin P. Novak](#); [Wilson, Skyler C.](#); [Jeff Davis](#)  
**Cc:** [Janeen Toby](#); [Mackelcan, Douglas W.](#); [Lloyd, Susie](#); [Cal Watson](#); [Jasmine D. Smith](#); [Diana L. Murray](#); [Natalia De Alba](#); [Seldin, Harper](#); [g.k.chambers@gmail.com](#); [geoffrey@cperlgroup.com](#); [Hocker, Donald B.](#); [Jessica Kinard](#); [Hocker, Donald B. Law Clerk \(Mary Driggers\)](#)  
**Subject:** RE: [EXT] Jefferson Davis vs. Chad Connelly, et. al., 2020-CP-36-382  
**Date:** Monday, November 8, 2021 11:24:44 AM  
**Attachments:** [image001.png](#)  
[Jefferson Davis, Jr. vs. Chad Connelly, et. al..pdf](#)  
[Jefferson Davis, Jr. vs. Chad Connelly, et. al..pdf](#)

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Everyone,

Attached please find the signed orders deeming admitted the Defendant's requests for admission and denying Plaintiff's request for leave to respond.

Thank you,

Regan.

*Regan A. Snow*

*Administrative Assistant to*

*Donald B. Hocker, Circuit Court Judge*

*Post Office Box 972*

*100 Hillcrest Square*

*Laurens, S.C. 29360*

*864-984-2076*

*864-984-2333-fax*

*[dhockersc@sccourts.org](mailto:dhockersc@sccourts.org)*

---

**From:** Justin P. Novak [mailto:jnovak@barnwell-whaley.com]  
**Sent:** Monday, November 1, 2021 9:36 AM  
**To:** Hocker, Donald B. Law Clerk (Mary Driggers) <dhockerlc@sccourts.org>; Wilson, Skyler C. <swilson@cskl.law>  
**Cc:** Janeen Toby <jtoby@newberrycounty.net>; Mackelcan, Douglas W. <dmackelcan@cskl.law>; Lloyd, Susie <SLloyd@cozen.com>; Cal Watson <cwatson@robinsongray.com>; Jasmine D. Smith <jsmith@robinsongray.com>; Diana L. Murray <dmurray@barnwell-whaley.com>; Natalia De Alba <ndealba@barnwell-whaley.com>; Seldin, Harper <HSeldin@cozen.com>; g.k.chambers@gmail.com; geoffrey@cperlgroup.com; Hocker, Donald B. Secretary (Regan A. Snow) <dhockersc@sccourts.org>; Hocker, Donald B. <dhockerj@sccourts.org>; Jeff Davis <jeff@apogeetax.com>; Jessica Kinard <Jessica@jek-law.com>  
**Subject:** RE: [EXT] Jefferson Davis vs. Chad Connelly, et. al., 2020-CP-36-382

**\*\*\* EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. \*\*\*

Ms. Driggers,

As requested below, please find attached for Judge Hocker's consideration the proposed orders deeming admitted the Defendants' requests for admission and denying Plaintiff's request for leave to respond in Civil Action Nos. 2020-CP-36-382 and 2020-CP-36-384.

Please let me know whether Judge Hocker would like us to file them with the Clerk of Court as well.

Again, thank you for the Court's consideration.

Regards,

Justin

---

**From:** Hocker, Donald B. Law Clerk (Mary Driggers) <[dhockerlc@sccourts.org](mailto:dhockerlc@sccourts.org)>

**Sent:** Monday, October 25, 2021 8:53 AM

**To:** Justin P. Novak <[jnovak@barnwell-whaley.com](mailto:jnovak@barnwell-whaley.com)>; Wilson, Skyler C. <[swilson@cskl.law](mailto:swilson@cskl.law)>

**Cc:** Janeen Toby <[jtoby@newberrycounty.net](mailto:jtoby@newberrycounty.net)>; Mackelcan, Douglas W. <[dmackelcan@cskl.law](mailto:dmackelcan@cskl.law)>; Lloyd, Susie <[SLloyd@cozen.com](mailto:SLloyd@cozen.com)>; Cal Watson <[cwatson@robinsongray.com](mailto:cwatson@robinsongray.com)>; Jasmine D. Smith <[jsmith@robinsongray.com](mailto:jsmith@robinsongray.com)>; Diana L. Murray <[dmurray@barnwell-whaley.com](mailto:dmurray@barnwell-whaley.com)>; Natalia De Alba <[ndealba@barnwell-whaley.com](mailto:ndealba@barnwell-whaley.com)>; Seldin, Harper <[HSeldin@cozen.com](mailto:HSeldin@cozen.com)>; [g.k.chambers@gmail.com](mailto:g.k.chambers@gmail.com); [geoffrey@cperlgroup.com](mailto:geoffrey@cperlgroup.com); Hocker, Donald B. Secretary (Regan A. Snow) <[dhockersc@sccourts.org](mailto:dhockersc@sccourts.org)>; Hocker, Donald B. <[dhockerj@sccourts.org](mailto:dhockerj@sccourts.org)>; Jeff Davis <[jeff@apogeetax.com](mailto:jeff@apogeetax.com)>; Jessica Kinard <[Jessica@jek-law.com](mailto:Jessica@jek-law.com)>

**Subject:** RE: [EXT] Jefferson Davis vs. Chad Connelly, et. al., 2020-CP-36-382

Mr. Novak and Mr. Wilson:

This email is regarding the issue of the Plaintiff's failure to answer your respective Requests to Admit. Judge Hocker would request that you each prepare appropriate Orders denying the Plaintiff the right to respond to the Requests to Admit now and order the Requests to Admit to be deemed admitted. Judge Hocker would request the Orders address the following points along with any other important points previously raised:

1. While Judge Hocker believes that Rule 36 SCRPC gives the Court discretion to allow the Plaintiff in this case the opportunity to respond now to the Requests to Admit, this discretion is much more limited after the time period to respond than before the time period to respond. This is based upon a very careful reading of Rule 36.
2. Mr. Wilson, after serving the Requests to Admit, made a follow-up request (no response), filed a Motion to Compel (no response), and the Plaintiff received notice of the hearing (no response). Presumably at least after serving the Motion to Compel and notice of hearing going out, Mr. Novak likewise received no response.
3. Concerning the reasons Plaintiff raises for not responding, none of them rise to the level for justifying several months passing and not responding in any fashion. While the Court is very sorry for some of the personal reasons the plaintiff has encountered, again, they do not provide enough justification. Also, the Plaintiff raises the fact that he, as a pro se litigant (albeit a licensed attorney in Georgia), has seven lawsuits pending. While that number of lawsuits would appear to require a substantial amount of time on Plaintiff's part, he is the one who has elected to file those lawsuits on a pro se basis. Finally, Plaintiff's argument that "Requesting an extension from opposing counsel would have been fruitless" does not provide any help to the Plaintiff either. While the Plaintiff may very well be correct in this statement, it still begs the question why did the Plaintiff not turn to the Court for an extension. This Court can say with fairly firm confidence that if the Plaintiff had requested from the Court, within the time period to answer for an extension, it would have been granted.

If you have any questions, please don't hesitate to reach out.

Best,

Mary-Madison Driggers  
Law Clerk to the Honorable Donald B. Hocker  
P.O. Box 972  
100 Hillcrest Square  
Laurens, S.C. 29360  
864-984-2076  
[dhockerlc@sccourts.org](mailto:dhockerlc@sccourts.org)

---

**From:** Justin P. Novak <[jnovak@barnwell-whaley.com](mailto:jnovak@barnwell-whaley.com)>  
**Sent:** Friday, October 22, 2021 1:47 PM  
**To:** Hocker, Donald B. Law Clerk (Mary Driggers) <[dhockerlc@sccourts.org](mailto:dhockerlc@sccourts.org)>  
**Cc:** Janeen Toby <[jtoby@newberrycounty.net](mailto:jtoby@newberrycounty.net)>; Mackelcan, Douglas W. <[dmackelcan@cskl.law](mailto:dmackelcan@cskl.law)>; Lloyd, Susie <[SLloyd@cozen.com](mailto:SLloyd@cozen.com)>; Cal Watson <[cwatson@robinsongray.com](mailto:cwatson@robinsongray.com)>; Jasmine D. Smith <[jsmith@robinsongray.com](mailto:jsmith@robinsongray.com)>; Diana L. Murray <[dmurray@barnwell-whaley.com](mailto:dmurray@barnwell-whaley.com)>; Natalia De Alba <[ndealba@barnwell-whaley.com](mailto:ndealba@barnwell-whaley.com)>; Seldin, Harper <[HSeldin@cozen.com](mailto:HSeldin@cozen.com)>; [g.k.chambers@gmail.com](mailto:g.k.chambers@gmail.com); [geoffrey@cperlgroup.com](mailto:geoffrey@cperlgroup.com); Hocker, Donald B. Secretary (Regan A. Snow) <[dhockersc@sccourts.org](mailto:dhockersc@sccourts.org)>; Hocker, Donald B. <[dhockerj@sccourts.org](mailto:dhockerj@sccourts.org)>; Wilson, Skyler C. <[swilson@cskl.law](mailto:swilson@cskl.law)>; Jeff Davis <[jeff@apogeetax.com](mailto:jeff@apogeetax.com)>; Jessica Kinard <[jessica@jek-law.com](mailto:jessica@jek-law.com)>  
**Subject:** RE: [EXT] Jefferson Davis vs. Chad Connelly, et. al., 2020-CP-36-382

**\*\*\* EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. \*\*\*

Ms. Driggers,

Attached is a copy of Judge Manning's Order, as well as two subpoenas issued by Mr. Davis in the Weaver Action and two motions to quash the subpoenas, which were pending before the Court when Judge Manning issued the Order Staying All Discovery Until Appeal is Resolved.

I, of course, have copied Mr. Davis and all counsel of record on this correspondence.

Please let me know if you have any questions or need anything additional.

Regards,

Justin

---

**From:** Hocker, Donald B. Law Clerk (Mary Driggers) <[dhockerlc@sccourts.org](mailto:dhockerlc@sccourts.org)>  
**Sent:** Friday, October 22, 2021 10:08 AM  
**To:** Justin P. Novak <[jnovak@barnwell-whaley.com](mailto:jnovak@barnwell-whaley.com)>  
**Cc:** Janeen Toby <[jtoby@newberrycounty.net](mailto:jtoby@newberrycounty.net)>; Mackelcan, Douglas W. <[dmackelcan@cskl.law](mailto:dmackelcan@cskl.law)>; Lloyd, Susie <[SLloyd@cozen.com](mailto:SLloyd@cozen.com)>; Cal Watson <[cwatson@robinsongray.com](mailto:cwatson@robinsongray.com)>; Jasmine D. Smith <[jsmith@robinsongray.com](mailto:jsmith@robinsongray.com)>; Diana L. Murray <[dmurray@barnwell-whaley.com](mailto:dmurray@barnwell-whaley.com)>; Natalia De Alba <[ndealba@barnwell-whaley.com](mailto:ndealba@barnwell-whaley.com)>; Seldin, Harper <[HSeldin@cozen.com](mailto:HSeldin@cozen.com)>; [g.k.chambers@gmail.com](mailto:g.k.chambers@gmail.com); [geoffrey@cperlgroup.com](mailto:geoffrey@cperlgroup.com); Hocker, Donald B. Secretary (Regan A. Snow) <[dhockersc@sccourts.org](mailto:dhockersc@sccourts.org)>; Hocker,

Donald B. <[dhockerj@sccourts.org](mailto:dhockerj@sccourts.org)>; Wilson, Skyler C. <[swilson@csl.law](mailto:swilson@csl.law)>; Jeff Davis <[jeff@apogeetax.com](mailto:jeff@apogeetax.com)>; Jessica Kinard <[jessica@jek-law.com](mailto:jessica@jek-law.com)>

**Subject:** RE: [EXT] Jefferson Davis vs. Chad Connelly, et. al., 2020-CP-36-382

Mr. Novak: If we could impose on you to provide, via email, the Weaver Subpoena and Judge Manning's Order. You previously back in the Spring provided Judge Manning's Order but we cannot locate it. This is most appreciated.

*Mary-Madison Driggers*  
*Law Clerk to the Honorable Donald B. Hocker*  
*P.O. Box 972*  
*100 Hillcrest Square*  
*Laurens, S.C. 29360*  
*864-984-2076*  
[dhockerlc@sccourts.org](mailto:dhockerlc@sccourts.org)

---

**From:** Justin P. Novak <[jnovak@barnwell-whaley.com](mailto:jnovak@barnwell-whaley.com)>

**Sent:** Wednesday, October 20, 2021 2:28 PM

**To:** Wilson, Skyler C. <[swilson@csl.law](mailto:swilson@csl.law)>; Hocker, Donald B. Law Clerk (Mary Driggers) <[dhockerlc@sccourts.org](mailto:dhockerlc@sccourts.org)>; Jeff Davis <[jeff@apogeetax.com](mailto:jeff@apogeetax.com)>; Jessica Kinard <[jessica@jek-law.com](mailto:jessica@jek-law.com)>

**Cc:** Janeen Toby <[jtoby@newberrycounty.net](mailto:jtoby@newberrycounty.net)>; Mackelcan, Douglas W. <[dmackelcan@csl.law](mailto:dmackelcan@csl.law)>; Lloyd, Susie <[SLloyd@cozen.com](mailto:SLloyd@cozen.com)>; Cal Watson <[cwatson@robinsongray.com](mailto:cwatson@robinsongray.com)>; Jasmine D. Smith <[jsmith@robinsongray.com](mailto:jsmith@robinsongray.com)>; Diana L. Murray <[dmurray@barnwell-whaley.com](mailto:dmurray@barnwell-whaley.com)>; Natalia De Alba <[ndealba@barnwell-whaley.com](mailto:ndealba@barnwell-whaley.com)>; Seldin, Harper <[HSeldin@cozen.com](mailto:HSeldin@cozen.com)>; [g.k.chambers@gmail.com](mailto:g.k.chambers@gmail.com); [geoffrey@cperlgroup.com](mailto:geoffrey@cperlgroup.com); Hocker, Donald B. Secretary (Regan A. Snow) <[dhockersc@sccourts.org](mailto:dhockersc@sccourts.org)>; Hocker, Donald B. <[dhockerj@sccourts.org](mailto:dhockerj@sccourts.org)>

**Subject:** RE: [EXT] Jefferson Davis vs. Chad Connelly, et. al., 2020-CP-36-382

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Ms. Driggers,

Also, please find attached ***the Reply to Plaintiff's Memorandum Re Late Responding to Defendant's Request for Admission on Behalf of Defendants Chad Connelly and Tom Persons*** in Civil Action No. 2020-CP-36-00384 and the ***Reply to Plaintiff's Memorandum Re Late Responding to Defendant's Request for Admission on Behalf of Defendants Chad Connelly, Dave Wilson, Tom Persons, and Neil Mellen*** in Civil Action No. 2020-CP-36-00382 filed this afternoon.

I, of course, have copied Mr. Davis and all counsel on this email. Hard copies are also being placed in the mail today to Mr. Davis.

Regards,

Justin

---

**From:** Wilson, Skyler C. <[swilson@cskl.law](mailto:swilson@cskl.law)>  
**Sent:** Wednesday, October 20, 2021 10:51 AM  
**To:** Hocker, Donald B. Law Clerk (Mary Driggers) <[dhockerlc@sccourts.org](mailto:dhockerlc@sccourts.org)>; Jeff Davis <[jeff@apogeetax.com](mailto:jeff@apogeetax.com)>; Jessica Kinard <[Jessica@jek-law.com](mailto:Jessica@jek-law.com)>  
**Cc:** Justin P. Novak <[jnovak@barnwell-whaley.com](mailto:jnovak@barnwell-whaley.com)>; Janeen Toby <[jtoby@newberrycounty.net](mailto:jtoby@newberrycounty.net)>; Mackelcan, Douglas W. <[dmackelcan@cskl.law](mailto:dmackelcan@cskl.law)>; Lloyd, Susie <[SLloyd@cozen.com](mailto:SLloyd@cozen.com)>; Cal Watson <[cwatson@robinsongray.com](mailto:cwatson@robinsongray.com)>; Jasmine D. Smith <[jsmith@robinsongray.com](mailto:jsmith@robinsongray.com)>; Diana L. Murray <[dmurray@barnwell-whaley.com](mailto:dmurray@barnwell-whaley.com)>; Natalia De Alba <[ndealba@barnwell-whaley.com](mailto:ndealba@barnwell-whaley.com)>; Seldin, Harper <[HSeldin@cozen.com](mailto:HSeldin@cozen.com)>; [g.k.chambers@gmail.com](mailto:g.k.chambers@gmail.com); [geoffrey@cperlgroupp.com](mailto:geoffrey@cperlgroupp.com); Hocker, Donald B. Secretary (Regan A. Snow) <[dhockersc@sccourts.org](mailto:dhockersc@sccourts.org)>; Hocker, Donald B. <[dhockerj@sccourts.org](mailto:dhockerj@sccourts.org)>  
**Subject:** RE: [EXT] Jefferson Davis vs. Chad Connelly, et. al., 2020-CP-36-382

Ms. Driggers,

Please find attached a response to Mr. Davis's memorandum. All counsel, including Mr. Davis, are copied on this email.

Best regards,

Skyler



**Skyler Wilson**  
**Associate**

d: 843.266.8221 | f: 843.727.2995

[swilson@cskl.law](mailto:swilson@cskl.law) | [www.cskl.law](http://www.cskl.law)

40 Calhoun Street, Suite 400, Charleston, SC 29401

**From:** Hocker, Donald B. Law Clerk (Mary Driggers) <[dhockerlc@sccourts.org](mailto:dhockerlc@sccourts.org)>  
**Sent:** Tuesday, October 19, 2021 8:49 AM  
**To:** Wilson, Skyler C. <[swilson@cskl.law](mailto:swilson@cskl.law)>; Jeff Davis <[jeff@apogeetax.com](mailto:jeff@apogeetax.com)>; Jessica Kinard <[Jessica@jek-law.com](mailto:Jessica@jek-law.com)>  
**Cc:** Justin P. Novak <[jnovak@barnwell-whaley.com](mailto:jnovak@barnwell-whaley.com)>; Janeen Toby <[jtoby@newberrycounty.net](mailto:jtoby@newberrycounty.net)>; Mackelcan, Douglas W. <[dmackelcan@cskl.law](mailto:dmackelcan@cskl.law)>; Lloyd, Susie <[SLloyd@cozen.com](mailto:SLloyd@cozen.com)>; Cal Watson <[cwatson@robinsongray.com](mailto:cwatson@robinsongray.com)>; Jasmine D. Smith <[jsmith@robinsongray.com](mailto:jsmith@robinsongray.com)>; Diana L. Murray <[dmurray@barnwell-whaley.com](mailto:dmurray@barnwell-whaley.com)>; Natalia De Alba <[ndealba@barnwell-whaley.com](mailto:ndealba@barnwell-whaley.com)>; Seldin, Harper <[HSeldin@cozen.com](mailto:HSeldin@cozen.com)>; [g.k.chambers@gmail.com](mailto:g.k.chambers@gmail.com); [geoffrey@cperlgroupp.com](mailto:geoffrey@cperlgroupp.com); Hocker, Donald B. Secretary (Regan A. Snow) <[dhockersc@sccourts.org](mailto:dhockersc@sccourts.org)>; Hocker, Donald B. <[dhockerj@sccourts.org](mailto:dhockerj@sccourts.org)>  
**Subject:** RE: [EXT] Jefferson Davis vs. Chad Connelly, et. al., 2020-CP-36-382

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Skylar,

An email response will be just fine! Thanks!

