

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
CIRCUIT COURT

G.D. Morgan, Jr., Circuit Court Judge

Perry H. Gravely, Circuit Court Judge

Circuit Court Case No.: 2020-CP-23-01450
Appellate Case No. 2022-001432

RECEIVED

MAY 16 2024
SC Court of Appeals

Michael Gene Putnam,.....Appellant,

v.

Robert Henry Purkerson,.....Respondent.

**RECORD ON APPEAL
VOLUME-1**

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STATE OF SOUTH CAROLINA
COUNTY OF Greenville
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2020CP2301450

Michael Gene Putnam
PLAINTIFF(S)

Wake Christian Academy et al
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- ☐ JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ ACTION DISMISSED (CHECK REASON): ☐ Rule 12(b), SCRCF; ☐ Rule 41(a), SCRCF (Vol. Nonsuit); ☐ Rule 43(k), SCRCF (Settled);
☐ Other
- ☐ ACTION STRICKEN (CHECK REASON): ☐ Rule 40(j), SCRCF; ☐ Bankruptcy;
☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
☐ Other
- ☐ STAYED DUE TO BANKRUPTCY
- ☐ DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):
☐ Affirmed; ☐ Reversed; ☐ Remanded;
☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☒ Statement of Judgment by the Court:

This matter came before the Court on June 25, 2020, for a hearing on Defendant Robert Henry Purkerson and Defendant Robin Cary Maples's Motions to Dismiss. Both Defendants appeared through counsel, Marion Michelle Jones. Plaintiff appeared pro se. After liberally construing the pleadings due to Plaintiff's position as a pro se litigant, the Court respectfully denies both Defendant's Motions to Dismiss, at this time.

ORDER INFORMATION

This order ☐ ends ☒ does not end the case.

☐ See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 06/25/2020 .

Michael Gene Putnam for Michael Gene Putnam
Michael Gene Putnam for Michael Gene Putnam

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

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ELECTRONICALLY FILED - 2020 Jun 25 2:35 PM - GREENVILLE - COMMON PLEAS - CASE#2020CP2301450



Greenville Common Pleas

Case Caption: Michael Gene Putnam vs. Wake Christian Academy , defendant, et al
Case Number: 2020CP2301450
Type: Order/Electronic Form 4

So Ordered

s/ Edward W. Miller

Electronically signed on 2020-06-25 13:05:30 page 3 of 3

ELECTRONICALLY FILED - 2020 Jun 25 2:35 PM - GREENVILLE - COMMON PLEAS - CASE#2020CP2301450

STATE OF SOUTH CAROLINA
COUNTY OF Greenville
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2020CP2301450

Michael Gene Putnam
PLAINTIFF(S)

Robin Cary Maples et al
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

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- ☐ DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):
☐ Affirmed; ☐ Reversed; ☐ Remanded;
☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☒ See attached order (formal order to follow) ☐ Statement of Judgment by the Court:

At the call of the case the Plaintiff appeared Pro Se. The Defendant Robin Cary Maples also appeared Pro Se. Both of them affirmed their desire to proceed Pro Se. I so find. Appearing on behalf of the named Defendants were Wesley Jackson Shull, Wesley Aaron Vorberger and Jeffrey D. Wile. After hearing the Plaintiff's Rule to Show Cause Motion the Court finds that the same should be dismissed. The Court finds that the initial subpoena in the matter was not properly served.

ORDER INFORMATION

This order ☐ ends ☒ does not end the case.

☐ See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 07/26/2021 .