Mary-Madison Driggers  
Law Clerk to the Honorable Donald B. Hocker  
P.O. Box 972  
100 Hillcrest Square  
Laurens, S.C. 29360  
864-984-2076  
[dhockerlc@sccourts.org](mailto:dhockerlc@sccourts.org)

---

**From:** Wilson, Skyler C. <[swilson@cskl.law](mailto:swilson@cskl.law)>  
**Sent:** Monday, October 18, 2021 3:33 PM  
**To:** Hocker, Donald B. Law Clerk (Mary Driggers) <[dhockerlc@sccourts.org](mailto:dhockerlc@sccourts.org)>; Jeff Davis <[jeff@apogeetax.com](mailto:jeff@apogeetax.com)>; Jessica Kinard <[Jessica@jek-law.com](mailto:Jessica@jek-law.com)>  
**Cc:** Justin P. Novak <[jnovak@barnwell-whaley.com](mailto:jnovak@barnwell-whaley.com)>; Janeen Toby <[jtoby@newberrycounty.net](mailto:jtoby@newberrycounty.net)>; Mackelcan, Douglas W. <[dmackelcan@cskl.law](mailto:dmackelcan@cskl.law)>; Lloyd, Susie <[SLloyd@cozen.com](mailto:SLloyd@cozen.com)>; Cal Watson <[cwatson@robinsongray.com](mailto:cwatson@robinsongray.com)>; Jasmine D. Smith <[jsmith@robinsongray.com](mailto:jsmith@robinsongray.com)>; Diana L. Murray <[dmurray@barnwell-whaley.com](mailto:dmurray@barnwell-whaley.com)>; Natalia De Alba <[ndealba@barnwell-whaley.com](mailto:ndealba@barnwell-whaley.com)>; Seldin, Harper <[HSeldin@cozen.com](mailto:HSeldin@cozen.com)>; [g.k.chambers@gmail.com](mailto:g.k.chambers@gmail.com); [geoffrey@cperlgroupp.com](mailto:geoffrey@cperlgroupp.com); Hocker, Donald B. Secretary (Regan A. Snow) <[dhockersc@sccourts.org](mailto:dhockersc@sccourts.org)>; Hocker, Donald B. <[dhockerj@sccourts.org](mailto:dhockerj@sccourts.org)>  
**Subject:** RE: [EXT] Jefferson Davis vs. Chad Connelly, et. al., 2020-CP-36-382

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Ms. Driggers,

I understand the correspondence below is related to the motions to quash. But would Judge Hocker permit the parties a brief response to Mr. Davis's Memorandum related to the Requests to Admit that was sent October 8, 2021? If so, does Judge Hocker prefer a formal filing, or a letter sent via email?

Respectfully,

Skyler



**Skyler Wilson**  
**Associate**

d: 843.266.8221 | f: 843.727.2995

[swilson@cskl.law](mailto:swilson@cskl.law) | [www.cskl.law](http://www.cskl.law)

40 Calhoun Street, Suite 400, Charleston, SC 29401

---

**From:** Hocker, Donald B. Law Clerk (Mary Driggers) <[dhockerlc@sccourts.org](mailto:dhockerlc@sccourts.org)>  
**Sent:** Monday, October 18, 2021 11:25 AM  
**To:** Jeff Davis <[jeff@apogeetax.com](mailto:jeff@apogeetax.com)>; Jessica Kinard <[Jessica@jek-law.com](mailto:Jessica@jek-law.com)>  
**Cc:** Justin P. Novak <[jnovak@barnwell-whaley.com](mailto:jnovak@barnwell-whaley.com)>; Wilson, Skyler C. <[swilson@cskl.law](mailto:swilson@cskl.law)>; Janeen Toby

<[jtoby@newberrycounty.net](mailto:jtoby@newberrycounty.net)>; Mackelcan, Douglas W. <[dmackelcan@cskl.law](mailto:dmackelcan@cskl.law)>; Lloyd, Susie <[SLloyd@cozen.com](mailto:SLloyd@cozen.com)>; Cal Watson <[cwatson@robinsongray.com](mailto:cwatson@robinsongray.com)>; Jasmine D. Smith <[jsmith@robinsongray.com](mailto:jsmith@robinsongray.com)>; Diana L. Murray <[dmurray@barnwell-whaley.com](mailto:dmurray@barnwell-whaley.com)>; Natalia De Alba <[ndealba@barnwell-whaley.com](mailto:ndealba@barnwell-whaley.com)>; Seldin, Harper <[HSeldin@cozen.com](mailto:HSeldin@cozen.com)>; [g.k.chambers@gmail.com](mailto:g.k.chambers@gmail.com); [geoffrey@cperlgroupp.com](mailto:geoffrey@cperlgroupp.com); Hocker, Donald B. Secretary (Regan A. Snow) <[dhockersc@sccourts.org](mailto:dhockersc@sccourts.org)>; Hocker, Donald B. <[dhockerj@sccourts.org](mailto:dhockerj@sccourts.org)>

**Subject:** RE: [EXT] Jefferson Davis vs. Chad Connelly, et. al., 2020-CP-36-382

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Good Morning.

Ms. Kinard, regarding your John Doe Motion to Quash Subpoena, Judge Hocker is seeking some clarification and you can respond via email. There are three issues that Judge Hocker is seeking clarification on. (1) It appears that you want Judge Hocker to go to the merits of the Plaintiff's defamation claim finding the truth of the statements complained of by the Plaintiff by relying on the Bankruptcy Order and Department of Revenue Audit. Is this a proper stage of this case in making a determination of the merits of the claim? Is this what you relied on in support of your argument not to disclose the identity of John Doe? (2) Are any of the cases that you relied on in support of your argument for non-disclosure defamation cases? (3) The Richland County case (18-CP-40-02425) you refer to in your Memo—Can you provide a copy? Is this the Judge Manning case?

Judge Hocker wants to thank everyone for their time and effort.

Additionally, Mr. Novak, unfortunately we have not gotten to your Motion to Quash yet but will be in touch. Thanks!

*Mary-Madison Driggers*  
*Law Clerk to the Honorable Donald B. Hocker*  
*P.O. Box 972*  
*100 Hillcrest Square*  
*Laurens, S.C. 29360*  
*864-984-2076*  
[dhockerlc@sccourts.org](mailto:dhockerlc@sccourts.org)

---

**From:** Hocker, Donald B. Secretary (Regan A. Snow)

**Sent:** Monday, October 11, 2021 9:34 AM

**To:** Jeff Davis <[jeff@apogeetax.com](mailto:jeff@apogeetax.com)>

**Cc:** Justin P. Novak <[jnovak@barnwell-whaley.com](mailto:jnovak@barnwell-whaley.com)>; Wilson, Skyler C. <[swilson@cskl.law](mailto:swilson@cskl.law)>; Jessica Kinard <[Jessica@jek-law.com](mailto:Jessica@jek-law.com)>; Janeen Toby <[jtoby@newberrycounty.net](mailto:jtoby@newberrycounty.net)>; Mackelcan, Douglas W. <[dmackelcan@cskl.law](mailto:dmackelcan@cskl.law)>; Lloyd, Susie <[SLloyd@cozen.com](mailto:SLloyd@cozen.com)>; Cal Watson <[cwatson@robinsongray.com](mailto:cwatson@robinsongray.com)>; Jasmine D. Smith <[jsmith@robinsongray.com](mailto:jsmith@robinsongray.com)>; Diana L. Murray <[dmurray@barnwell-whaley.com](mailto:dmurray@barnwell-whaley.com)>; Natalia De Alba <[ndealba@barnwell-whaley.com](mailto:ndealba@barnwell-whaley.com)>; Seldin, Harper <[HSeldin@cozen.com](mailto:HSeldin@cozen.com)>; Hocker, Donald B. Law Clerk (Mary Driggers) <[dhockerlc@sccourts.org](mailto:dhockerlc@sccourts.org)>; [g.k.chambers@gmail.com](mailto:g.k.chambers@gmail.com); [geoffrey@cperlgroupp.com](mailto:geoffrey@cperlgroupp.com)

**Subject:** RE: [EXT] Jefferson Davis vs. Chad Connelly, et. al., 2020-CP-36-382

Mr. Davis,

I will pass this on to Judge Hocker.

Thank you,  
Regan.

---

**From:** Jeff Davis [<mailto:jeff@apogeetax.com>]

**Sent:** Friday, October 8, 2021 5:53 PM

**To:** Hocker, Donald B. Secretary (Regan A. Snow) <[dhockersc@sccourts.org](mailto:dhockersc@sccourts.org)>

**Cc:** Justin P. Novak <[jnovak@barnwell-whaley.com](mailto:jnovak@barnwell-whaley.com)>; Wilson, Skyler C. <[swilson@cskl.law](mailto:swilson@cskl.law)>; Jessica Kinard <[jessica@jek-law.com](mailto:jessica@jek-law.com)>; Janeen Toby <[jtoby@newberrycounty.net](mailto:jtoby@newberrycounty.net)>; Mackelcan, Douglas W. <[dmackelcan@cskl.law](mailto:dmackelcan@cskl.law)>; Lloyd, Susie <[SLloyd@cozen.com](mailto:SLloyd@cozen.com)>; Cal Watson <[cwatson@robinsongray.com](mailto:cwatson@robinsongray.com)>; Jasmine D. Smith <[jsmith@robinsongray.com](mailto:jsmith@robinsongray.com)>; Diana L. Murray <[dmurray@barnwell-whaley.com](mailto:dmurray@barnwell-whaley.com)>; Natalia De Alba <[ndealba@barnwell-whaley.com](mailto:ndealba@barnwell-whaley.com)>; Seldin, Harper <[HSeldin@cozen.com](mailto:HSeldin@cozen.com)>; Hocker, Donald B. Law Clerk (Mary Driggers) <[dhockerlc@sccourts.org](mailto:dhockerlc@sccourts.org)>; [g.k.chambers@gmail.com](mailto:g.k.chambers@gmail.com); [geoffrey@cperlgroup.com](mailto:geoffrey@cperlgroup.com)

**Subject:** Re: [EXT] Jefferson Davis vs. Chad Connelly, et. al., 2020-CP-36-382

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**RE: 2020-CP-36-00384 case caption**

Ms. Snow,

One correction I would ask that you confer with Judge Hocker on is the fact that Mr. Novak has "dropped" Defendant Geoffrey Chambers (cc'd hereon) from the caption on the x00384 case.

Apparently filing an appearance, as Mr. Chambers did in this case, was not sufficient for "service" purposes per our February 12th, 2021 hearing. As such, and as Mr. Chambers agreed at the hearing he would accept service via certified mail to his Florida mailing address, he was served on February 23, 2021. This is evidenced by the attached Proof of Service (stamped filed March 3, 2021).

I have left Mr. Novak a voicemail regarding the issue.

Please advise.

Best,

Jeff Davis  
Plaintiff  
843-901-8036 (cell)

---

**Jeff Davis, JD, MBA, CPA**  
Office: Atlanta, GA 30305  
Home: 403 McCarter Avenue | Greenville, SC 29615  
843-901-8036 (cell) | 866-501-7471 (fax) | [jeff@apogeetax.com](mailto:jeff@apogeetax.com)

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the intended recipient, you are hereby notified that any dissemination, distribution, copying or other use of this communication is strictly prohibited. If you have received this communication in error, please contact the sender by reply E-mail and destroy all copies of the original message. Active and licensed attorney and CPA in Georgia (not SC). Thank you.

IRS CIRCULAR 230 NOTICE: To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. tax advice contained in this communication (or in any attachment) is not intended or written to be used, and cannot be used, for the purpose of (1) avoiding penalties under the Internal Revenue Code or (2) promoting, marketing, or recommending to another party any transaction or matter addressed in this communication or attachment.

On Fri, Oct 8, 2021 at 11:24 AM Hocker, Donald B. Secretary (Regan A. Snow) <[dhockersc@sccourts.org](mailto:dhockersc@sccourts.org)> wrote:

Mr. Novak,

Attached please find the two Proposed Orders Compelling Discovery. Judge Hocker only has one correction on both orders. The orders can be e-filed after you make the correction.

Thank you,  
Regan.

---

**From:** Justin P. Novak [mailto:[jnovak@barnwell-whaley.com](mailto:jnovak@barnwell-whaley.com)]

**Sent:** Thursday, October 7, 2021 11:29 AM

**To:** Hocker, Donald B. Secretary (Regan A. Snow) <[dhockersc@sccourts.org](mailto:dhockersc@sccourts.org)>; Jeff Davis <[jeff@apogeetax.com](mailto:jeff@apogeetax.com)>; Wilson, Skyler C. <[swilson@cskl.law](mailto:swilson@cskl.law)>; Jessica Kinard <[jessica@jek-law.com](mailto:jessica@jek-law.com)>

**Cc:** Janeen Toby <[jtoby@newberrycounty.net](mailto:jtoby@newberrycounty.net)>; Mackelcan, Douglas W. <[dmackelcan@cskl.law](mailto:dmackelcan@cskl.law)>; Lloyd, Susie <[SLloyd@cozen.com](mailto:SLloyd@cozen.com)>; Cal Watson <[cwatson@robinsongray.com](mailto:cwatson@robinsongray.com)>; Jasmine D. Smith <[jsmith@robinsongray.com](mailto:jsmith@robinsongray.com)>; Diana L. Murray <[dmurray@barnwell-whaley.com](mailto:dmurray@barnwell-whaley.com)>; Natalia De Alba <[ndealba@barnwell-whaley.com](mailto:ndealba@barnwell-whaley.com)>; Seldin, Harper <[HSeldin@cozen.com](mailto:HSeldin@cozen.com)>; Hocker, Donald B. Law Clerk (Mary Driggers) <[dhockerlc@sccourts.org](mailto:dhockerlc@sccourts.org)>

**Subject:** RE: [EXT] Jefferson Davis vs. Chad Connelly, et. al., 2020-CP-36-382

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Ms. Snow,

Counsel for Defendant Kirkland and Defendants Connelly, Wilson, Persons, and Mellen have consulted this morning and prepared the attached proposed orders requested by Judge Hocker at the hearing this morning to address the various motions to compel filed in Davis v. Connelly (2020-CP-36-382) and Davis v. Connelly (2020-CP-36-384).

I, of course, have copied all counsel for record and Mr. Davis on this correspondence.

Please let me know if the Court has any questions or needs anything additional.

Regards,

Justin

---

**From:** Hocker, Donald B. Secretary (Regan A. Snow) <[dhockersc@sccourts.org](mailto:dhockersc@sccourts.org)>

**Sent:** Wednesday, September 29, 2021 3:39 PM

**To:** Justin P. Novak <[jnovak@barnwell-whaley.com](mailto:jnovak@barnwell-whaley.com)>; Jeff Davis <[jeff@apogeetax.com](mailto:jeff@apogeetax.com)>; Wilson, Skyler C. <[swilson@cskl.law](mailto:swilson@cskl.law)>; Jessica Kinard <[Jessica@jek-law.com](mailto:Jessica@jek-law.com)>

**Cc:** Janeen Toby <[jtoby@newberrycounty.net](mailto:jtoby@newberrycounty.net)>; Mackelcan, Douglas W. <[dmackelcan@cskl.law](mailto:dmackelcan@cskl.law)>; Lloyd, Susie <[SLloyd@cozen.com](mailto:SLloyd@cozen.com)>; Cal Watson <[cwatson@robinsongray.com](mailto:cwatson@robinsongray.com)>; Jasmine D. Smith <[jsmith@robinsongray.com](mailto:jsmith@robinsongray.com)>; Diana L. Murray <[dmurray@barnwell-whaley.com](mailto:dmurray@barnwell-whaley.com)>; Natalia De Alba <[ndealba@barnwell-whaley.com](mailto:ndealba@barnwell-whaley.com)>; Seldin, Harper <[HSeldin@cozen.com](mailto:HSeldin@cozen.com)>; Hocker, Donald B. Law Clerk (Mary Driggers) <[dhockerlc@sccourts.org](mailto:dhockerlc@sccourts.org)>

**Subject:** RE: [EXT] Jefferson Davis vs. Chad Connelly, et. al., 2020-CP-36-382

**Importance:** High

Mr. Novak,

We moved the time for the motion hearing to 9:15 a.m. on October 7<sup>th</sup>. I sent out a confirmation email on 9/9/21. I will make sure Judge Hocker receives the Motions.

Thank you,

Regan.

*Regan A. Snow*

*Administrative Assistant to*

*Donald B. Hocker, Circuit Court Judge*

*Post Office Box 972*

*100 Hillcrest Square*

*Laurens, S.C. 29360*

*864-984-2076*

*864-984-2333-fax*

*[dhockersc@sccourts.org](mailto:dhockersc@sccourts.org)*

---

**From:** Justin P. Novak [<mailto:jnovak@barnwell-whaley.com>]

**Sent:** Wednesday, September 29, 2021 3:30 PM

**To:** Hocker, Donald B. Secretary (Regan A. Snow) <[dhockersc@sccourts.org](mailto:dhockersc@sccourts.org)>; Jeff Davis <[jeff@apogeetax.com](mailto:jeff@apogeetax.com)>; Wilson, Skyler C. <[swilson@cskl.law](mailto:swilson@cskl.law)>; Jessica Kinard <[Jessica@jek-law.com](mailto:Jessica@jek-law.com)>

**Cc:** Janeen Toby <[jtoby@newberrycounty.net](mailto:jtoby@newberrycounty.net)>; Mackelcan, Douglas W. <[dmackelcan@cskl.law](mailto:dmackelcan@cskl.law)>; Lloyd, Susie <[SLloyd@cozen.com](mailto:SLloyd@cozen.com)>; Cal Watson <[cwatson@robinsongray.com](mailto:cwatson@robinsongray.com)>; Jasmine D. Smith <[jsmith@robinsongray.com](mailto:jsmith@robinsongray.com)>; Diana L. Murray <[dmurray@barnwell-whaley.com](mailto:dmurray@barnwell-whaley.com)>; Natalia De Alba <[ndealba@barnwell-whaley.com](mailto:ndealba@barnwell-whaley.com)>; Seldin, Harper <[HSeldin@cozen.com](mailto:HSeldin@cozen.com)>; Hocker, Donald B. Law Clerk (Mary Driggers) <[dhockerlc@sccourts.org](mailto:dhockerlc@sccourts.org)>

**Subject:** RE: [EXT] Jefferson Davis vs. Chad Connelly, et. al., 2020-CP-36-382

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Ms. Snow,

As you know, a motion hearing is scheduled in this matter for 11:00 am on October 7, 2021, in Judge Hocker's Virtual Courtroom.

In the interests of judicial economy, I request that the court also consider at the hearing the recently filed attached ***Motion to Compel on Behalf of Defendants Chad Connelly, Dave Wilson, Tom Persons, and Neil Mellen*** in C/A No. 2020-CP-36-00382 and ***Motion to Compel on Behalf of Defendants Chad Connelly and Tom Persons*** in C/A No. 2020-CP-36-00384. As the court will note, these motions were served and filed yesterday, September 28, 2021.

I, of course, have copied Mr. Davis and all counsel on this correspondence.

Regards,

Justin

**JUSTIN P. NOVAK**  
ATTORNEY



[JNOVAK@BARNWELL-WHALEY.COM](mailto:jnovak@barnwell-whaley.com)  
843-577-7700  
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CHARLESTON, SC 29401

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---

**From:** Hocker, Donald B. Secretary (Regan A. Snow) <[dhockersc@sccourts.org](mailto:dhockersc@sccourts.org)>  
**Sent:** Wednesday, August 18, 2021 11:42 AM  
**To:** Justin P. Novak <[jnovak@barnwell-whaley.com](mailto:jnovak@barnwell-whaley.com)>; Jeff Davis <[jeff@apogeetax.com](mailto:jeff@apogeetax.com)>; Wilson, Skyler C. <[swilson@cskl.law](mailto:swilson@cskl.law)>; Jessica Kinard <[Jessica@jek-law.com](mailto:Jessica@jek-law.com)>  
**Cc:** Janeen Toby <[jtoby@newberrycounty.net](mailto:jtoby@newberrycounty.net)>; Mackelcan, Douglas W. <[dmackelcan@cskl.law](mailto:dmackelcan@cskl.law)>; Lloyd, Susie <[SLloyd@cozen.com](mailto:SLloyd@cozen.com)>; Cal Watson <[cwatson@robinsongray.com](mailto:cwatson@robinsongray.com)>; Jasmine D. Smith <[jsmith@robinsongray.com](mailto:jsmith@robinsongray.com)>; Diana L. Murray <[dmurray@barnwell-whaley.com](mailto:dmurray@barnwell-whaley.com)>; Natalia De Alba <[ndealba@barnwell-whaley.com](mailto:ndealba@barnwell-whaley.com)>; Seldin, Harper <[HSeldin@cozen.com](mailto:HSeldin@cozen.com)>; Hocker, Donald B. Law Clerk (Mary Driggers) <[dhockerlc@sccourts.org](mailto:dhockerlc@sccourts.org)>  
**Subject:** [EXT] Jefferson Davis vs. Chad Connelly, et. al., 2020-CP-36-382

Everyone:

I have added the Motion(s) hearing to Judge Hocker's calendar for October 7, 2021 at 11:00 a.m. This hearing will be via Judge Hocker's virtual courtroom. Please let me know if you will need instructions

for accessing the virtual courtroom.

Thank you,

Regan.

*Regan A. Snow*

*Administrative Assistant to*

*Donald B. Hocker, Circuit Court Judge*

*Post Office Box 972*

*100 Hillcrest Square*

*Laurens, S.C. 29360*

*864-984-2076*

*864-984-2333-fax*

[dhockersc@sccourts.org](mailto:dhockersc@sccourts.org)

---

**From:** Justin P. Novak [<mailto:jnovak@barnwell-whaley.com>]

**Sent:** Wednesday, August 18, 2021 10:30 AM

**To:** Seldin, Harper <[HSeldin@cozen.com](mailto:HSeldin@cozen.com)>; Hocker, Donald B. Secretary (Regan A. Snow)

<[dhockersc@sccourts.org](mailto:dhockersc@sccourts.org)>; Wilson, Skyler C. <[swilson@cskl.law](mailto:swilson@cskl.law)>; Jessica Kinard <[Jessica@jek-law.com](mailto:Jessica@jek-law.com)>

**Cc:** Jeff Davis <[jeff@apogeetax.com](mailto:jeff@apogeetax.com)>; Janeen Toby <[jtoby@newberrycounty.net](mailto:jtoby@newberrycounty.net)>; Mackelcan, Douglas W.

<[dmackelcan@cskl.law](mailto:dmackelcan@cskl.law)>; Lloyd, Susie <[SLloyd@cozen.com](mailto:SLloyd@cozen.com)>; Cal Watson <[cwatson@robinsongray.com](mailto:cwatson@robinsongray.com)>;

Jasmine D. Smith <[jsmith@robinsongray.com](mailto:jsmith@robinsongray.com)>; Diana L. Murray <[dmurray@barnwell-whaley.com](mailto:dmurray@barnwell-whaley.com)>; Natalia

De Alba <[ndealba@barnwell-whaley.com](mailto:ndealba@barnwell-whaley.com)>

**Subject:** RE: [EXT] RE: Jefferson Davis vs. Chad Connelly, et. al., 2020-CP-36-382

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Ms. Snow,

A virtual hearing works for counsel for Defendants Connelly, Wilson, Persons, and Mellen.

Thank you,

Justin

---

**From:** Seldin, Harper <[HSeldin@cozen.com](mailto:HSeldin@cozen.com)>

**Sent:** Wednesday, August 18, 2021 10:27 AM

**To:** Hocker, Donald B. Secretary (Regan A. Snow) <[dhockersc@sccourts.org](mailto:dhockersc@sccourts.org)>; Wilson, Skyler C.

<[swilson@cskl.law](mailto:swilson@cskl.law)>; Jessica Kinard <[Jessica@jek-law.com](mailto:Jessica@jek-law.com)>

**Cc:** Jeff Davis <[jeff@apogeetax.com](mailto:jeff@apogeetax.com)>; Justin P. Novak <[jnovak@barnwell-whaley.com](mailto:jnovak@barnwell-whaley.com)>; Janeen Toby

<[jtoby@newberrycounty.net](mailto:jtoby@newberrycounty.net)>; Mackelcan, Douglas W. <[dmackelcan@cskl.law](mailto:dmackelcan@cskl.law)>; Lloyd, Susie

<[SLloyd@cozen.com](mailto:SLloyd@cozen.com)>; Cal Watson <[cwatson@robinsongray.com](mailto:cwatson@robinsongray.com)>; Jasmine D. Smith

<[jsmith@robinsongray.com](mailto:jsmith@robinsongray.com)>; Diana L. Murray <[dmurray@barnwell-whaley.com](mailto:dmurray@barnwell-whaley.com)>; Natalia De Alba

<[ndealba@barnwell-whaley.com](mailto:ndealba@barnwell-whaley.com)>

**Subject:** RE: [EXT] RE: Jefferson Davis vs. Chad Connelly, et. al., 2020-CP-36-382

Ms. Snow,

Because Endurance is no longer a party to this case, counsel does not intend to appear, but we appreciate being apprised of the hearing date.

Best,

Harper Seldin

**Harper S. Seldin**  
**Attorney | Cozen O'Connor**  
One Liberty Place, 1650 Market Street, Suite 2800  
Philadelphia, PA 19103  
P: 215-665-5590 C: 267-615-4686  
Pronouns: he, him, his  
[Email](#) | [Bio](#) | [Map](#) | [cozen.com](#)

---

**From:** Hocker, Donald B. Secretary (Regan A. Snow) <[dhockersc@sccourts.org](mailto:dhockersc@sccourts.org)>  
**Sent:** Wednesday, August 18, 2021 10:19 AM  
**To:** Wilson, Skyler C. <[swilson@csl.law](mailto:swilson@csl.law)>; Jessica Kinard <[Jessica@jek-law.com](mailto:Jessica@jek-law.com)>  
**Cc:** Jeff Davis <[jeff@apogeetax.com](mailto:jeff@apogeetax.com)>; Justin P. Novak <[jnovak@barnwell-whaley.com](mailto:jnovak@barnwell-whaley.com)>; Janeen Toby <[jtoby@newberrycounty.net](mailto:jtoby@newberrycounty.net)>; Mackelcan, Douglas W. <[dmackelcan@csl.law](mailto:dmackelcan@csl.law)>; Seldin, Harper <[HSeldin@cozen.com](mailto:HSeldin@cozen.com)>; Lloyd, Susie <[SLloyd@cozen.com](mailto:SLloyd@cozen.com)>; Cal Watson <[cwatson@robinsongray.com](mailto:cwatson@robinsongray.com)>; Jasmine D. Smith <[jsmith@robinsongray.com](mailto:jsmith@robinsongray.com)>; Diana L. Murray <[dmurray@barnwell-whaley.com](mailto:dmurray@barnwell-whaley.com)>; Natalia De Alba <[ndealba@barnwell-whaley.com](mailto:ndealba@barnwell-whaley.com)>  
**Subject:** RE: [EXT] RE: Jefferson Davis vs. Chad Connelly, et. al., 2020-CP-36-382

**\*\*EXTERNAL SENDER\*\***

Thank you. Besides Skyler Wilson, Jessica Kinard, Jeff Davis and Justin Novak, are there any other attorneys planning to appear? Also, this hearing will be virtual correct?

Thank you,  
Regan.

---

**From:** Wilson, Skyler C. [<mailto:swilson@csl.law>]  
**Sent:** Wednesday, August 18, 2021 10:10 AM  
**To:** Hocker, Donald B. Secretary (Regan A. Snow) <[dhockersc@sccourts.org](mailto:dhockersc@sccourts.org)>; Jessica Kinard <[Jessica@jek-law.com](mailto:Jessica@jek-law.com)>  
**Cc:** Jeff Davis <[jeff@apogeetax.com](mailto:jeff@apogeetax.com)>; Justin P. Novak <[jnovak@barnwell-whaley.com](mailto:jnovak@barnwell-whaley.com)>; Janeen Toby <[jtoby@newberrycounty.net](mailto:jtoby@newberrycounty.net)>; Mackelcan, Douglas W. <[dmackelcan@csl.law](mailto:dmackelcan@csl.law)>; Seldin, Harper <[HSeldin@cozen.com](mailto:HSeldin@cozen.com)>; Lloyd, Susie <[SLloyd@cozen.com](mailto:SLloyd@cozen.com)>; Cal Watson <[cwatson@robinsongray.com](mailto:cwatson@robinsongray.com)>; Jasmine D. Smith <[jsmith@robinsongray.com](mailto:jsmith@robinsongray.com)>; Diana L. Murray <[dmurray@barnwell-whaley.com](mailto:dmurray@barnwell-whaley.com)>; Natalia De Alba <[ndealba@barnwell-whaley.com](mailto:ndealba@barnwell-whaley.com)>  
**Subject:** RE: [EXT] RE: Jefferson Davis vs. Chad Connelly, et. al., 2020-CP-36-382

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Ms. Snow,

I apologize for the late response. Counsel for Defendant Kirkland is available that day and time.

Best regards,

Skyler



**Skyler Wilson**  
**Associate**

d: 843.266.8221 | f: 843.727.2995

[swilson@cskl.law](mailto:swilson@cskl.law) | [www.cskl.law](http://www.cskl.law)

40 Calhoun Street, Suite 400, Charleston, SC 29401

**From:** Hocker, Donald B. Secretary (Regan A. Snow) <[dhockersc@sccourts.org](mailto:dhockersc@sccourts.org)>

**Sent:** Tuesday, August 17, 2021 3:13 PM

**To:** Jessica Kinard <[Jessica@jek-law.com](mailto:Jessica@jek-law.com)>

**Cc:** Jeff Davis <[jeff@apogeetax.com](mailto:jeff@apogeetax.com)>; Justin P. Novak <[jnovak@barnwell-whaley.com](mailto:jnovak@barnwell-whaley.com)>; Janeen Toby <[jtoby@newberrycounty.net](mailto:jtoby@newberrycounty.net)>; Mackelcan, Douglas W. <[dmackelcan@cskl.law](mailto:dmackelcan@cskl.law)>; Wilson, Skyler C. <[swilson@cskl.law](mailto:swilson@cskl.law)>; Seldin, Harper <[HSeldin@cozen.com](mailto:HSeldin@cozen.com)>; Lloyd, Susie <[SLloyd@cozen.com](mailto:SLloyd@cozen.com)>; Cal Watson <[cwatson@robinsongray.com](mailto:cwatson@robinsongray.com)>; Jasmine D. Smith <[jsmith@robinsongray.com](mailto:jsmith@robinsongray.com)>; Diana L. Murray <[dmurray@barnwell-whaley.com](mailto:dmurray@barnwell-whaley.com)>; Natalia De Alba <[ndealba@barnwell-whaley.com](mailto:ndealba@barnwell-whaley.com)>

**Subject:** RE: [EXT] RE: Jefferson Davis vs. Chad Connelly, et. al., 2020-CP-36-382

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Thank you.

So far I have heard from the Jeff Davis, Justin Novak and Jessica Kinard. What other attorneys are planning to attend the hearing?

Thanks,  
Regan.

---

**From:** Jessica Kinard [<mailto:Jessica@jek-law.com>]

**Sent:** Tuesday, August 17, 2021 3:08 PM

**To:** Hocker, Donald B. Secretary (Regan A. Snow) <[dhockersc@sccourts.org](mailto:dhockersc@sccourts.org)>

**Cc:** Jeff Davis <[jeff@apogeetax.com](mailto:jeff@apogeetax.com)>; Justin P. Novak <[jnovak@barnwell-whaley.com](mailto:jnovak@barnwell-whaley.com)>; Janeen Toby <[jtoby@newberrycounty.net](mailto:jtoby@newberrycounty.net)>; Mackelcan, Douglas W. <[dmackelcan@cskl.law](mailto:dmackelcan@cskl.law)>; Wilson, Skyler C. <[swilson@cskl.law](mailto:swilson@cskl.law)>; Seldin, Harper <[HSeldin@cozen.com](mailto:HSeldin@cozen.com)>; Lloyd, Susie <[SLloyd@cozen.com](mailto:SLloyd@cozen.com)>; Cal Watson <[cwatson@robinsongray.com](mailto:cwatson@robinsongray.com)>; Jasmine D. Smith <[jsmith@robinsongray.com](mailto:jsmith@robinsongray.com)>; Diana L. Murray <[dmurray@barnwell-whaley.com](mailto:dmurray@barnwell-whaley.com)>; Natalia De Alba <[ndealba@barnwell-whaley.com](mailto:ndealba@barnwell-whaley.com)>

**Subject:** Re: [EXT] RE: Jefferson Davis vs. Chad Connelly, et. al., 2020-CP-36-382

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I am free for John Doe.  
Thanks -  
Jessica

**Jessica E. Kinard**  
Attorney at Law, LLC  
[803.814.4436](tel:803.814.4436) | [jessica@jek-law.com](mailto:jessica@jek-law.com)  
[www.jek-law.com](http://www.jek-law.com)  
P.O. Box 333, Irmo, SC 29063

---

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On Aug 17, 2021, at 11:00 AM, Hocker, Donald B. Secretary (Regan A. Snow)  
<[dhockersc@sccourts.org](mailto:dhockersc@sccourts.org)> wrote:

Everyone:

We had some time open up on 10/7 at 11:00 a.m. Would everyone be available to have the motions heard on 10/7?

Thank you,  
Regan.

---

**From:** Hocker, Donald B. Secretary (Regan A. Snow)  
**Sent:** Thursday, August 12, 2021 12:56 PM  
**To:** 'Jessica Kinard' <[jessica@jek-law.com](mailto:jessica@jek-law.com)>  
**Cc:** Jeff Davis <[jeff@apogeetax.com](mailto:jeff@apogeetax.com)>; Justin P. Novak <[jnovak@barnwell-whaley.com](mailto:jnovak@barnwell-whaley.com)>; Janeen Toby <[jtoby@newberrycounty.net](mailto:jtoby@newberrycounty.net)>; Mackelcan, Douglas W. <[dmackelcan@cskl.law](mailto:dmackelcan@cskl.law)>; Wilson, Skyler C. <[swilson@cskl.law](mailto:swilson@cskl.law)>; Seldin, Harper <[HSeldin@cozen.com](mailto:HSeldin@cozen.com)>; Lloyd, Susie <[SLloyd@cozen.com](mailto:SLloyd@cozen.com)>; Cal Watson <[cwatson@robinsongray.com](mailto:cwatson@robinsongray.com)>; Jasmine D. Smith <[jsmith@robinsongray.com](mailto:jsmith@robinsongray.com)>; Diana L. Murray <[dmurray@barnwell-whaley.com](mailto:dmurray@barnwell-whaley.com)>; Natalia De Alba <[ndealba@barnwell-whaley.com](mailto:ndealba@barnwell-whaley.com)>  
**Subject:** RE: [EXT] RE: Jefferson Davis vs. Chad Connelly, et. al., 2020-CP-36-382

Thank you.

---

**From:** Jessica Kinard [<mailto:Jessica@jek-law.com>]  
**Sent:** Thursday, August 12, 2021 12:54 PM  
**To:** Hocker, Donald B. Secretary (Regan A. Snow) <[dhockersc@sccourts.org](mailto:dhockersc@sccourts.org)>  
**Cc:** Jeff Davis <[jeff@apogeetax.com](mailto:jeff@apogeetax.com)>; Justin P. Novak <[jnovak@barnwell-whaley.com](mailto:jnovak@barnwell-whaley.com)>; Janeen Toby <[jtoby@newberrycounty.net](mailto:jtoby@newberrycounty.net)>; Mackelcan, Douglas W. <[dmackelcan@cskl.law](mailto:dmackelcan@cskl.law)>; Wilson, Skyler C. <[swilson@cskl.law](mailto:swilson@cskl.law)>; Seldin, Harper <[HSeldin@cozen.com](mailto:HSeldin@cozen.com)>; Lloyd, Susie <[SLloyd@cozen.com](mailto:SLloyd@cozen.com)>; Cal Watson <[cwatson@robinsongray.com](mailto:cwatson@robinsongray.com)>; Jasmine D. Smith <[jsmith@robinsongray.com](mailto:jsmith@robinsongray.com)>; Diana L. Murray <[dmurray@barnwell-whaley.com](mailto:dmurray@barnwell-whaley.com)>; Natalia De

Alba <[ndealba@barnwell-whaley.com](mailto:ndealba@barnwell-whaley.com)>

**Subject:** Re: [EXT] RE: Jefferson Davis vs. Chad Connelly, et. al., 2020-CP-36-382

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Ms. Snow -

I have filed a motion to quash on behalf of John Doe. I am available that week.

Thank you.

Jessica Kinard

<image001.jpg>

**Jessica E. Kinard**

Attorney at Law, LLC

803.814.4436 | [jessica@jek-law.com](mailto:jessica@jek-law.com)

[www.jek-law.com](http://www.jek-law.com)

P.O. Box 333, Irmo, SC 29063

---

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On Aug 12, 2021, at 12:47 PM, Hocker, Donald B. Secretary (Regan A. Snow) <[dhockersc@sccourts.org](mailto:dhockersc@sccourts.org)> wrote:

Mr. Davis:

The week of October 25<sup>th</sup> is actually a Common Pleas term that Judge Hocker will be presiding over. I think that is the reason for picking that week. He will not be back in Newberry until October. Thank you for letting me know you are available that week.

Regan.

---

**From:** Jeff Davis [<mailto:jeff@apogeetax.com>]

**Sent:** Thursday, August 12, 2021 7:46 AM

**To:** Hocker, Donald B. Secretary (Regan A. Snow) <[dhockersc@sccourts.org](mailto:dhockersc@sccourts.org)>

**Cc:** Justin P. Novak <[jnovak@barnwell-whaley.com](mailto:jnovak@barnwell-whaley.com)>; Janeen Toby <[jtoby@newberrycounty.net](mailto:jtoby@newberrycounty.net)>; Mackelcan, Douglas W. <[dmackelcan@cskl.law](mailto:dmackelcan@cskl.law)>; Wilson, Skyler C. <[swilson@cskl.law](mailto:swilson@cskl.law)>; [jessica@jek-law.com](mailto:jessica@jek-law.com); Seldin, Harper <[HSeldin@cozen.com](mailto:HSeldin@cozen.com)>; Lloyd, Susie <[SLloyd@cozen.com](mailto:SLloyd@cozen.com)>; Cal Watson <[cwatson@robinsongray.com](mailto:cwatson@robinsongray.com)>; Jasmine D. Smith <[jsmith@robinsongray.com](mailto:jsmith@robinsongray.com)>; Diana L. Murray <[dmurray@barnwell-whaley.com](mailto:dmurray@barnwell-whaley.com)>; Natalia De Alba <[ndealba@barnwell-whaley.com](mailto:ndealba@barnwell-whaley.com)>

**Subject:** Re: [EXT] RE: Jefferson Davis vs. Chad Connelly, et. al., 2020-CP-36-382

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organization. Please exercise caution before clicking any links or opening attachments. \*\*\*

Mrs. Snow, Plaintiff will also be available the week of October 25th.

My only concern is the substantial delay (benefiting Defendants) in hearing these motions. If there is any way to hear these motions sooner it would be greatly appreciated.

Thank you.

Jeff Davis  
843-901-8036 (cell)

---

**Jeff Davis, JD, MBA, CPA**  
Office: Atlanta, GA 30305  
Home: 403 McCarter Avenue | Greenville, SC 29615  
843-901-8036 (cell) | 866-501-7471 (fax) | [jeff@apogeetax.com](mailto:jeff@apogeetax.com)

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On Wed, Aug 11, 2021 at 4:34 PM Hocker, Donald B. Secretary (Regan A. Snow) <[dhockersc@sccourts.org](mailto:dhockersc@sccourts.org)> wrote:

Thank you for the response. I will provide this to Judge Hocker.

---

**From:** Justin P. Novak [mailto:[jnovak@barnwell-whaley.com](mailto:jnovak@barnwell-whaley.com)]  
**Sent:** Wednesday, August 11, 2021 4:30 PM  
**To:** Hocker, Donald B. Secretary (Regan A. Snow) <[dhockersc@sccourts.org](mailto:dhockersc@sccourts.org)>  
**Cc:** Jeff Davis <[jeff@apogeetax.com](mailto:jeff@apogeetax.com)>; Janeen Toby <[jtoby@newberrycounty.net](mailto:jtoby@newberrycounty.net)>; Mackelcan, Douglas W. <[dmackelcan@cskl.law](mailto:dmackelcan@cskl.law)>; Wilson, Skyler C. <[swilson@cskl.law](mailto:swilson@cskl.law)>; [jessica@jek-law.com](mailto:jessica@jek-law.com); Seldin, Harper <[HSeldin@cozen.com](mailto:HSeldin@cozen.com)>; Lloyd, Susie <[SLloyd@cozen.com](mailto:SLloyd@cozen.com)>; Cal Watson <[cwatson@robinsongray.com](mailto:cwatson@robinsongray.com)>; Jasmine D. Smith <[jsmith@robinsongray.com](mailto:jsmith@robinsongray.com)>; Diana L. Murray <[dmurray@barnwell-whaley.com](mailto:dmurray@barnwell-whaley.com)>; Natalia De Alba <[ndealba@barnwell-whaley.com](mailto:ndealba@barnwell-whaley.com)>  
**Subject:** RE: [EXT] RE: Jefferson Davis vs. Chad Connelly, et. al., 2020-CP-36-382

\*\*\* **EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. \*\*\*

Ms. Snow,

My apologies for the late response. Counsel for Defendants Connelly, Wilson, Persons, and Mellen are available for a hearing the week of October 25, 2021.

As you may know, the following motions are pending in this matter:

- Defendant Stephen Kirkland's Motion to Compel filed on July 20, 2021
- Defendants Chad Connelly and Dave Wilson's Motion to Quash Subpoena to E3 Software, LLC filed on June 14, 2021
- Defendant John Doe's Motion to Quash Subpoena to Endurance International Group, Inc. filed on June 6, 2021

I have attached copies of the motions for the Court's convenience, as well as a copy of the subpoenas in question.

My clients' motion to quash should take 30 minutes.

I will defer to the other counsel regarding their pending motions. As you will note, I have copied Mr. Davis, as well as counsel for Defendant Stephen Kirkland, Defendant John Doe, Endurance International Group, Inc., and E3 Software, LLC.

Please let me know if you have any questions or need any additional information.

Regards,

Justin

---

**From:** Hocker, Donald B. Secretary (Regan A. Snow)  
<[dhockersc@sccourts.org](mailto:dhockersc@sccourts.org)>

**Sent:** Wednesday, August 11, 2021 4:03 PM

**To:** [jessica@jek-law.com](mailto:jessica@jek-law.com); Justin P. Novak <[jnovak@barnwell-whaley.com](mailto:jnovak@barnwell-whaley.com)>

**Cc:** Jeff Davis <[jeff@apogeetax.com](mailto:jeff@apogeetax.com)>; Janeen Toby  
<[jtoby@newberrycounty.net](mailto:jtoby@newberrycounty.net)>

**Subject:** [EXT] RE: Jefferson Davis vs. Chad Connelly, et. al., 2020-CP-36-382

Good afternoon:

Judge Hocker would like to get a response to the email below as soon as possible.

Thank you,

Regan

*Regan A. Snow*

*Administrative Assistant to*

*Donald B. Hocker, Circuit Court Judge*

Post Office Box 972  
100 Hillcrest Square  
Laurens, S.C. 29360  
864-984-2076  
864-984-2333-fax  
[dhockersc@scccourts.org](mailto:dhockersc@scccourts.org)

---

**From:** Hocker, Donald B. Secretary (Regan A. Snow)  
**Sent:** Monday, July 19, 2021 3:13 PM  
**To:** 'jessica@jek-law.com' <[jessica@jek-law.com](mailto:jessica@jek-law.com)>; Justin P. Novak  
<[jnovak@barnwell-whaley.com](mailto:jnovak@barnwell-whaley.com)>  
**Cc:** Jeff Davis <[jeff@apogeetax.com](mailto:jeff@apogeetax.com)>; Janeen Toby  
<[jtoby@newberrycounty.net](mailto:jtoby@newberrycounty.net)>  
**Subject:** Jefferson Davis vs. Chad Connelly, et. al., 2020-CP-36-382

Good afternoon:

Judge Hocker is in receipt of two Motions to Quash (Endurance and E3). Judge Hocker has a term of court in Newberry the week of October 25, 2021. The only problem with trying to schedule a hearing on these Motions is that he has a week-long day certain case that week. So the question is how long is it anticipated that a hearing on both Motions will take? Secondly, Judge Hocker does need the subject Subpoena on the E3 Motion. Finally, please let me know as soon as possible if other attorneys need to be on this email chain, certainly recognizing other attorneys have participated in the past concerning this 382 case and other cases.

Thank you,  
Regan Snow  
*Regan A. Snow*  
*Administrative Assistant to*  
*Donald B. Hocker, Circuit Court Judge*  
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EXHIBIT I

STATE OF SOUTH CAROLINA

COUNTY OF NEWBERRY

Jefferson Davis, Jr.,

Plaintiff,

v.

Chad Connelly, Tom Persons, Geoffrey
Chambers, Esq., & South Carolina Educational
Credit for Exceptional Needs Children Fund,

Defendants.

IN THE COURT OF COMMON PLEAS

CIVIL ACTION NO.: 2020-CP-36-00384

**ORDER GRANTING SUMMARY
JUDGMENT IN FAVOR OF
DEFENDANTS CHAD CONNELLY
AND TOM PERSONS**

This matter came before the Court upon the separate Motions for Summary Judgment on Behalf of Chad Connelly and Tom Persons filed on November 15, 2021 (“Motions for Summary Judgment”). After the Court determined that the motions could readily be decided upon the motions and briefs submitted, the Court provided each party with an additional forty (45) days to submit any supplemental briefing, memoranda, submissions, or argument from the date of this Court’s Amended Bench Order filed on May 31, 2022. After careful review and consideration of the parties’ motions, briefs, memoranda, and other submissions, this Court grants the Motions for Summary Judgment on Behalf of Chad Connelly and Tom Persons filed on November 15, 2021.

FINDINGS OF FACT

Plaintiff, who, though an attorney licensed to practice law in the State of Georgia, prosecutes this action as a *pro se* litigant, filed the Summons and Complaint in this matter on September 11, 2020. The Complaint asserts five causes of action against this Defendant, including causes of action for (1) defamation per se and per quod, (2) defamation by innuendo, (3) negligence, (4) intentional infliction of emotional distress, and (5) conspiracy. On March 26, 2021, this Court dismissed the

causes of action for defamation by innuendo and negligence asserted against this Defendant.¹ As a result, Plaintiff proceeds against this Defendant only upon the causes of action for defamation per se and per quod, intentional infliction of emotional distress, and conspiracy. The only allegations of fact that Plaintiff offers in support of these causes of action are that Defendants allegedly collectively defamed Plaintiff by stating (1) through their attorney in open court that the Injunction Action “is based upon shutting a corporation down, freezing its assets, because he alleges it is going to go over this 2% max”, (Compl. ¶¶ 16-17), and (2) in an email that through the Injunction Action “[i]t is the intention of this individual to shut down Exceptional SC with absolutely no regard to the impact that would have on your students and your schools”, (Compl. ¶ 22).

On July 27, 2021, Defendants each properly served Plaintiff with interrogatories, requests for production, and requests for admission.² Defendant’s requests for admission specifically requested that Plaintiff admit the following:

1. Admit that this Defendant did not publish any libelous, slanderous, or defamatory statement regarding you.
2. Admit that you do not possess any documentation supporting the allegation that this Defendant made any libelous, slanderous, or defamatory statement regarding you.
3. Admit that this Defendant has not made any false statement disparaging you.
4. Admit that you do not possess any documentation supporting the allegation that this Defendant has made any false statement disparaging you.
5. Admit that this Defendant has not published any false statement regarding you.
6. Admit that you do not possess any documentation supporting the allegation that this Defendant published any false statement regarding you.

¹ Plaintiff did not move for reconsideration, alteration, or amendment of the Order filed on March 26, 2021.

² These written discovery requests included Defendant Chad Connelly’s First Set of Interrogatories to Plaintiff, Defendant Chad Connelly’s First Set of Requests for Production to Plaintiff, Defendant Chad Connelly’s First Set of Requests for Admission to Plaintiff, Defendant Tom Persons’ First Set of Interrogatories to Plaintiff, Defendant Tom Persons’ First Set of Requests for Production to Plaintiff, and Defendant Tom Persons’ First Set of Requests for Admission to Plaintiff.

7. Admit that this Defendant did not intentionally inflict emotional distress upon you.
8. Admit that you do not possess any documentation supporting the allegation that this Defendant intentionally inflict emotional distress upon you.
9. Admit that this Defendant did not conspire with any other individual for the purposes of injuring you.
10. Admit that you do not possess any documentation supporting the allegation that this Defendant conspired with any other individual for the purposes of injuring you.
11. Admit that this Defendant did not take any overt action in pursuit of any conspiracy to cause damage to you.
12. Admit that you do not possess any documentation supporting the allegation that this Defendant undertook any overt action in pursuit of any conspiracy to cause damage to you.
13. Admit that this Defendant did not make any false statement or representation concerning you in any printed material, on any website, or on any social media platform.
14. Admit that you do not possess any documentation supporting the allegation that this Defendant made any false statement or representation concerning you in any printed material, on any website, or on any social media platform.
15. Admit that you petitioned the South Carolina Court of Common Pleas for Newberry County to enjoin the expenditure of administrative expenses by the South Carolina Educational Credit for Exceptional Needs Children Fund.
16. Admit that the expenditure of administrative expenses includes the purchasing of office supplies, stamps, envelopes, paper, webhosting services, and electronic mail services.
17. Admit that the South Carolina Educational Credit for Exceptional Needs Children Fund cannot operate without the expenditure of administrative expenses.
18. Admit that the South Carolina Educational Credit for Exceptional Needs Children Fund cannot operate without the expenditure of administrative expenses.

19. Admit that the South Carolina Educational Credit for Exceptional Needs Children Fund cannot issue scholarships without the expenditure of administrative expenses.
20. Admit that the allegedly defamatory statements referenced in Plaintiff's Complaint are statements that arose out of a judicial proceeding.
21. Admit that the allegedly defamatory statements referenced in Plaintiff's Complaint are true.
22. Admit that the allegedly defamatory statements referenced in Plaintiff's Complaint are a matter of opinion.

Plaintiff admitted proper service and timely receipt of the written discovery requests but failed to provide any response to the requests within the time periods expressly prescribed by the South Carolina Rules of Civil Procedure. Plaintiff also failed to make any effort to obtain an enlargement of time to respond to the written discovery requests, including either by requesting an extension from the defendants who served the requests or by petitioning the Court for an enlargement of time to respond.

On September 27, 2021, Defendants filed motions to compel responses to the interrogatories and requests for production and for an Order deeming each of the properly served requests for admission admitted in accordance with Rule 36, SCRPC. After careful review and consideration of the parties' motions and briefing, South Carolina jurisprudence, and the particular facts and circumstances of Plaintiff's complete failure to comply with the substantive and procedural requirements of the South Carolina Rules of Civil Procedure, this Court filed an Order deeming each matter of which an admission was requested of Plaintiff in Defendants' requests for admission admitted and conclusively established for trial on November 8, 2021.³

³ This Court also finds noteworthy that as of the date of this Court's deadline for the parties to submit any supplemental briefing, memoranda, submissions, or argument regarding these motions, Plaintiff has still failed to provide any responses to these defendants' interrogatories and requests for production in violation of this Court's Order Compelling Discovery filed on October 15, 2021. In fact, Plaintiff has completely failed to engage in any written discovery with these defendants.

On November 15, 2021, Defendants Connelly and Persons filed separate Motions for Summary Judgment as to Plaintiff's remaining causes of action for defamation per se and per quod, intentional infliction of emotional distress, and conspiracy on the grounds that the pleadings and admissions on file show that there is no genuine issue as to any material fact and, therefore, each defendant is entitled to summary judgment as a matter of law.

LEGAL STANDARD

"A party against whom a claim, counterclaim, or cross-claim is asserted or a declaratory judgment is sought may, at any time, move with or without supporting affidavits for a summary judgment in his favor as to all or any part thereof." Rule 56(a), SCRPC. "Summary judgment is appropriate when there is no genuine issue of material fact such that the moving party must prevail as a matter of law." Fleming v. Rose, 350 S.C. 488, 493, 567 S.E.2d 857, 860 (2002) (citing Rule 56(c), SCRPC). "The judgment sought shall be rendered forthwith if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law." Rule 56(c), SCRPC. "The purpose of summary judgment is to expedite disposition of cases which do not require the services of a fact finder." George v. Fabri, 345 S.C. 440, 452, 548 S.E.2d 868, 874 (2001) (citing Bankers Trust of South Carolina v. Benson, 267 S.C. 152, 155, 226 S.E.2d 703, 704 (1976)).

ORDER

The pleadings and admissions on file show that there is no genuine issue as to any material fact as to Plaintiff's remaining causes of action for defamation per se and per quod, invasion of privacy, intentional infliction of emotional distress, and conspiracy as to Defendants Connelly and Persons. As a result, these defendants are entitled to summary judgment as a matter of law as to the

causes of action without the services of a fact finder. Accordingly, this Court dismisses with prejudice the remaining claims asserted in this action by Plaintiff against Defendants Connelly and Persons.

I. There is No Genuine Issue of Material Fact Left Unresolved as to Plaintiff's Cause of Action for Defamation Against Defendants Connelly and Persons.

“The tort of defamation allows a plaintiff to recover for injury to her reputation as the result of the defendant’s communication to others of a false message about the plaintiff.” Garrard v. Charleston County School District, 429 S.C. 170, 190, 838 S.E.2d 698, 708-09 (Ct. App. 2019) (quoting Holtzscheiter v. Thomson Newspapers, Inc., 332 S.C. 502, 508, 506 S.E.2d 497, 501 (1998). “Slander is a spoken defamation while libel is a written defamation or one accomplished by actions or conduct.” Id. “To establish a defamation claim, a plaintiff must prove: (1) a false and defamatory statement was made; (2) the unprivileged statement was published to a third party; (3) the publisher was at fault; and (4) either the statement was actionable regardless of harm or the publication of the statement caused special harm.” Id. (quoting West v. Morehead, 396 S.C. 1, 7, 720 S.E.2d 495, 498 (Ct. App. 2011); Erickson v. Jones Street Publishers, LLC, 368 S.C. 444, 465, 629 S.E.2d 653, 664 (2006); Fleming v. Rose, 350 S.C. 488, 494, 567 S.E.2d 857, 860 (2002)).

The truth or substantial truth of any alleged defamatory statement is a complete defense in any case. Parker v. Evening Post Publishing Co., 317 S.C. 236, 245, 452 S.E.2d 640, 645 (Ct. App. 1994) (holding that an article found substantially true as a matter of law is an absolute defense to defamation). “It is well settled that parties are judicially bound by their pleadings [and t]he allegations, statements, or admissions contained in a pleading are conclusive as against the pleader and a party cannot subsequently take a position contradictory of, or inconsistent with, his pleadings and the facts which are admitted by the pleadings are taken as true against the pleader for the

purpose of the action.” Postal v. Mann, 308 S.C. 385, 387, 418 S.E.2d 322, 323 (Ct. App. 1992) (citing Elrod v. All, 243 S.C. 425, 134 S.E.2d 410 (1964)). In addition, “South Carolina has long recognized that relevant pleadings, even if defamatory, are absolutely privileged.” Pond Place Partners, Inc. v. Poole, 351 S.C. 1, 23, 567 S.E.2d 881, 893 (Ct. App. 2002) (internal citations omitted). “When a communication is absolutely privileged, no action lies for its publication, no matter what the circumstances under which it is published, i.e., an action will not lie even if the report is made with malice.” Id. at 22, 567 S.E.2d at 892 (quoting Hainer v. American Med. Intern., Inc., 328 S.C. 128, 135, 492 S.E.2d 103, 106 (1997)). “The [absolute] privilege covers anything that may be said in relation to the matter at issue, whether it be in the pleadings, in affidavits, or in open court.” Id. (quoting W. Prosser & W. Keeton, The Law of Torts, § 114, at 817 (5th ed.1984)). “That is, an ‘absolute privilege exists as to any utterance arising out of the judicial proceeding and having any reasonable relation to it, including preliminary steps leading to judicial action of any official nature provided those steps bear reasonable relationship to it.’” Id. (quoting Crowell v. Herring, 301 S.C. 424, 430, 392 S.E.2d 464, 467 (Ct. App. 1990)).

Plaintiff’s Complaint generally alleges that Defendants Connelly and Persons defamed Plaintiff by stating (1) through an attorney in open court that a civil action filed by Plaintiff “is based upon shutting a corporation down, freezing its assets, because he alleges it is going to go over this 2% max”, (Compl. ¶¶ 16-17), and (2) in an email that through the civil action “[i]t is the intention of this individual to shut down Exceptional SC with absolutely no regard to the impact that would have on your students and your schools”, (Compl. ¶ 22). Plaintiff, however, has conclusively admitted that (1) Plaintiff sought to prevent the South Carolina Educational Credit for Exceptional Needs Children Fund from operating and issuing scholarships, (2) the allegedly defamatory statements arose out of a judicial proceeding, and (3) the allegedly defamatory statements are true. Moreover,

Plaintiff has conclusively admitted that Defendants (1) did not publish any libelous, slanderous, or defamatory statement regarding Plaintiff; (2) has not made any false statement disparaging Plaintiff; (3) has not published any false statement regarding Plaintiff. In addition, Plaintiff has conclusively admitted that he does not possess any documentation supporting his allegations. As these facts have been conclusively established, Plaintiff cannot prove the necessary elements to support his cause of action for defamation per se and per quod against Defendants Connelly and Persons. As a result, Defendants Connelly and Persons are entitled to summary judgment as a matter of law as to this cause of action.

II. There is No Genuine Issue of Material Fact Left Unresolved as to Plaintiff's Cause of Action for Intentional Infliction of Emotional Distress Against Defendants Connelly and Persons.

“[I]n order to recover for intentional infliction of emotional distress, the complaining party must establish that:

- (1) the defendant intentionally or recklessly inflicted severe emotional distress, or was certain, or substantially certain, that such distress would result from his conduct;
- (2) the conduct was so ‘extreme and outrageous’ so as to exceed ‘all possible bounds of decency’ and must be regarded as ‘atrocious, and utterly intolerable in a civilized community;’
- (3) the actions of the defendant caused plaintiff’s emotional distress; and
- (4) the emotional distress suffered by the plaintiff was ‘severe’ such that ‘no reasonable man could be expected to endure it.’

Ford v. Hutson, 276 S.C. 157, 162, 276 S.E.2d 776, 778 (1981) (quoting Restatement (Second) of Torts § 46, cmts. d, i, and j). “[W]hen ruling on a summary judgment motion, a court must determine whether the plaintiff has established a prima facie case as to each element of a claim for intentional infliction of emotional distress.” Hansson v. Scalise Builders of S.C., 374 S.C. 352, 358, 650 S.E. 2d 68, 71 (2007).

Plaintiff's Complaint generally alleges that Defendants Connelly and Persons intentionally inflicted emotional distress upon Plaintiff through the use of undefined severe medical conditions suffered by his wife. The Complaint, however, fails to identify the alleged medical conditions or the manner by which Defendants Connelly and Persons used the conditions to intentionally inflict emotional distress upon Plaintiff. Moreover, Plaintiff has conclusively admitted that Defendants Connelly and Persons did not intentionally inflict emotional distress upon him. In addition, Plaintiff has conclusively admitted that he does not possess any documentation supporting his allegation that Defendants Connelly and Persons intentionally inflicted emotional distress upon him. As these facts have been conclusively established, Plaintiff cannot prove the necessary elements to support his cause of action for intentional infliction of emotional distress against Defendants Connelly and Persons. As a result, Defendants Connelly and Persons are entitled to summary judgment as a matter of law as to this cause of action.

III. There is No Genuine Issue of Material Fact Left Unresolved as to Plaintiff's Cause of Action for Conspiracy Against Defendants Connelly and Persons.

“[A] plaintiff asserting a civil conspiracy claim must establish (1) the combination or agreement of two or more persons, (2) to commit an unlawful act or a lawful act by unlawful means, (3) together with the commission of an overt act in furtherance of the agreement, and (4) damages proximately resulting to the plaintiff.” Paradis v. Charleston County School District, __ S.C. __, 861 S.E.2d 774, 780 (2021).

Plaintiff's Complaint generally alleges that Defendants Connelly and Persons conspired and colluded with others to injure Plaintiff. The Complaint, however, fails to identify any act or means by which Defendants Connelly and Persons contributed to any harm to Plaintiff. Moreover, Plaintiff has conclusively admitted that Defendants Connelly and Persons did not (1) conspire with any other

individual for the purposes of injuring him and (2) did not take any overt action in pursuit of any conspiracy to cause damage to him. In addition, Plaintiff has conclusively admitted that he does not possess any documentation supporting these allegations. As these facts have been conclusively established, Plaintiff cannot prove the necessary elements to support his cause of action for conspiracy against Defendants Connelly and Persons. As a result, Defendants Connelly and Persons are entitled to summary judgment as a matter of law as to this cause of action.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the separate Motions for Summary Judgment on Behalf of Chad Connelly and Tom Persons filed on November 15, 2021, are hereby **GRANTED** in accordance with the above order and Plaintiff's remaining causes of action for defamation per se and per quod, intentional infliction of emotional distress, and conspiracy against Defendants Chad Connelly and Tom Persons are hereby dismissed with prejudice.

AND IT IS SO ORDERED.

The Honorable Donald B. Hocker

September ____, 2022



Newberry Common Pleas

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

Case Number: 2020CP3600384

Type: Order/Summary Judgment

Circuit Court Judge

s/Donald B. Hocker, Judge Code 2167

EXHIBIT J

BARNWELL WHALEY

ATTORNEYS AT LAW

JUSTIN P. NOVAK

SPECIAL COUNSEL

JNOVAK@BARNWELL-WHALEY.COM

September 20, 2022

2026.174 and 2026.175

VIA U.S. MAIL

Jefferson Davis, Jr.
403 McCarter Avenue
Greenville, SC 29615

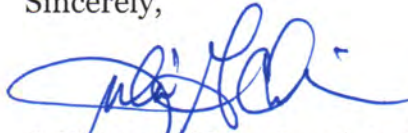
RE: Jefferson Davis, Jr. v. Chad Connelly, et al.
C/A Nos.: 2020-CP-36-00382 and 2020-CP-36-00384

Mr. Davis,

Enclosed please find the following Orders that were signed by Judge Hocker and entered by the Court on September 19, 2022:

- (a) Order Granting Defendants Chad Connelly, Dave Wilson, Tom Persons, and Neil Mellen's Motion for Sanctions Against Plaintiff (2020-CP-36-00382)
- (b) Order Granting Summary Judgment in Favor of Defendants Chad Connelly, Dave Wilson, Tom Persons, and Neil Mellen;
- (c) Order Granting Defendants' Motion for Sanctions Against Plaintiff (2020-CP-36-00384); and,
- (d) Order Granting Summary Judgment in Favor of Defendants Chad Connelly and Tom Persons (2020-CP-36-00384).

Sincerely,



Julia G. Childers, Legal Assistant to
Justin P. Novak, Esquire

/jgc
Enclosures

{01204619.DOCK.1}

BARNWELL WHALEY PATTERSON & HELMS LLC

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EXHIBIT K

STATE OF SOUTH CAROLINA

COUNTY OF NEWBERRY

Jefferson Davis, Jr.,

Plaintiff,

v.

Chad Connelly, Tom Persons, Geoffrey
Chambers, Esq., & South Carolina Educational
Credit for Exceptional Needs Children Fund,

Defendants.

IN THE COURT OF COMMON PLEAS

CIVIL ACTION NO.: 2020-CP-36-00384

**ORDER GRANTING DEFENDANTS'
MOTION FOR SANCTIONS AGAINST
PLAINTIFF**

This matter came before the Court upon the Motion for Sanctions on Behalf of Defendants Chad Connelly and Tom Persons filed on December 17, 2021 ("Motion for Sanctions"). After the Court determined that the motion could readily be decided upon the motion and briefs submitted, the Court provided each party with an additional forty (45) days to submit any supplemental briefing, memoranda, submissions, or argument from the date of this Court's Amended Bench Order filed on May 31, 2022. After careful review and consideration of the parties' motions, briefs, memoranda, and other submissions, this Court grants the Motion for Sanctions on Behalf of Chad Connelly and Tom Persons filed on December 17, 2021.

FINDINGS OF FACT

Plaintiff, who, though an attorney licensed to practice law in the State of Georgia, prosecutes this action as a *pro se* litigant, filed the Summons and Complaint in this matter on September 11, 2020. Plaintiff shortly thereafter commenced the action against Defendant Tom Persons on or about September 16, 2020, and upon Defendant Chad Connelly on or about September 18, 2020. In commencing this action, Plaintiff assumed full responsibility for complying with the substantive and

procedural requirements of the South Carolina Rules of Civil Procedure. State v. Burton, 356 S.C. 259, 265 n.5, 589 S.E.2d 6, 9 n.5 (2003).

On July 27, 2021, Defendants properly served Plaintiff with their respective interrogatories, requests for production, and requests for admission.¹ Although Plaintiff admits proper service and timely receipt of these written discovery requests and the requests state on their respective front pages that they were being served in accordance with Rules 33, 34, and 36, SCRCP, respectively, Plaintiff failed to provide any response to any of the written discovery requests within the time periods expressly prescribed in the clear and unambiguous language of Rules 33, 34, and 36, SCRCP. Plaintiff also failed to make any effort to obtain an enlargement of time to respond to the written discovery requests, including either by requesting an extension from the defendants who served the requests or by petitioning the Court for an enlargement of time to respond.

On September 8, 2021, Defendants notified Plaintiff by U.S. Mail and electronic mail that the deadline to respond to their written discovery requests had passed. In the correspondence, Defendants also sought to elicit voluntary responses to the interrogatories and requests for production and avoid judicial intervention to compel responses to those requests. After Plaintiff again failed to provide any response, Defendants filed a motion to compel responses from Plaintiff on September 27, 2021. Again, Plaintiff failed to provide any response or petition the Court for relief.

At the properly noticed hearing of the motion to compel on October 7, 2021, Plaintiff consented to respond to Defendants' interrogatories and requests for production on or before October 15, 2021. As a result, this Court filed an Order Compelling Discovery on October 15, 2021,

¹ These written discovery requests included Defendant Chad Connelly's First Set of Interrogatories to Plaintiff, Defendant Chad Connelly's First Set of Requests for Production to Plaintiff, Defendant Chad Connelly's First Set of Requests for Admission to Plaintiff, Defendant Tom Persons' First Set of Interrogatories to Plaintiff, Defendant Tom Persons' First Set of Requests for Production to Plaintiff, and Defendant Tom Persons' First Set of Requests for Admission to Plaintiff.

which provided that “Plaintiff shall provide full and complete responses by 5:00 pm on October 15, 2021, to [Defendants’] discovery requests[.]” Plaintiff, however, failed to provide responses to Defendants’ discovery requests in accordance with the Order Compelling Discovery. In fact, Plaintiff continues to violate the Order Compelling Discovery by having completely failed to respond to any written discovery served by Defendants Connelly and Persons.

LEGAL STANDARD

“If a party . . . fails to obey an order to provide or permit discovery . . . , the court in which the action is pending may make such orders in regard to the failure as are just[.]” Rule 37(b)(2), SCRCP. Such orders may include the following:

- (A) An order that the matters regarding which the order was made or any other designated facts shall be taken to be established for the purposes of the action in accordance with the claim of the party obtaining the order;
- (B) An order refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting him from introducing designated matters in evidence;
- (C) An order striking out pleadings or parts thereof, or staying further proceedings until the order is obeyed, or dismissing the action or proceeding or any part thereof, or rendering a judgment by default against the disobedient party[.]

Id. In a recent Administrative Order, the South Carolina Supreme Court “remind[ed] the circuit court judges that the seldom-utilized rule for awarding fees and imposing sanctions, SCRCP 37, is available to deter discovery abuses.” South Carolina Supreme Court Order No.: 2021-06-03-02, June 3, 2021.

“If a party . . . fails . . . (2) to serve answers or objections to interrogatories submitted under Rule 33, after proper service of the interrogatories, or (3) to serve a written response to a request for inspection submitted under Rule 34, after proper service of the request, the court in which the action is pending on motion may make such orders in regard to the failure as are just.” [.]” Rule

37(d), SCRCP. “In lieu of any order or in addition thereto, the court shall require the party failing to act . . . to pay the reasonable expenses, including attorney’s fees, caused by the failure, unless the court finds that the failure was substantially justified or that other circumstances make an award of expenses unjust.” Id.; see also Rule 37(b)(2), SCRCP.

“[S]anctions for discovery abuse are left to the sound discretion of the trial court.” McNair v. Fairfield County, 379 S.C. 462, 466, 665 S.E.2d 830, 832 (Ct. App. 2008) (citing Barnette v. Adams Bros. Logging, Inc., 355 S.C. 588, 593, 586 S.E.2d 572, 575 (2003)). “Under Rule 37(b)(2)(C), SCRCP, when a party fails to comply with a discovery order, the trial court has the discretion to impose a sanction it deems just, including an order dismissing the action.” Id., 379 S.C. at 465-66, 665 S.E.2d at 832 (citing Barnette, 355 S.C. at 593, 586 S.E.2d at 575). “[S]evere sanctions, such as the dismissal of an action, should only be imposed in cases involving bad faith, willful disobedience, or gross indifference to the opposing party’s rights.” Id. “In determining the appropriateness of a sanction, the court should consider such factors as the precise nature of the discovery and the discovery posture of the case, willfulness, and degree of prejudice.” Id. (quoting Griffin Grading & Clearing, Inc. v. Tire Serv. Equip. Mfg. Co., 334 S.C. 193, 198-99, 511 S.E.2d 716, 719 (Ct. App. 1999)).

ORDER

Plaintiff has willfully disobeyed this Court’s Order Compelling Discovery filed on October 15, 2021, for approximately ten months. In fact, Plaintiff has shown a gross indifference to Defendants’ right to conduct discovery in accordance with the South Carolina Rules of Civil Procedure during the entire pendency of this action, including by ignoring all interrogatories, requests for production, and requests for admission served by Defendants. This Court finds that Plaintiff has willfully ignored any and all written discovery served upon him by any other party to

this action yet has attempted to conduct discovery. In addition, Plaintiff has forced Defendants to file unnecessary discovery motions that have required Defendants and this Court to expend undue time and resources resulting in discovery orders that Plaintiff has willfully ignored. Moreover, Plaintiff has admitted that his allegations are meritless.

As Plaintiff has shown a complete disregard for the South Carolina Rules of Civil Procedure and all other parties' rights to conduct discovery in the prosecution of his meritless allegations, this Court is required to take remedial, deterring, and punitive action against Plaintiff to uphold the integrity of South Carolina courts and the South Carolina Rules of Civil Procedure.² Accordingly, this Court strikes Plaintiff's Complaint and dismisses any and all causes of actions against Defendants for refusing to comply with this Court's Order Compelling Discovery filed on October 15, 2021. In addition, this Court sanctions Plaintiff by ordering Plaintiff to pay all of Defendants' reasonable expenses, including attorney's fees, incurred as a result of (1) Plaintiff's prosecution of these meritless allegations against Defendants, (2) Defendants being required to file discovery motions that Plaintiff has willfully ignored, and (3) Plaintiff's failure to comply with and Plaintiff's total refusal to participate in discovery in accordance with the South Carolina Rules of Civil Procedure during the pendency of this action. Defendants shall submit a petition seeking reimbursement for these reasonable expenses, including attorney's fees, incurred as a result of Plaintiff's prosecution of these meritless allegations against them within 30 days of the filing of this Order. This Court reserves the right to decrease any fee request or nullify any fee request.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the Motion for Sanctions on Behalf of Chad Connelly and Tom Persons filed on December 17, 2021 is hereby **GRANTED** in accordance with the above order and Plaintiff's Complaint is stricken

² There is a likelihood of repetition of this conduct as Plaintiff is currently prosecuting six other civil actions as a *pro se* litigant in South Carolina courts.

with prejudice and Plaintiff is ordered to pay all of Defendants' reasonable expenses, including attorney's fees, incurred as a result of Plaintiff's prosecution of this action.

AND IT IS SO ORDERED.

The Honorable Donald B. Hocker

September ____, 2022



Newberry Common Pleas

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

Case Number: 2020CP3600384

Type: Order/Sanctions

Circuit Court Judge

s/Donald B. Hocker, Judge Code 2167

EXHIBIT L

STATE OF SOUTH CAROLINA)
COUNTY OF ^{Newberry} LAURENS)
Jefferson Davis, Jr.)
Plaintiff,)
vs.)
Chad Connelly, Tom Persons,)
Geoffrey Chambers, Esq., and)
South Carolina Educational Credit)
for Exceptional Needs Children)
Fund.)
Defendants.)

IN THE COURT OF COMMON PLEAS
EIGHTH JUDICIAL CIRCUIT

Case Number: 2020-CP-36-00384

ORDER GRANTING DEFENDANT'S MOTION
FOR SANCTIONS AGAINST PLAINTIFF

This Court issued an Order on September 19, 2022 granting Defendants' Motion for Sanctions against the Plaintiff.¹ The Findings and Rulings in that Order are incorporated herein by reference. Justin Novak requested fees and costs, by way of Affidavits², as follows:

\$19,746.28

It appears that the above fees and costs represent Mr. Novak's total time and cost spent on the case. While the Court is convinced that Mr. Novak has earned his requested total fee, the Court does not believe SCRCP 37 authorizes a total award of fees accrued by an attorney's involvement in the case, but rather a specific award for discovery abuses. Consequently, the Court is going to award a 15% sanction against the Plaintiff for Mr. Novak as follows:

\$2,961.00

The Plaintiff shall pay the above within 90 days of the date of this Order to each attorney.

SO ORDERED.



DONALD B. HOCKER
CIRCUIT COURT JUDGE

Laurens, South Carolina

Date: 12-28-22

¹The Court in this Order reserved the right to decrease or nullify any fee request.

² Plaintiff offered no opposition to the Motion or the subsequent submission of Fee Affidavits.

EXHIBIT M

STATE OF SOUTH CAROLINA
COUNTY OF NEWBERRY

Jefferson Davis, Jr.,

Plaintiff,

vs.

Chad Connelly, Tom Persons, & Geoffrey
Chambers, *Esq.*

Defendants.

) IN THE COURT OF COMMON PLEAS
) EIGHTH JUDICIAL CIRCUIT
)

) C.A. NO. 2020-CP-36-00384
)

) **PLAINTIFFS NOTICE AND**
) **MOTION FOR**
) **RECONSIDERATION OF ORDER**

TO: DEFENDANTS

PLEASE TAKE NOTICE, pursuant to Rule 59(e), SCRPC, Plaintiff Jefferson Davis, Jr. ("Davis") hereby submits this notice and motion for reconsideration of the Court's Order entered on **January 3rd, 2023** (the "Order").

The Order was served on the Plaintiff by mail from Newberry County Clerk of Court. Similar to the Federal Rule of Civil Procedure 6(d) allowing 3 additional days, as a pro se party, SCRPC Rule 6(e) provides Plaintiff Davis with an additional 5 days to comply when served by mail.

"(e) Additional Time After Service by Mail or Upon Statutory Agent. Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served upon him by mail or upon a person designated by statute to accept service, **five days shall be added to the prescribed period.**" SCRPC, Rule 6(e) (emphasis added).

Plaintiff raises certain exceptions to statements, findings, and conclusions in the Order (as to be supplemented) and Plaintiff respectfully requests that the Court reconsiders the same.

Plaintiff reserves the right to support this Motion with a Memorandum of Law, Affidavits, and any other relevant information to be submitted at a later date prior to a scheduled hearing on the motion.

Specifically, but not limited to, the Court failed to address blatant defamatory information complained about and on record before this Court and recorded in the transcript records.

Furthermore, this case was originally filed on 9/11/2020. Defendants, in particular counsel Geoffrey Chambers, have been tardy on numerous occasions, yet the Court has held *pro se* Plaintiff Davis to a much higher standard of timeliness as it related to responding to discovery, so much so that this case is not being ruled upon based the merits of the case.

Plaintiff also wishes to raise the continuing matter of legitimate criminal activity and conspiracy among Defendants and others in this and related matters.

Although this case itself should have been a simple matter to expose corruption and defamatory actions among political parties, Defendants have unjustly avoided being held accountable for their *per se* tortious actions.

South Carolina Rules of Civil Procedure “contemplate two basic situations in which a party should consider filing a Rule 59(e) motion. A party may wish to file such a motion when she believes the court has misunderstood, failed to fully consider, or perhaps failed to rule on an argument or issue, and the party wishes for the court to reconsider or rule on it. A party must file such a motion when an issue or argument has been raised, but not ruled on, in order to preserve it for appellate review.” Elam v. South Carolina Department of Transportation, 602 SE 2d 772 (S.C. 2004).

Respectfully submitted this 17th day of January 2023.

A handwritten signature in black ink, appearing to read 'J. Davis', with a long horizontal line extending from the end of the signature.

Jefferson Davis, Jr.
403 McCarter Avenue
Greenville, SC 29615
843-901-8036 (cell)
jeff@apogeetax.com

PLAINTIFF, *PRO SE*

EXHIBIT N

STATE OF SOUTH CAROLINA

COUNTY OF NEWBERRY

Jefferson Davis, Jr.,

Plaintiff,

v.

Chad Connelly, Tom Persons, Geoffrey
Chambers, Esq., and South Carolina
Educational Credit for Exceptional Needs
Children Fund,

Defendants.

IN THE COURT OF COMMON PLEAS

CIVIL ACTION NO.: 2020-CP-36-00384

**ORDER DENYING
PLAINTIFF'S MOTION FOR
RECONSIDERATION OF ORDER
(01/03/2023)**

This matter came before the Court upon Plaintiff's Notice and Motion for Reconsideration or Order (01/03/2023) filed on January 18, 2023, in which Plaintiff petitions the Court to reconsider the Court's Order Granting Defendants' Motion for Sanctions Against Plaintiff filed on January 3, 2023 ("Motion for Reconsideration"). After careful review and consideration, this Court denies the Motion for Reconsideration.

ORDER

South Carolina's Rules of Civil Procedure "contemplate two basic situations in which a party should consider filing a Rule 59(e) motion." Elam v. South Carolina Dept. of Transp., 361 S.C. 9, 24, 602 S.E.2d 772, 780 (2004). "A party must file such a motion when an issue or argument has been raised, but not ruled on, in order to preserve it for appellate review." Id. "A party may wish to file such a motion when she believes the court has misunderstood, failed to fully consider, or perhaps failed to rule on an argument or issue, and the party wishes for the court to reconsider or rule on it." Id. "A party cannot use Rule 59(e) to present to the court an issue the party could have raised prior to judgment but did not." Hickman v. Hickman, 301 S.C. 455, 456-57, 392 S.E.2d 481, 482 (Ct. App. 1990).

“A motion to alter or amend the judgment shall be served not later than 10 days after receipt of written notice of the entry of the order.” Rule 59(e), SCRPC. Although Rule 6(b), SCRPC, gives trial courts limited authority to extend deadlines set forth in the rules, Rule (6)(b), SCRPC, explicitly excludes Rule 59, SCRPC, and certain other rules from that authority. Overland, Inc. v. Nance, 423 S.C. 253, 255, 815 S.E.2d 431, 432 (2018). Accordingly, “the ten-day limit for serving a Rule 59(e) motion is an absolute deadline” and any order entered after the 10-day time period is a nullity because the trial court no longer has jurisdiction over the matter. Id. (quoting Leviner v. Sonoco Prods. Co., 339 S.C. 492, 494, 530 S.E.2d 127, 128 (2000)). “The failure to serve a Rule 59(e) motion within ten days of receipt of notice of entry of the order converts the order into a final judgment, and the aggrieved party’s only recourse is to file a notice of intent to appeal.” Id. at 257, 815 S.E.2d at 433. “A party filing a written motion under this rule shall provide a copy of the motion to the judge within ten (10) days after the filing of the motion.” Rule 59(g), SCRPC.

As a threshold matter, this Court no longer has jurisdiction over this matter because Plaintiff’s Motion for Reconsideration was served more than 10 days after Plaintiff’s receipt of written notice of the entry of the Order Granting Defendants’ Motion for Sanctions Against Plaintiff on December 28, 2022. See Overland, Inc. v. Nance, 423 S.C. 253, 255, 815 S.E.2d 431, 432 (2018) (citing Leviner v. Sonoco Prods. Co., 339 S.C. 492, 494, 530 S.E.2d 127, 128 (2000)); Wells Fargo Bank, N.A. v. Fallon Props. S.C., LLC, 422 S.C. 211, 213, 810 S.E.2d 856, 857 (2018) (holding that an email that provides written notice of entry of an order or judgment sent from the court, an attorney of record, or a party, triggers the time to serve a notice of appeal).¹ On September 19, 2022, this Court filed an Order granting Defendants’ Motion for Sanctions against Plaintiff, *inter alia*, for refusing to comply with this Court’s Order Compelling Discovery

¹ In the Motion for Reconsideration, Plaintiff erroneously states that the motion was not required to be served within 10 days of written notice of the entry of the Order because Rule 6(e), SCRPC, provides that an additional five days shall be added to the period prescribed for response by the South Carolina Rules of Civil Procedure when the notice or paper is served upon him by mail. This Court previously addressed the inapplicability of Rule 6(e), SCRPC, to Rule 59(e), SCRPC, in its Order Denying Plaintiff’s Motions for Reconsideration in this matter filed on August 12, 2022, in Jefferson Davis, Jr. v. Chad Connelly, Civil Action No. 2020-CP-36-00382.

and ordering Plaintiff to pay Defendants' reasonable expenses, including attorneys' fees, incurred as a result of the failure to comply with the Order Compelling Discovery and the South Carolina Rules of Civil Procedure.² After the submission of various affidavits of attorneys' fees, on December 28, 2022, this Court executed and sent to the parties by email an Order Granting Defendants' Motion for Sanctions Against Plaintiff.³ This Court filed the order on January 3, 2023, and mailed a copy to Plaintiff. Defendants also served a copy of the order upon Plaintiff by U.S. Mail and email on January 5, 2023. Plaintiff did not file the Motion for Reconsideration until January 18, 2023.⁴ In the Motion for Reconsideration, Plaintiff acknowledged that "[t]he Order was served on the Plaintiff by mail from Newberry County Clerk of Court." As Plaintiff did not serve the Motion for Reconsideration not later than 10 days after receipt of written notice of the entry of the order, this Court no longer has jurisdiction over the matter. Moreover, Plaintiff failed to provide a copy of the motion to this Court within ten (10) days after the filing of the motion.⁵

In addition, Plaintiff's motion fails to identify any issue or argument raised but not ruled upon or which this Court has misunderstood or failed to consider. Instead, the motion addresses matters wholly outside the scope of the Order Granting Defendants' Motion for Sanctions Against Plaintiff filed on January 3, 2023. Accordingly, this Court would alternatively also deny Plaintiff's Motion for Reconsideration because the motion fails to identify any issue or argument raised but not ruled upon or which this Court has misunderstood or failed to fully consider.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Plaintiff's Notice and Motion for Reconsideration of Order (01/03/2023) is **DENIED** in accordance with

² Plaintiff did not file a motion to alter or amend the Order Granting Defendants' Motion for Sanctions against Plaintiff filed on September 19, 2022.

³ Plaintiff offered no opposition to the submitted fee affidavits.

⁴ Although Plaintiff filed a Certificate of Service indicating a mailing of the order to the Court on January 17, 2023, this Court never received Plaintiff's Motion for Reconsideration in January of 2023.

⁵ See n.4, *supra*.

the above order.

AND IT IS SO ORDERED.

The Honorable Donald B. Hocker

June ____, 2023



Newberry Common Pleas

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

Case Number: 2020CP3600384

Type: Order/Other

Circuit Court Judge

s/Donald B. Hocker, Judge Code 2167

EXHIBIT O

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF NEWBERRY

JEFFERSON DAVIS, JR.,

Plaintiff,

vs.

CHAD CONNELLY, TOM PERSONS, GEOFFREY
CHAMBERS, ESQ., AND SOUTH CAROLINA
EDUCATIONAL CREDIT FOR EXCEPTIONAL NEEDS
CHILDREN FUND,

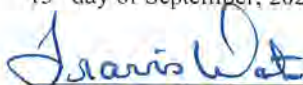
Defendants,

C.A. NO: 2020-CP- 36-00384

AFFIDAVIT OF SERVICE

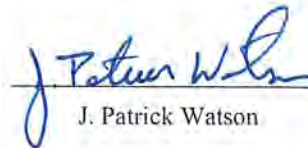
PERSONALLY appeared before me the undersigned, who, being more than eighteen years of age, being duly sworn, says that he served a **Cover Letter dated September 11, 2023, Order Denying Plaintiff's Motion for Reconsideration of Order (01/03/2023)** in the above-entitled matter on Jefferson Davis, Jr. by delivery to Jefferson Davis, Jr., personally, and leaving with him one copy of the same at the following address: 2505 Wade Hampton Boulevard, Greenville, SC 29615 on the 15th day of September 2023, at 11:14 a.m. The deponent is not a party to nor interested in this action. The defendant was served at a neutral location, but resides at 403 McCarter Avenue, Greenville, SC 29615.

SWORN to before me this the
15th day of September, 2023

 (LS)

Notary Public for South Carolina

My commission expires: 12/06/2027


J. Patrick Watson

Description of Person: SEX male; SKIN COLOR white AGE 55-60

Receiving Documents: FACIAL HAIR none HGT., 5'11" WGT., 210 HAIR brown/gray

EXHIBIT P

STATE OF SOUTH CAROLINA)
COUNTY OF NEWBERRY)

IN THE COURT OF COMMON PLEAS

Jefferson Davis, Jr.)
Plaintiff)

vs.)

ORDER AND RULE TO SHOW CAUSE
2020-CP-36-00384

Chad Connelly, Dave Wilson, Steven)
Kirkland, Tom Persons, Neil Mellen,)
E3 Software, LLC, Endurance)
International Group Holdings, Inc.,)
John Doe #1, John Doe #2 and)
John Doe #3-40,)
Defendant)

To: Plaintiff, Jefferson Davis:

Upon consideration of the attached Motion, it is

Hereby Ordered that the Plaintiff, Jefferson Davis, appear before this Court on December 5, 2023 at 1:45 p.m., at the Laurens County Courthouse, 100 Hillcrest Square, Laurens, South Carolina, and show cause, if any you can, why you shall not be held in contempt for failing to comply with the subject Order, dated December 22, 2022.

So Ordered.



Donald B. Hocker
Circuit Court Judge

Laurens, South Carolina
Date: 10-20-23

STATE OF SOUTH CAROLINA

COUNTY OF NEWBERRY

Jefferson Davis, Jr.,

Plaintiff,

v.

Chad Connelly, Tom Persons, Geoffrey Chambers, Esq., and South Carolina Educational Credit for Exceptional Needs Children Fund,

Defendants.

IN THE COURT OF COMMON PLEAS

CIVIL ACTION NO.: 2020-CP-36-00384

**RULE TO SHOW CAUSE
AND MOTION FOR AN ORDER OF
CONTEMPT AND ADDITIONAL
SANCTIONS**

Defendants Chad Connelly and Tom Persons (“Defendants”), by and through the undersigned counsel, move this Court to issue a Rule to Show Cause and for an Order of Contempt and Additional Sanctions arising from Plaintiff’s refusal to comply with this Court’s Order Granting Defendant’s Motion for Sanctions Against Plaintiff filed on January 3, 2023, (“Order Granting Attorneys’ Fees”) pursuant to Rules 11, 37(b)(2), SCRCP, and S.C. Code § 14-5-320.

BACKGROUND

On July 27, 2021, Defendants served Plaintiff with interrogatories, requests for production, and requests for admission. After Plaintiff failed to provide any response to any of the written discovery requests, Defendants filed a motion to compel responses from Plaintiff on September 27, 2021. This Court filed an Order Compelling Discovery commanding Plaintiff to respond to the interrogatories and requests for production by 5:00 pm on October 15, 2021. Plaintiff, however, failed to provide responses to Defendants’ discovery requests in accordance with the Order Compelling Discovery.

On December 17, 2021, Defendants filed a Motion for Sanctions pursuant to Rules 11 and 37(b)(2), SCRCP, seeking sanctions, *inter alia*, for Plaintiff’s failure to comply with the Order

Compelling Discovery. After this Court granted summary judgment in favor of Defendants as to all claims asserted by Plaintiff,¹ on September 19, 2022, this Court filed an Order granting Defendants' Motion for Sanctions against Plaintiff, *inter alia*, for refusing to comply with this Court's Order Compelling Discovery and ordering Plaintiff to pay Defendants' reasonable expenses, including attorneys' fees, incurred as a result of the failure to comply with the Order Compelling Discovery and the South Carolina Rules of Civil Procedure.²

After the submission of various affidavits of attorneys' fees, on December 28, 2022, this Court executed and sent to the parties by email an Order Granting Defendants' Motion for Sanctions Against Plaintiff that commanded Plaintiff to pay \$2,961.00 in fees and costs incurred by Defendants within 90 days of the date of the order. (Exhibit A.) This Court filed the order on January 3, 2023, and mailed a copy to Plaintiff.³ Defendants also served a copy of the order upon Plaintiff by U.S. Mail and email on January 5, 2023. (Exhibit B.)

Plaintiff offered no opposition to the submission of the fee affidavits. On January 18, 2023, however, Plaintiff filed Plaintiffs Notice and Motion for Reconsideration of Order (01/03/2023) ("Motion for Reconsideration") pursuant to Rule 59(e), SCRPC, in which Plaintiff sought reconsideration of the order on the following grounds:

[T]he Court failed to address blatant defamatory information complained about and on record before this Court and recorded in the transcript records.

* * * *

Defendants, in particular counsel Geoffrey Chambers, have been tardy on numerous occasions, yet the Court has held *pro se* Plaintiff Davis to a much higher standard of timeliness as it related to responding to discovery, so much so that this case is not being ruled upon based the merits of the case.

¹ Plaintiff did not file a motion to alter or amend the Order Granting Summary Judgment in Favor of Defendants Chad Connelly and Tom Persons filed on September 19, 2022.

² Plaintiff did not file a motion to alter or amend the Order Granting Defendants' Motion for Sanctions against Plaintiff filed on September 19, 2022.

³ Ninety days from the date of the execution and first written notice of the order was March 28, 2023. Ninety days from the filing and mailing of the order was April 3, 2023.

* * * *

Plaintiff also wishes to raise the continuing matter of legitimate criminal activity and conspiracy among Defendants and others in this and related matters.

(Mot. Reconsider pp. 2-3.) In the Motion for Reconsideration, Plaintiff admitted that “[t]he Order was served on the Plaintiff by mail from Newberry County Clerk of Court.” (Mot. Reconsideration p. 1.) The Motion for Reconsideration did not address any issue or argument not ruled upon or challenge any findings of fact or conclusions of law in the Order Granting Defendants’ Motion for Sanctions Against Plaintiff. (See Mot. Reconsideration.)

LEGAL STANDARD

“If a party . . . fails to obey an order to provide or permit discovery . . . , the court in which the action is pending may make such orders in regard to the failure as are just[.]” Rule 37(b)(2), SCRCP. Such orders may include “an order treating as a contempt of court the failure to obey any orders except an order to submit to a physical or mental examination[.]” Rule 37(b)(2)(D), SCRCP. “In lieu of any of the foregoing orders or in addition thereto, the court shall require the party failing to obey the order . . . to pay the reasonable expenses, including attorney’s fees, caused by the failure, unless the court finds that the failure was substantially justified or that other circumstances make an award of expenses unjust.” Rule 37(b)(2), SCRCP.

“The power to punish for contempt . . . is essential to the preservation of order in judicial proceedings, and to the enforcement of the judgments, orders and writs of the courts, and consequently to the due administration of justice.” Miller v. Miller, 375 S.C. 443, 453, 652 S.E.2d 754, 759, (2007 Ct. App.) (citing Floyd v. Floyd, 365 S.C. 56, 73, 615 S.E.2d 465, 474 (Ct. App. 2005)); see also S.C. Code § 14-5-320 (“The circuit court may punish by fine or imprisonment, at the discretion of the court, all contempts of authority in any cause or hearing before the same.”). In fact, “[c]ourts have no more important function to perform in the administration of justice than to ensure their orders are obeyed.” State v. Bevilacqua, 316 S.C. 122, 128, 447 S.E.2d 213, 216 (Ct. App. 1994). As a

result, “courts have the inherent power to punish for offenses that are calculated to obstruct, degrade, and undermine the administration of justice.” Miller, 375 S.C. at 453, 652 S.E.2d at 759 (quoting Brandt v. Gooding, 368 S.C. 618, 628, 630 S.E.2d 259, 264 (2006)). “The appellate courts of this state have zealously defended the right of trial courts to vindicate their authority by way of contempt.” Bevilacqua, 316 S.C. at 128, 447 S.E.2d at 216.

In addition, “[a] party who is not represented by an attorney shall sign his pleading, motion or other paper and state his address.” Rule 11(a), SCRPC. “The written or electronic signature of an attorney or party constitutes a certificate by him that he has read the pleading, motion or other paper; that to the best of his knowledge, information and belief there is good ground to support it; and that it is not interposed for delay.” Id. “If a pleading, motion, or other paper is signed in violation of this Rule, the court, upon motion or upon its own initiative, may impose upon the person who signed it . . . an appropriate sanction, which may include an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the filing of the pleading, motion or other paper, including a reasonable attorney’s fee.” Id.

ARGUMENT

Plaintiff has continued to willfully disobey this Court’s orders by ignoring the Order Granting Defendants’ Motion for Sanctions Against Plaintiff executed on December 28, 2022, which commanded Plaintiff to reimburse Defendants within 90 days of the date of the order for a portion of the expenses, fees, and costs incurred as a result of Plaintiff’s failure to comply with this Court’s previous Order Compelling Discovery filed on October 15, 2021. Plaintiff has shown a gross indifference to Defendants’ rights and the Court’s authority through his continued disobedience of these orders and the South Carolina Rules of Civil Procedure.⁴ Accordingly, this Court should take

⁴ See Order Granting Defendants’ Motion for Sanctions against Plaintiff filed on September 19, 2022, p. 5-6 (“Plaintiff has willfully disobeyed this Court’s Order Compelling Discovery filed on October 15, 2021, for approximately

action to uphold the integrity of the Court and the South Carolina Rules of Civil Procedure.⁵ Defendants, therefore, request that this Court issue a rule to show cause and hold Plaintiff in contempt for refusing to comply with this Court's Order Granting Defendants' Motion for Sanctions Against Plaintiff filed on January 3, 2023. In addition, this Court should further sanction Plaintiff by ordering Plaintiff to pay all of Defendants' reasonable expenses, including attorney's fees, incurred as a result of Plaintiff's failure to comply with the order.

This Court should also sanction Plaintiff for signing, serving, and filing Plaintiff's Notice of and Motion for Reconsideration of Order (01/03/2023) because the motion was patently untimely, there is no good ground to support it, and it is interposed merely for delay payment of the sanctions awarded in the Court's Order Granting Defendants' Motion for Sanctions Against Plaintiff filed on January 3, 2023. Plaintiff's Motion for Reconsideration was served more than 10 days after Plaintiff's receipt of written notice of the entry of the Order on December 28, 2022. See Wells Fargo Bank, N.A. v. Fallon Props. S.C., LLC, 422 S.C. 211, 213, 810 S.E.2d 856, 857 (2018) (holding that an email that provides written notice of entry of an order or judgment sent from the court, an attorney of record, or a party, triggers the time to serve a notice of appeal). Nevertheless, Plaintiff served the motion on January 17, 2023, and relied on service of the motion to delay payment of the sanctions award. (See Exhibit C.)

In the Motion for Reconsideration, Plaintiff erroneously states that the Motion for Reconsideration was not required to be served within 10 days of written notice of the entry of the Order because Rule 6(e), SCRCP, provides that an additional five days shall be added to the period prescribed for response by the South Carolina Rules of Civil Procedure when the notice or paper is

ten months [and] has shown a complete and total disregard for the South Carolina Rules of Civil Procedure and all other parties' rights to conduct discovery in the prosecution of his meritless allegations.")

⁵ There is a likelihood of repetition of this conduct based upon Plaintiff's repeated disregard for court orders, other parties' rights, the South Carolina Rules of Civil Procedure in this matter and Plaintiff's prosecution of numerous other civil actions as a *pro se* litigant in South Carolina courts.

served upon him by mail. Plaintiff, however, ignores the unambiguous language of Rule 59(e), SCRCP, which expressly provides that “[a] motion to alter or amend the judgment shall be served not later than 10 days after receipt of written notice of the entry of the order” and of Rule 6(b), SCRCP, which provides that “the time for taking any action under rules 50(b), 52(b), 59, and 60(b) may not be extended except to the extent and under the conditions stated in them.” See also Overland, Inc. v. Nance, 423 S.C. 253, 255, 815 S.E.2d 431, 432 (2018) (“Rule 6(b) of the South Carolina Rules of Civil Procedure gives trial courts limited authority to extend deadlines set forth in the Rules[; h]owever, Rule (6)(b) explicitly excludes Rule 59 and certain other rules from that authority.”).

The grounds for reconsideration stated in the Motion to Reconsider also do not address any issue or argument not ruled upon or challenge any findings of fact or conclusions of law in the Order Granting Defendants’ Motion for Sanctions Against Plaintiff. While the Order granting Defendants’ Motion for Sanctions against Plaintiff filed on September 19, 2022, addressed the findings of fact and conclusions of law supporting this Court’s determination that certain sanctions against Plaintiff are warranted,⁶ the Order Granting Defendants’ Motion for Sanctions Against Plaintiff filed on January 3, 2023, addressed only the amount of fees and costs to be awarded. Plaintiff’s Motion to Reconsider, however, does not even mention the award of fees and costs and Plaintiff offered no opposition to the submission of fee affidavits. Instead, the motion addressed only matters wholly outside the scope of the Order Granting Defendants’ Motion for Sanctions Against Plaintiff filed on January 3, 2023. As a result, there cannot be any good ground to support the motion.

⁶ Importantly, Plaintiff did not file a motion to alter or amend the Order Granting Defendants’ Motion for Sanctions against Plaintiff filed on September 19, 2022, and that those findings are now the law of the case. See Judy v. Martin, 381 S.C. 455, 458, 674 S.E.2d 151, 153 (2009) (determining that a party may not seek relief from an order not appealed “because the order has become the law of the case”).

CONCLUSION

For the foregoing reasons, this Court should issue a Rule to Show Cause and Order of Contempt imposing additional sanctions upon Plaintiff for his continued refusal to comply with this Court's orders. These sanctions should include compelling Plaintiff to satisfy the previous sanctions award and ordering Plaintiff to pay all of Defendants' reasonable expenses, including attorney's fees, incurred as a result of Plaintiff's willful failure to comply with the Order Granting Defendants' Motion for Sanctions Against Plaintiff filed on January 3, 2023.

[Separate Signature Page Follows]

Respectfully submitted,

**BARNWELL WHALEY PATTERSON &
HELMS, LLC**

/s/ Justin P. Novak

M. Dawes Cooke, Jr., Esquire
Justin P. Novak, Esquire
P.O. Drawer H
Charleston, South Carolina 29402
Phone: (843) 577-7700
Fax: (843) 577-7708
mdc@barnwell-whaley.com
jnovak@barnwell-whaley.com

*Attorneys for Defendants
Chad Connelly and Tom Persons*

May 17, 2023

EXHIBIT A

STATE OF SOUTH CAROLINA)
COUNTY OF ~~LAURENS~~ ^{Newberry})
Jefferson Davis, Jr.)
Plaintiff,)
vs.)
Chad Connelly, Tom Persons,)
Geoffrey Chambers, Esq., and)
South Carolina Educational Credit)
for Exceptional Needs Children)
Fund.)
Defendants.)

IN THE COURT OF COMMON PLEAS
EIGHTH JUDICIAL CIRCUIT

Case Number: 2020-CP-36-00384

ORDER GRANTING DEFENDANT'S MOTION
FOR SANCTIONS AGAINST PLAINTIFF

This Court issued an Order on September 19, 2022 granting Defendants' Motion for Sanctions against the Plaintiff.¹ The Findings and Rulings in that Order are incorporated herein by reference. Justin Novak requested fees and costs, by way of Affidavits², as follows:

\$19,746.28

It appears that the above fees and costs represent Mr. Novak's total time and cost spent on the case. While the Court is convinced that Mr. Novak has earned his requested total fee, the Court does not believe SCRCP 37 authorizes a total award of fees accrued by an attorney's involvement in the case, but rather a specific award for discovery abuses. Consequently, the Court is going to award a 15% sanction against the Plaintiff for Mr. Novak as follows:

\$2,961.00

The Plaintiff shall pay the above within 90 days of the date of this Order to each attorney.

SO ORDERED.



DONALD B. HOCKER
CIRCUIT COURT JUDGE

Laurens, South Carolina

Date: 12-28-22

¹The Court in this Order reserved the right to decrease or nullify any fee request.

²Plaintiff offered no opposition to the Motion or the subsequent submission of Fee Affidavits.

EXHIBIT B

EST. 1938

BARNWELL WHALEY

ATTORNEYS AT LAW

JUSTIN P. NOVAK
SPECIAL COUNSEL

JNOVAK@BARNWELL-WHALEY.COM

January 5, 2023

Via U.S. Certified Mail

Jefferson Davis, Jr.
403 McCarter Avenue
Greenville, SC 29615

RE: Jefferson Davis, Jr. v Chad Connelly, Tom Persons, et al.
C/A No. 2020-CP-36-00384

Dear Mr. Davis,

As you know, on January 3, 2023, Judge Hocker entered an Order granting Defendants' Motion for Sanctions against you in the above-referenced matter (enclosed). The judgment is in the amount of \$2,961.00.

Please remit payment to Barnwell Whaley Patterson & Helms, LLC Trust Account to satisfy the amount owed pursuant to the Order. Your payment should be mailed to Barnwell Whaley Patterson & Helms LLC, 211 King Street, Suite 300, Charleston, South Carolina 29401.

Regards,

/s/ Justin P. Novak

Justin P. Novak

Enclosures as stated
CC: Geoffrey Chambers, Esquire

JPN/dlm

26753.DOCX.1}

BARNWELL WHALEY PATTERSON & HELMS LLC

211 KING STREET, SUITE 300
CHARLESTON, SC 29401
P: 843-577-7700 F: 843-577-7708

201 NORTH FRONT STREET, SUITE 1003
WILMINGTON, NC 28401
P: 910-679-1388 F: 910-679-4663

BARNWELL-WHALEY.COM

ELECTRONICALLY FILED - 2023 Oct 24 11:11 AM - NEWBERRY - COMMON PLEAS - CASE#2020CP3600384
ELECTRONICALLY FILED - 2023 May 17 4:13 PM - NEWBERRY - COMMON PLEAS - CASE#2020CP3600384

STATE OF SOUTH CAROLINA)
COUNTY OF ~~LAURENS~~ ^{Newberry})
Jefferson Davis, Jr.)
Plaintiff,)
vs.)
Chad Connelly, Tom Persons,)
Geoffrey Chambers, Esq., and)
South Carolina Educational Credit)
Fund.)
Defendants.)

IN THE COURT OF COMMON PLEAS
EIGHTH JUDICIAL CIRCUIT

Case Number: 2020-CP-36-00384

ORDER GRANTING DEFENDANT'S MOTION
FOR SANCTIONS AGAINST PLAINTIFF

This Court issued an Order on September 19, 2022 granting Defendants' Motion for Sanctions against the Plaintiff.¹ The Findings and Rulings in that Order are incorporated herein by reference. Justin Novak requested fees and costs, by way of Affidavits², as follows:

\$19,746.28

It appears that the above fees and costs represent Mr. Novak's total time and cost spent on the case. While the Court is convinced that Mr. Novak has earned his requested total fee, the Court does not believe SCRCP 37 authorizes a total award of fees accrued by an attorney's involvement in the case, but rather a specific award for discovery abuses. Consequently, the Court is going to award a 15% sanction against the Plaintiff for Mr. Novak as follows:

\$2,961.00

The Plaintiff shall pay the above within 90 days of the date of this Order to each attorney.

SO ORDERED.



DONALD B. HOCKER
CIRCUIT COURT JUDGE

Laurens, South Carolina

Date: 12-28-22

¹The Court in this Order reserved the right to decrease or nullify any fee request.

² Plaintiff offered no opposition to the Motion or the subsequent submission of Fee Affidavits.

EXHIBIT C

From: Jeff Davis
To: Hocker, Donald B. Law Clerk (Manning Cathcart)
Cc: Justin P. Novak; Geoffrey Chambers; Wilson, Skyler C.; selliot@elliottlaw.us; Diana L. Murray; Hocker, Donald B.; Hocker, Donald B. Secretary (Regan A. Snow)
Subject: [EXT] Re: Davis v. Connelly 20-CP-36-382/384
Date: Monday, May 15, 2023 11:39:00 AM
Attachments: 2023-01-18 - Motion to Reconsider x82- FILED v01.pdf
2023-01-18 - Motion to Reconsider x84- FILED v01.pdf

Ms. Cathcart,

Motions to Reconsider (2) were filed on January 18th, 2023 in both cases (x82 & x84). We are waiting on the court to rule as a necessary prerequisite before any appeal can be filed.

Please see attached.

I also understand that everything in these two cases is on hold until those two motions are ruled upon, and appeals are resolved. **If that is not the case, please advise.**

PLEASE KNOW, I received demand letters today (dated 5/12/2023) from plaintiff's counsel related to the award of attorneys fees. Since Mr. Connelly has been reportedly telling people I am going to be "arrested" for something related to these cases, I would like to clarify the above point with the court.

Is payment of the attorney's fee award required prior to resolution of any appeals?

Thank you.

Jeff Davis
843-901-8036 (cell)

Jeff Davis, JD, MBA, CPA(GA)
843-901-8036 (cell) | 866-501-7471 (fax) | jeff@apogeetax.com

CONFIDENTIAL INFORMATION: The information contained in this E-mail message is attorney privileged and / or confidential information intended only for the use of the individual(s) named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, copying or other use of this communication is strictly prohibited. If you have received this communication in error, please contact the sender by reply E-mail and destroy all copies of the original message. Active and licensed attorney and CPA in Georgia (not SC). Thank you.

IRS CIRCULAR 230 NOTICE: To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. tax advice contained in this communication (or in any attachment) is not intended or written to be used, and cannot be used, for the purpose of (1) avoiding penalties under the Internal Revenue Code or (2) promoting, marketing, or recommending to another party any transaction or matter addressed in this communication or attachment.

On Mon, May 8, 2023 at 2:10 PM Hocker, Donald B. Law Clerk (Manning Cathcart)
<dhockerlc@sccourts.org> wrote:

Good Afternoon All,

Judge Hocker would like to know if there is anything else he needs to do in either or both of these cases. Please let us know at your earliest convenience.

Sincerely,

Manning Cathcart

Law Clerk for the Honorable Donald B. Hocker

Eighth Judicial Circuit

SC Bar #: 105730

dhockerlc@sccourts.org

(864) 993-8350

~~~ CONFIDENTIALITY NOTICE ~~~ This message is intended only for the addressee and may contain information that is confidential. If you are not the intended recipient, do not read, copy, retain, or disseminate this message or any attachment. If you have received this message in error, please contact the sender immediately and delete all copies of the message and any attachments.

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## EXHIBIT Q

**From:** [Hocker, Donald B. Secretary \(Regan A. Snow\)](#)  
**To:** [Justin P. Novak](#); [Geoffrey Chambers](#); [Wilson, Skyler C.](#); [Shelby Lott](#)  
**Cc:** [selliott@elliottlaw.us](mailto:selliott@elliottlaw.us); [Jeff Davis](#); [Janeen Toby](#); [Hocker, Donald B.](#); [Hocker, Donald B. Law Clerk \(Carson Anderson\)](#); [Jessica Attaway](#)  
**Subject:** RE: [EXT] RE: Davis v. Connelly 20-CP-36-382/384  
**Date:** Friday, October 27, 2023 11:32:50 AM  
**Importance:** High

---

Everyone:

We received notice that Mr. Davis has filed a Notice of Appeal in the cases above. Judge Hocker will cancel the Rule to Show Cause hearing that was scheduled for December 5, 2023, in light of the appeal.

Thank you,

Regan.

*Regan A. Snow*

*Administrative Assistant for*

*Donald B. Hocker, Circuit Court Judge*

*Post Office Box 972*

*100 Hillcrest Square, Suite B*

*Laurens, South Carolina 29360*

*864-984-2076 (Office)*

*864-984-2333 (Fax)*

*[dhockersc@sccourts.org](mailto:dhockersc@sccourts.org)*

---

**From:** Hocker, Donald B. Secretary (Regan A. Snow)  
**Sent:** Friday, October 20, 2023 1:53 PM  
**To:** 'Justin P. Novak' <jnovak@barnwell-whaley.com>; 'Geoffrey Chambers' <geoffrey@cperlgroup.com>; 'Wilson, Skyler C.' <swilson@csvl.law>; 'Shelby Lott' <slott@barnwell-whaley.com>  
**Cc:** 'selliott@elliottlaw.us' <selliott@elliottlaw.us>; 'Jeff Davis' <jeff@apogeetax.com>; 'Janeen Toby' <jtoby@newberrycounty.net>; Hocker, Donald B. <dhockerj@sccourts.org>; Hocker, Donald B. Law Clerk (Carson Anderson) <dhockerlc@sccourts.org>; 'Jessica Attaway' <jattaway@newberrycounty.gov>  
**Subject:** RE: [EXT] RE: Davis v. Connelly 20-CP-36-382/384

Good afternoon:

Attached please find the signed Order and Rule to Show Cause.

Thank you,

Regan.

*Regan A. Snow*

*Administrative Assistant for*

*Donald B. Hocker, Circuit Court Judge*

*Post Office Box 972*

*100 Hillcrest Square, Suite B*

*Laurens, South Carolina 29360*

*864-984-2076 (Office)*

*864-984-2333 (Fax)*

*[dhockersc@scccourts.org](mailto:dhockersc@scccourts.org)*

---

**From:** Hocker, Donald B. Secretary (Regan A. Snow)

**Sent:** Friday, October 20, 2023 11:16 AM

**To:** 'Justin P. Novak' <[jnovak@barnwell-whaley.com](mailto:jnovak@barnwell-whaley.com)>; 'Geoffrey Chambers' <[geoffrey@cperlgroup.com](mailto:geoffrey@cperlgroup.com)>; 'Wilson, Skyler C.' <[swilson@csl.law](mailto:swilson@csl.law)>; 'Shelby Lott' <[slott@barnwell-whaley.com](mailto:slott@barnwell-whaley.com)>

**Cc:** 'sellott@elliottlaw.us' <[sellott@elliottlaw.us](mailto:sellott@elliottlaw.us)>; 'Jeff Davis' <[jeff@apogeetax.com](mailto:jeff@apogeetax.com)>; 'Janeen Toby' <[jtoby@newberrycounty.net](mailto:jtoby@newberrycounty.net)>; Hocker, Donald B. <[dhockerj@scccourts.org](mailto:dhockerj@scccourts.org)>; Hocker, Donald B. Law Clerk (Carson Anderson) <[dhockerlc@scccourts.org](mailto:dhockerlc@scccourts.org)>; 'Jessica Attaway' <[jattaway@newberrycounty.gov](mailto:jattaway@newberrycounty.gov)>

**Subject:** RE: [EXT] RE: Davis v. Connelly 20-CP-36-382/384

**Importance:** High

Everyone:

We are going to schedule the in-person hearing for December 5<sup>th</sup> at 1:45 p.m. This hearing is concerning the Rule to Show Cause and motions. The hearing will be held in Laurens.

Thank you,  
Regan.

---

**From:** Hocker, Donald B. Secretary (Regan A. Snow)

**Sent:** Tuesday, October 17, 2023 12:48 PM

**To:** 'Justin P. Novak' <[jnovak@barnwell-whaley.com](mailto:jnovak@barnwell-whaley.com)>; 'Geoffrey Chambers' <[geoffrey@cperlgroup.com](mailto:geoffrey@cperlgroup.com)>; 'Wilson, Skyler C.' <[swilson@csl.law](mailto:swilson@csl.law)>; 'Shelby Lott' <[slott@barnwell-whaley.com](mailto:slott@barnwell-whaley.com)>

**Cc:** 'sellott@elliottlaw.us' <[sellott@elliottlaw.us](mailto:sellott@elliottlaw.us)>; 'Jeff Davis' <[jeff@apogeetax.com](mailto:jeff@apogeetax.com)>; 'Janeen Toby' <[jtoby@newberrycounty.net](mailto:jtoby@newberrycounty.net)>; Hocker, Donald B. <[dhockerj@scccourts.org](mailto:dhockerj@scccourts.org)>; Hocker, Donald B. Law Clerk (Carson Anderson) <[dhockerlc@scccourts.org](mailto:dhockerlc@scccourts.org)>

**Subject:** RE: [EXT] RE: Davis v. Connelly 20-CP-36-382/384

Good afternoon:

Does anyone else have any dates that would not be good for an in-person hearing?

Thank you,  
Regan.

---

**From:** Hocker, Donald B. Secretary (Regan A. Snow)  
**Sent:** Monday, October 9, 2023 1:26 PM  
**To:** 'Justin P. Novak' <[jnovak@barnwell-whaley.com](mailto:jnovak@barnwell-whaley.com)>; Geoffrey Chambers <[geoffrey@cperlgroup.com](mailto:geoffrey@cperlgroup.com)>; Wilson, Skyler C. <[swilson@csvl.law](mailto:swilson@csvl.law)>; Shelby Lott <[slott@barnwell-whaley.com](mailto:slott@barnwell-whaley.com)>  
**Cc:** [selliott@elliottlaw.us](mailto:selliott@elliottlaw.us); Jeff Davis <[jeff@apogeetax.com](mailto:jeff@apogeetax.com)>; Janeen Toby <[jtoby@newberrycounty.net](mailto:jtoby@newberrycounty.net)>; Hocker, Donald B. <[dhockerj@sccourts.org](mailto:dhockerj@sccourts.org)>; Hocker, Donald B. Law Clerk (Carson Anderson) <[dhockerlc@sccourts.org](mailto:dhockerlc@sccourts.org)>  
**Subject:** RE: [EXT] RE: Davis v. Connelly 20-CP-36-382/384

Thank you. We will be mindful of those dates.

---

**From:** Justin P. Novak <[jnovak@barnwell-whaley.com](mailto:jnovak@barnwell-whaley.com)>  
**Sent:** Monday, October 9, 2023 11:14 AM  
**To:** Hocker, Donald B. Secretary (Regan A. Snow) <[dhockersc@sccourts.org](mailto:dhockersc@sccourts.org)>; Geoffrey Chambers <[geoffrey@cperlgroup.com](mailto:geoffrey@cperlgroup.com)>; Wilson, Skyler C. <[swilson@csvl.law](mailto:swilson@csvl.law)>; Shelby Lott <[slott@barnwell-whaley.com](mailto:slott@barnwell-whaley.com)>  
**Cc:** [selliott@elliottlaw.us](mailto:selliott@elliottlaw.us); Jeff Davis <[jeff@apogeetax.com](mailto:jeff@apogeetax.com)>; Janeen Toby <[jtoby@newberrycounty.net](mailto:jtoby@newberrycounty.net)>; Hocker, Donald B. <[dhockerj@sccourts.org](mailto:dhockerj@sccourts.org)>; Hocker, Donald B. Law Clerk (Carson Anderson) <[dhockerlc@sccourts.org](mailto:dhockerlc@sccourts.org)>  
**Subject:** RE: [EXT] RE: Davis v. Connelly 20-CP-36-382/384

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Regan,

If possible, I would like to avoid the following days:

- November 7, 10, 13
- The week of November 20-24
- December 8
- The week of December 18-22
- The week of December 25-29

Thank you for your consideration.

Justin

**JUSTIN NOVAK | SPECIAL COUNSEL**  
**BARNWELL WHALEY PATTERSON & HELMS, LLC**  
**Charleston, SC | Wilmington, NC (PLLC)**  
843-577-7700  
[Email](#) | [Firm Website](#) | [Bio](#) | [vCard](#)

---

**From:** Hocker, Donald B. Secretary (Regan A. Snow) <[dhockersc@sccourts.org](mailto:dhockersc@sccourts.org)>  
**Sent:** Monday, October 9, 2023 10:38 AM  
**To:** Justin P. Novak <[jnovak@barnwell-whaley.com](mailto:jnovak@barnwell-whaley.com)>; Geoffrey Chambers <[geoffrey@cperlgroupp.com](mailto:geoffrey@cperlgroupp.com)>; Wilson, Skyler C. <[swilson@csvl.law](mailto:swilson@csvl.law)>; Shelby Lott <[slott@barnwell-whaley.com](mailto:slott@barnwell-whaley.com)>  
**Cc:** [selliott@elliottlaw.us](mailto:selliott@elliottlaw.us); Jeff Davis <[jeff@apogeetax.com](mailto:jeff@apogeetax.com)>; Janeen Toby <[jtoby@newberrycounty.net](mailto:jtoby@newberrycounty.net)>; Hocker, Donald B. <[dhockerj@sccourts.org](mailto:dhockerj@sccourts.org)>; Hocker, Donald B. Law Clerk (Carson Anderson) <[dhockerlc@sccourts.org](mailto:dhockerlc@sccourts.org)>  
**Subject:** [EXT] RE: Davis v. Connolly 20-CP-36-382/384

Good morning:

Please let me know if there are any particular week/weeks not good for an in-person hearing. Please see my email below.

Thank you,  
Regan.

---

**From:** Hocker, Donald B. Secretary (Regan A. Snow)  
**Sent:** Tuesday, October 3, 2023 11:47 AM  
**To:** 'Justin P. Novak' <[jnovak@barnwell-whaley.com](mailto:jnovak@barnwell-whaley.com)>; Geoffrey Chambers <[geoffrey@cperlgroupp.com](mailto:geoffrey@cperlgroupp.com)>; Wilson, Skyler C. <[swilson@csvl.law](mailto:swilson@csvl.law)>; Shelby Lott <[slott@barnwell-whaley.com](mailto:slott@barnwell-whaley.com)>  
**Cc:** [selliott@elliottlaw.us](mailto:selliott@elliottlaw.us); Jeff Davis <[jeff@apogeetax.com](mailto:jeff@apogeetax.com)>; Janeen Toby <[jtoby@newberrycounty.net](mailto:jtoby@newberrycounty.net)>; Hocker, Donald B. <[dhockerj@sccourts.org](mailto:dhockerj@sccourts.org)>; Hocker, Donald B. Law Clerk (Carson Anderson) <[dhockerlc@sccourts.org](mailto:dhockerlc@sccourts.org)>  
**Subject:** Davis v. Connolly 20-CP-36-382/384

Everyone:

Please let me know if there are any particular week/weeks not good for an in-person hearing from now until the end of the year. This is in reference to the pending Rule to Show Cause and Motions in both cases.

Thank you,  
Regan.

*Regan A. Snow*  
*Administrative Assistant for*  
*Donald B. Hocker, Circuit Court Judge*  
*Post Office Box 972*  
*100 Hillcrest Square, Suite B*  
*Laurens, South Carolina 29360*  
*864-984-2076 (Office)*  
*864-984-2333 (Fax)*  
*[dhockersc@sccourts.org](mailto:dhockersc@sccourts.org)*

---

**From:** Justin P. Novak <[jnovak@barnwell-whaley.com](mailto:jnovak@barnwell-whaley.com)>  
**Sent:** Tuesday, October 3, 2023 10:33 AM  
**To:** Hocker, Donald B. Secretary (Regan A. Snow) <[dhockersc@sccourts.org](mailto:dhockersc@sccourts.org)>; Geoffrey Chambers <[geoffrey@cperlgroup.com](mailto:geoffrey@cperlgroup.com)>; Wilson, Skyler C. <[swilson@csvl.law](mailto:swilson@csvl.law)>; Shelby Lott <[slott@barnwell-whaley.com](mailto:slott@barnwell-whaley.com)>  
**Cc:** [selliott@elliottlaw.us](mailto:selliott@elliottlaw.us); Jeff Davis <[jeff@apogeetax.com](mailto:jeff@apogeetax.com)>; Janeen Toby <[jtoby@newberrycounty.net](mailto:jtoby@newberrycounty.net)>; Hocker, Donald B. <[dhockerj@sccourts.org](mailto:dhockerj@sccourts.org)>; Hocker, Donald B. Law Clerk (Carson Anderson) <[dhockerlc@sccourts.org](mailto:dhockerlc@sccourts.org)>  
**Subject:** RE: [EXT] RE: Davis v. Connelly 20-CP-36-382/384

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Regan,

Thank you for checking in on this matter. My understanding is that the only outstanding matters in these two cases are Defendant's rules to show cause and motions filed in each case on May 17, 2023.

Regards,

Justin

**JUSTIN NOVAK | SPECIAL COUNSEL**  
**BARNWELL WHALEY PATTERSON & HELMS, LLC**  
**Charleston, SC | Wilmington, NC (PLLC)**  
843-577-7700  
[Email](#) | [Firm Website](#) | [Bio](#) | [vCard](#)

---

**From:** Hocker, Donald B. Secretary (Regan A. Snow) <[dhockersc@sccourts.org](mailto:dhockersc@sccourts.org)>  
**Sent:** Friday, September 29, 2023 11:14 AM  
**To:** Justin P. Novak <[jnovak@barnwell-whaley.com](mailto:jnovak@barnwell-whaley.com)>; Diana L. Murray <[dmurray@barnwell-whaley.com](mailto:dmurray@barnwell-whaley.com)>; Geoffrey Chambers <[geoffrey@cperlgroup.com](mailto:geoffrey@cperlgroup.com)>; Wilson, Skyler C. <[swilson@csvg.law](mailto:swilson@csvg.law)>  
**Cc:** [selliott@elliottlaw.us](mailto:selliott@elliottlaw.us); Jeff Davis <[jeff@apogeetax.com](mailto:jeff@apogeetax.com)>; Janeen Toby <[jtoby@newberrycounty.net](mailto:jtoby@newberrycounty.net)>; Hocker, Donald B. <[dhockerj@sccourts.org](mailto:dhockerj@sccourts.org)>; Hocker, Donald B. Law Clerk (Carson Anderson) <[dhockerlc@sccourts.org](mailto:dhockerlc@sccourts.org)>  
**Subject:** RE: [EXT] RE: Davis v. Connelly 20-CP-36-382/384

Everyone:

Judge Hocker wanted a status report on this case to determine whether or not his assistance is still needed, or whether he can close his file.

Thank you,  
Regan.

*Regan A. Snow*  
*Administrative Assistant for*  
*Donald B. Hocker, Circuit Court Judge*  
*Post Office Box 972*  
*100 Hillcrest Square, Suite B*  
*Laurens, South Carolina 29360*  
*864-984-2076 (Office)*  
*864-984-2333 (Fax)*  
*[dhockersc@sccourts.org](mailto:dhockersc@sccourts.org)*

---

**From:** Justin P. Novak <[jnovak@barnwell-whaley.com](mailto:jnovak@barnwell-whaley.com)>  
**Sent:** Monday, June 5, 2023 9:26 AM  
**To:** Hocker, Donald B. Secretary (Regan A. Snow) <[dhockersc@sccourts.org](mailto:dhockersc@sccourts.org)>; Diana L. Murray <[dmurray@barnwell-whaley.com](mailto:dmurray@barnwell-whaley.com)>; Geoffrey Chambers <[geoffrey@cperlgroup.com](mailto:geoffrey@cperlgroup.com)>; Wilson, Skyler C. <[swilson@csvg.law](mailto:swilson@csvg.law)>  
**Cc:** [selliott@elliottlaw.us](mailto:selliott@elliottlaw.us); Hocker, Donald B. <[dhockerj@sccourts.org](mailto:dhockerj@sccourts.org)>; Jeff Davis <[jeff@apogeetax.com](mailto:jeff@apogeetax.com)>; Janeen Toby <[jtoby@newberrycounty.net](mailto:jtoby@newberrycounty.net)>  
**Subject:** RE: [EXT] RE: Davis v. Connelly 20-CP-36-382/384

**\*\*\* EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. **\*\*\***

Thank you, Regan.

Defense counsel will prepare the order.

Regards,

Justin

**JUSTIN NOVAK | SPECIAL COUNSEL**  
**BARNWELL WHALEY PATTERSON & HELMS, LLC**  
**Charleston, SC | Wilmington, NC (PLLC)**  
843-577-7700  
[Email](#) | [Firm Website](#) | [Bio](#) | [vCard](#)

---

**From:** Hocker, Donald B. Secretary (Regan A. Snow) <[dhockersc@sccourts.org](mailto:dhockersc@sccourts.org)>  
**Sent:** Monday, June 5, 2023 9:16 AM  
**To:** Diana L. Murray <[dmurray@barnwell-whaley.com](mailto:dmurray@barnwell-whaley.com)>; Justin P. Novak <[jnovak@barnwell-whaley.com](mailto:jnovak@barnwell-whaley.com)>; Geoffrey Chambers <[geoffrey@cperlgroup.com](mailto:geoffrey@cperlgroup.com)>; Wilson, Skyler C. <[swilson@csvl.law](mailto:swilson@csvl.law)>  
**Cc:** [selliott@elliottlaw.us](mailto:selliott@elliottlaw.us); Hocker, Donald B. <[dhockerj@sccourts.org](mailto:dhockerj@sccourts.org)>; Jeff Davis <[jeff@apogeetax.com](mailto:jeff@apogeetax.com)>; Janeen Toby <[jtoby@newberrycounty.net](mailto:jtoby@newberrycounty.net)>  
**Subject:** RE: [EXT] RE: Davis v. Connelly 20-CP-36-382/384

Good morning:

Judge Hocker would ask Defense counsel to prepare an appropriate Order deny Plaintiff's Motion for Reconsideration in both cases. In addition, please include the fact that this Court never received Plaintiff's Motions for Reconsideration in January of 2023 contrary to his Certificates of Service indicating a mailing to the Court on January 17, 2023 in violation of Rule 59(g).

Thank you,  
Regan Snow  
*Regan A. Snow*  
*Administrative Assistant for*  
*Donald B. Hocker, Circuit Court Judge*  
*Post Office Box 972*  
*100 Hillcrest Square, Suite B*  
*Laurens, South Carolina 29360*  
*864-984-2076 (Office)*  
*864-984-2333 (Fax)*

*dhockersc@sccourts.org*

---

**From:** Diana L. Murray <[dmurray@barnwell-whaley.com](mailto:dmurray@barnwell-whaley.com)>  
**Sent:** Monday, May 22, 2023 2:22 PM  
**To:** Hocker, Donald B. Secretary (Regan A. Snow) <[dhockersc@sccourts.org](mailto:dhockersc@sccourts.org)>; Justin P. Novak <[jnovak@barnwell-whaley.com](mailto:jnovak@barnwell-whaley.com)>; Geoffrey Chambers <[geoffrey@cperlgroup.com](mailto:geoffrey@cperlgroup.com)>; Wilson, Skyler C. <[swilson@csl.law](mailto:swilson@csl.law)>  
**Cc:** [selliott@elliottlaw.us](mailto:selliott@elliottlaw.us); Hocker, Donald B. <[dhockerj@sccourts.org](mailto:dhockerj@sccourts.org)>; Jeff Davis <[jeff@apogeetax.com](mailto:jeff@apogeetax.com)>  
**Subject:** RE: [EXT] RE: Davis v. Connelly 20-CP-36-382/384

**\*\*\* EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. **\*\*\***

Thank you, Regan.

Attorney Novak has filed a Response in Opposition to Plaintiff's Motion for Reconsideration in the 382 and 384 matters. They are attached.

Please let us know if the court needs further.

Sincerely yours,

Diana

**DIANA L. MURRAY**  
PARALEGAL



[DMURRAY@BARNWELL-WHALEY.COM](mailto:DMURRAY@BARNWELL-WHALEY.COM)  
[843-577-7700](tel:843-577-7700)  
[BARNWELL-WHALEY.COM](http://BARNWELL-WHALEY.COM)  
BARNWELL WHALEY PATTERSON & HELMS LLC  
211 KING STREET, SUITE 300  
CHARLESTON, SC 29401

---

**From:** Hocker, Donald B. Secretary (Regan A. Snow) <[dhockersc@sccourts.org](mailto:dhockersc@sccourts.org)>  
**Sent:** Monday, May 22, 2023 2:15 PM  
**To:** Justin P. Novak <[jnovak@barnwell-whaley.com](mailto:jnovak@barnwell-whaley.com)>; Geoffrey Chambers

<[geoffrey@cperlgroup.com](mailto:geoffrey@cperlgroup.com)>; Wilson, Skyler C. <[swilson@csvl.law](mailto:swilson@csvl.law)>

**Cc:** [selliott@elliottlaw.us](mailto:selliott@elliottlaw.us); Diana L. Murray <[dmurray@barnwell-whaley.com](mailto:dmurray@barnwell-whaley.com)>; Hocker, Donald B.

<[dhockerj@sccourts.org](mailto:dhockerj@sccourts.org)>; Jeff Davis <[jeff@apogeetax.com](mailto:jeff@apogeetax.com)>

**Subject:** [EXT] RE: Davis v. Connolly 20-CP-36-382/384

Good afternoon:

If any of the Defendants wish to offer a response to the Plaintiff's Motion for Reconsideration, please do so via email by May 31, 2023. Judge Hocker is not requiring a response.

Thank you,

Regan.

*Regan A. Snow*

*Administrative Assistant for*

*Donald B. Hocker, Circuit Court Judge*

*Post Office Box 972*

*100 Hillcrest Square, Suite B*

*Laurens, South Carolina 29360*

*864-984-2076 (Office)*

*864-984-2333 (Fax)*

*[dhockersc@sccourts.org](mailto:dhockersc@sccourts.org)*

---

**From:** Jeff Davis <[jeff@apogeetax.com](mailto:jeff@apogeetax.com)>

**Sent:** Monday, May 15, 2023 11:34 AM

**To:** Hocker, Donald B. Law Clerk (Manning Cathcart) <[dhockerlc@sccourts.org](mailto:dhockerlc@sccourts.org)>

**Cc:** Justin P. Novak <[jnovak@barnwell-whaley.com](mailto:jnovak@barnwell-whaley.com)>; Geoffrey Chambers

<[geoffrey@cperlgroup.com](mailto:geoffrey@cperlgroup.com)>; Wilson, Skyler C. <[swilson@csvl.law](mailto:swilson@csvl.law)>; [selliott@elliottlaw.us](mailto:selliott@elliottlaw.us); Diana L.

Murray <[dmurray@barnwell-whaley.com](mailto:dmurray@barnwell-whaley.com)>; Hocker, Donald B. <[dhockerj@sccourts.org](mailto:dhockerj@sccourts.org)>; Hocker,

Donald B. Secretary (Regan A. Snow) <[dhockersc@sccourts.org](mailto:dhockersc@sccourts.org)>

**Subject:** Re: Davis v. Connolly 20-CP-36-382/384

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Ms. Cathcart,

**Motions to Reconsider (2) were filed on January 18th, 2023 in both cases (x82 & x84). We are waiting on the court to rule as a necessary prerequisite before any appeal can be filed.**

Please see attached.

I also understand that everything in these two cases is on hold until those two motions are ruled upon, and appeals are resolved. **If that is not the case, please advise.**

**PLEASE KNOW, I received demand letters today (dated 5/12/2023) from plaintiff's counsel related to the award of attorneys fees. Since Mr. Connelly has been reportedly telling people I am going to be "arrested" for something related to these cases, I would like to clarify the above point with the court.**

**Is payment of the attorney's fee award required prior to resolution of any appeals?**

Thank you.

Jeff Davis  
843-901-8036 (cell)

-----  
**Jeff Davis, JD, MBA, CPA(GA)**  
843-901-8036 (cell) | 866-501-7471 (fax) | [jeff@apogeetax.com](mailto:jeff@apogeetax.com)

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On Mon, May 8, 2023 at 2:10 PM Hocker, Donald B. Law Clerk (Manning Cathcart)  
<[dhockerlc@sccourts.org](mailto:dhockerlc@sccourts.org)> wrote:

Good Afternoon All,

Judge Hocker would like to know if there is anything else he needs to do in either or both of these cases. Please let us know at your earliest convenience.

Sincerely,

Manning Cathcart  
Law Clerk for the Honorable Donald B. Hocker  
Eighth Judicial Circuit

SC Bar #: 105730  
[dhockerlc@sccourts.org](mailto:dhockerlc@sccourts.org)  
(864) 993-8350

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EXHIBIT R

RECEIVED

Oct 13 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM NEWBERRY COUNTY
Court of Common Pleas

Hon. Donald B. Hocker, Circuit Court Judge

C.A. No.: 2020-CP-36-00384

Jefferson Davis, Jr. Appellant,

v.

Chad Connelly, Tom Persons, Geoffrey Chambers, *Esq.* & South Carolina Educational Credit for
Exceptional Needs Children Fund Respondents.

NOTICE OF APPEAL

Jefferson Davis, Jr. ("Davis") appeals the Orders of the Honorable Donald B. Hocker as
listed below:

- **ORDER 01:** 03/26/2021 – Order as to Motion to Dismiss
- **ORDER 02:** 06/14/2021 – Order Dismissing Chambers
- **ORDER 03:** 10/15/2021 – Order Compelling Discovery
- **ORDER 04:** 11/8/2021 – Order Deeming Admitted Defendant's Connelly & Persons' Request for Admission to Plaintiff & **Denying Plaintiff's Request for Enlargement of Time to Respond or Withdraw or Amend the Admissions**
- **ORDER 05:** 12/15/2021 – Order RE Chambers
- **ORDER 06:** 09/19/2022 – Order Granting Summary Judgment in favor of Connelly & Persons
- **ORDER 07:** 9/19/2022 – Order Granting Connelly & Persons' Motion for Sanctions
- **ORDER 08:** 1/3/2023 – Order Granting Defendant's Motion for Sanctions (as to amounts)
- **ORDER 09:** 8/24/2023 – Order Denying Motion to Reconsider

Attached are copies of said Orders.

Davis received a service copy of the final order in the above referenced case on Friday, September 15th, 2023.

Date: October 13, 2023



Jefferson Davis, Jr., Appellant
2505 Wade Hampton Blvd.
Greenville, SC 29615
843-901-8036 (cell)
jeff@apogeetax.com

Other Counsel of Record (Attorneys for Respondents):

M. Dawes Cooke, Jr., Esq. &
Justin Paul Novak, Esq.
Barnwell Whaley
P.O. Drawer H
Charleston SC 29402
mdc@barnwell-whaley.com
jnovak@barnwell-whaley.com
(843) 577-7700
Connelly, Persons & ECENC

Geoffrey Chambers, Esq.
CPER Law Group, LL
411 Walnut Street #10646
Green Cove Springs, FL 32043
g.k.chambers@gmail.com
geoffrey@cperlgroup.com
(864) 508-0899
Chambers

Clerk of Court - Newberry County
Elizabeth P. Folk
PO Drawer 10
Newberry, SC 29108

RECEIVED

Oct 13 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM NEWBERRY COUNTY
Court of Common Pleas

Hon. Donald B. Hocker, Circuit Court Judge

C.A. No.: 2020-CP-36-00384

Jefferson Davis, Jr. Appellant,

v.

Chad Connelly, Tom Persons, Geoffrey Chambers, Esq. & South Carolina Educational Credit for
Exceptional Needs Children Fund Respondents.

PROOF OF SERVICE

I certify that I have served the **Notice of Appeal** on the below named parties on **October 13th, 2023**, pursuant to Rule 262 and associated Orders by email to the attorney's primary email address as noted below.

M. Dawes Cooke, Jr., Esq. &
Justin Paul Novak, Esq.
Barnwell Whaley
P.O. Drawer H
Charleston SC 29402
mdc@barnwell-whaley.com
jnovak@barnwell-whaley.com
(843) 577-7700
Connelly, Persons & ECENC

Geoffrey Chambers, Esq.
CPER Law Group, LL
411 Walnut Street #10646
Green Cove Springs, FL 32043
g.k.chambers@gmail.com
geoffrey@cperlgroup.com
(864) 508-0899
Chambers



Jefferson Davis, Jr.
2505 Wade Hampton Blvd.
Greenville, SC 29615
843-901-8036 (cell)
jeff@apogeetax.com
APPELLANT

October 13, 2023

VIA US MAIL & EMAIL (ctappfilings@sccourts.org)

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RECEIVED

Oct 13 2023

SC Court of Appeals

RE: Jefferson Davis Jr, Appellant vs. Chad Connelly, Tom Persons, Geoffrey Chambers, Esq. & South Carolina Educational Credit for Exceptional Needs Children Fund, Respondents
C.A. NO. 2020-CP-36-00384 (filed 9/11/2020)

Dear Ms. Kitchings:

Please find enclosed the following for the above referenced matter. Only one copy is enclosed (*or in this case attached*) pursuant to directions from the Court.

- 1. Notice of Appeal**
- 2. Proof of Service**
- 3. A copy of the following:**
 - a. **ORDER #01:** Order as to Motion to Dismiss (3/26/2021)
 - b. **ORDER #02:** Order Dismissing Chambers (6/14/2021)
 - c. **ORDER #03:** Order Compelling Discovery (10/15/2021)
 - d. **ORDER #04:** Order Deeming Admitted Defendants Chad Connelly & Tom Persons' Requests for Admission to Plaintiff & **Denying Plaintiff's Request for Enlargement of Time to Respond or to Withdraw or Amend the Admissions** (11/08/2021)
 - e. **ORDER #05:** Order RE Chambers (12/15/2021)
 - f. **ORDER #06:** Order Granting Summary Judgment in favor of Connelly & Persons (9/19/2022)
 - g. **ORDER #07:** Order granting Defendants Connelly & Persons Motion for Sanctions (9/19/2022)
 - h. **ORDER #08:** Order granting Defendant's Motion for Sanctions against Plaintiff (as to amounts) (filed 1/3/2023)
 - i. **ORDER #09:** Denying Plaintiffs Motion to Reconsider (8/24/2023)

4. A filing fee of \$250.00 (*Being Mailed to Court of Appeals Separately*)

Thank you for your assistance. If you have any questions, please feel free to email me at jeff@apogeetax.com or give me a call at 843-901-8036 (cell).

Sincerely,



Jeff Davis, JD, MBA, CPA(GA)

Plaintiff / Appellant

2505 Wade Hampton Blvd., Greenville, SC 29615

843-901-8036 (cell) | jeff@apogeetax.com

cc: Dawes Cooke, Jr., Esq., Justin P. Novak, Esq., (Connelly, Wilson, Persons, & Mellen)

Geoffrey K. Chambers, Esq. (Chambers)

Attorneys for Defendants at the trial court level in the Court of Common Pleas.

Newberry County Clerk of Court

EXHIBIT S

RECEIVED

Nov 09 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM NEWBERRY COUNTY
Court of Common Pleas

Hon. Donald B. Hocker, Circuit Court Judge

C.A. No.: 2020-CP-36-00384
Appellate Case No. 2023-001624

Jefferson Davis, Jr. Appellant,

v.

Chad Connelly, Tom Persons, Geoffrey Chambers, *Esq.* & South Carolina Educational Credit for
Exceptional Needs Children Fund Respondents.

PROOF OF SERVICE

On November 8th, 2023, I first received notice by accessing the SC Court of Appeals online docket in this case that only members of the SC Bar are entitled to service pursuant to Rule 262 and associated Orders by email to the attorney's primary email address. As such, I certify that I have served the **Notice of Appeal** on the below named parties via First Class Mail on **November 9th, 2023**.

M. Dawes Cooke, Jr., Esq. & Justin Paul Novak, Esq.
Barnwell Whaley, P.O. Drawer H, Charleston SC 29402
mdc@barnwell-whaley.com
jnovak@barnwell-whaley.com
(843) 577-7700
Connelly, Persons & ECENC

Geoffrey Chambers, Esq.
CPER Law Group, LLC, 411 Walnut Street #10646, Green Cove Springs, FL 32043
g.k.chambers@gmail.com
geoffrey@cperlgroup.com
(864) 508-0899
Chambers

[Signature on Next Page]

A handwritten signature in blue ink, appearing to read 'J.D.', with a stylized flourish at the end.

Jefferson Davis, Jr.
2505 Wade Hampton Blvd.
Greenville, SC 29615
843-901-8036 (cell)
jeff@apogeetax.com
APPELLANT

EXHIBIT T-1

From: [Geoffrey Chambers](#)
To: [Jeff Davis](#)
Cc: [M. Dawes Cooke, Jr.](#); [Justin P. Novak](#); [dmackelcan@cskl.law](#); [swilson@cskl.law](#); [geoffrey@cperlgroupp.com](#)
Subject: [EXT] Re: Jefferson Davis, Jr. Appellant v. Chad Connelly, et al. Respondents - Case No. 2020-CP-36-00382
Date: Monday, November 13, 2023 8:49:16 AM

Mr. Davis,

Is there any update from the court reporters as to when we might expect you to supply us with transcripts of these motion hearings?

Geoffrey Chambers

On Thu, Nov 9, 2023 at 5:10 PM Jeff Davis <jeff@apogeetax.com> wrote:

RE: Jefferson Davis, Jr. Appellant v. Chad Connelly, Dave Wilson, Stephen Kirkland, Tom Persons, et al. Respondents - Case No. 2020-CP-36-00382

Court of Appeals Case Number: 2023-001623

--- Paper Copies pursuant to SC Court of Appeals Clerk Letter

Good afternoon, Ms. Abbott Kitchings,

I hope this email finds you well. Please find attached PROOF OF SERVICE of the Notice of Appeal in the above case.

Best,

Jeff Davis
843-901-8036 (cell)

Jeff Davis, JD, MBA, CPA(GA)
843-901-8036 (cell) | 866-501-7471 (fax) | jeff@apogeetax.com

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EXHIBIT T-2

From: [Geoffrey Chambers](#)
To: [Jeff Davis](#)
Cc: [M. Dawes Cooke, Jr.](#); [Justin P. Novak](#); [Mackelcan, Douglas W.](#); [Wilson, Skyler C.](#); [Geoffrey Chambers](#)
Subject: [EXT] Re: Jefferson Davis, Jr. Appellant v. Chad Connelly, et al. Respondents - Case No. 2020-CP-36-00382
Date: Thursday, November 30, 2023 4:02:00 PM

Mr. Davis,

I am following up on my request about receiving the transcripts. Do you have any update on when the transcripts are expected? Usually court reporters provide them within two to three weeks of your request. This appeal was noticed six weeks ago on October 13th.

I would greatly appreciate it if you would please advise.

Thank you.

Geoffrey Chambers

On Mon, Nov 13, 2023, 8:48 AM Geoffrey Chambers <g.k.chambers@gmail.com> wrote:

Mr. Davis,

Is there any update from the court reporters as to when we might expect you to supply us with transcripts of these motion hearings?

Geoffrey Chambers

On Thu, Nov 9, 2023 at 5:10 PM Jeff Davis <jeff@apogeetax.com> wrote:

RE: Jefferson Davis, Jr. Appellant v. Chad Connelly, Dave Wilson, Stephen Kirkland, Tom Persons, et al. Respondents - Case No. 2020-CP-36-00382

Court of Appeals Case Number: 2023-001623

--- Paper Copies pursuant to SC Court of Appeals Clerk Letter

Good afternoon, Ms. Abbott Kitchings,

I hope this email finds you well. Please find attached PROOF OF SERVICE of the Notice of Appeal in the above case.

Best,

Jeff Davis
843-901-8036 (cell)

Jeff Davis, JD, MBA, CPA(GA)
843-901-8036 (cell) | 866-501-7471 (fax) | jeff@apogeetax.com

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avoiding penalties under the Internal Revenue Code or (2) promoting, marketing, or recommending to another party any transaction or matter addressed in this communication or attachment.

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Dec 15 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM NEWBERRY COUNTY
Court of Common Pleas
Donald B. Hocker, Circuit Court Judge

Appellate Case No. 2023-001624
Civil Action No. 2020-CP-36-00384

Jefferson Davis, Jr. Appellant,

v.

Chad Connelly, Tom Persons, Geoffrey Chambers, Esq., and South Carolina
Educational Credit for Exceptional Needs Children Fund Respondents.

PROOF OF SERVICE

I certify that I have served the **Respondents Chad Connelly, Tom Persons, Geoffrey Chambers, and South Carolina Educational Credit for Exceptional Needs Children Fund's Joint Motion To Dismiss Appeal** on the above-referenced Appellant parties by electronic mail and by depositing a copy of it in the United States Mail, postage prepaid, on December 15, 2023, addressed to the pro-se Appellant as follows:

Jefferson Davis
2505 Wade Hampton Blvd.
Greenville, SC 29615
jeff@apogeetax.com
Pro-Se Appellant

s/Justin P. Novak
M. Dawes Cooke, Jr., Esquire
Justin P. Novak, Esquire

Barnwell Whaley Patterson & Helms, LLC
P.O. Drawer H
Charleston, South Carolina 29402
Phone: (843) 577-7700
Fax: (843) 577-7708
mdc@barnwell-whaley.com
jnovak@barnwell-whaley.com

***Attorneys for Respondents Chad Connelly,
Tom Persons, and South Carolina Educational
Credit for Exceptional Needs Children Fund***

– and –

Geoffrey K. Chambers, Esquire
CPERL Group
411 Walnut Street
Number 10646
Green Cove Springs, FL 32043
Phone: 864-508-0899
Geoffrey@CPERLgroup.com

***Pro Se and Attorney for South Carolina
Educational Credit for Exceptional Needs
Children Fund***

December 15, 2023