Robin Cary Maples for Robin Cary Maples
Robin Cary Maples for Robin Cary Maples
Michael Gene Putnam for Michael Gene Putnam
Michael Gene Putnam for Michael Gene Putnam

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

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Greenville Common Pleas

Case Caption: Michael Gene Putnam vs. Wake Christian Academy , defendant, et al
Case Number: 2020CP2301450
Type: Order/Electronic Form 4

So Ordered

s/Alex Kinlaw, Jr., #2763

Electronically signed on 2021-07-26 16:50:28 page 3 of 3

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF GREENVILLE	)	THIRTEENTH JUDICIAL CIRCUIT
Michael Gene Putnam,	)	
	)	
Plaintiff,	)	ORDER
	)	DENYING PLAINTIFF'S
v.	)	MOTION TO AMEND, ALTER
	)	OR RECONSIDER
Robin Cary Maples, et.al.	)	
	)	C.A. NO. 2020CP2301450
Defendants.	)	
	)	

Plaintiff has filed a Motion to Amend or alter or reconsider the Order awarding Sanctions and Summary Judgment to Defendant Maples. The Order was issued on December 6, 2021 and a supplemental Order was issued on December 13, 2021 addressing discovery issues which had not been addressed in the original Order. Plaintiff filed his Motion to Amend on December 20, 2021. The Court has determined that a hearing is not necessary to address Plaintiff's Motion.

Defendant Maples argues in his Memorandum in opposition that the Motion was not filed timely pursuant to Rule 59(e), *South Carolina Rules of Civil Procedure ("SCRCP")*. Based on the record, the Order of December 6, 2021 was not received by the Plaintiff until December 9, 2021, therefore, the 10th day would have fallen on December 19, 2021 which was a Sunday, so Plaintiff's Motion filed on Monday, December 20, 2021, the following day, would have been timely. See Rule 6(a), *SCRCP*.

After review of the Plaintiff's Motion, the record and Defendant Maples Reply, the Court finds that there is no basis to amend or alter its Order of December 6, 2021 or its Order of December 13, 2021.¹ All of the issues raised by the Plaintiff in his Motion were either presented

¹ Plaintiff did not specifically address the December 13, 2021 Order in its Motion.

in connection with the hearing on November 15, 2021 or not raised prior to the Motion to Amend.² One of the issues raised by the Plaintiff relates to a Motion for Leave to Amend his Complaint which had been filed on July 24, 2020 but had never been ruled on by the Court. The Court is not aware of any request for a hearing nor is the Court aware that this issue has ever been raised by the Plaintiff prior to this Motion. Upon review of the Second Amended Complaint attached to that Motion for leave to Amend, the allegations of a Complaint would not defeat Defendant Maples' Motion for Sanction nor Summary Judgment. Plaintiff argues that "his pleadings give him more than a 'glimmer of hope' in prevailing before a jury and Summary Judgment is not proper." As set forth in Rule 56(e), *SCRCP*, "when a motion for summary judgment is made and supported as provided in this rule, an adverse party may not rest upon the mere allegations or denials of his pleading, but his response, by affidavits or as otherwise provided in this rule must set forth specific facts showing that there is a genuine issue for trial. If he does not so respond, summary judgment, if appropriate shall be entered against him." As found in the Court's December 6, 2021 Order, Plaintiff failed to provide any affidavits setting forth specific facts to constitute a genuine issue of material fact.

The Court finds that all matters were properly addressed in its December 6, 2021 order and that no amendment nor alteration is warranted. Therefore, Plaintiff's Motion is denied.

It is so Ordered.

E-signature Page of Judge Gravely to follow

² A party cannot raise issues for the first time on a Motion to reconsider. See Poch v. Bayshore Concrete Products, 386 S.C. 13 (S.C App 2009) aff'd 405 S.C. 359 (S.C. Sup Ct 2013)



Greenville Common Pleas

Case Caption: Michael Gene Putnam vs. Wake Christian Academy , defendant, et al
Case Number: 2020CP2301450
Type: Order/Other

So Ordered

s/ Honorable Perry H. Gravely, #2755

Electronically signed on 2021-12-27 08:31:20 page 3 of 3

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

Michael Gene Putnam,

Plaintiff(s)

vs.

Wake Christian Academy, Dana Graves
Cordell, Kellie O'Neal Auerweck, Robin
Cary Maples, Vanessa Hartman Kormylo,
P.A. Roert Henry Purkerson,

Defendant(s)

IN THE COURT OF COMMON PLEAS

C.A. No.: 2020-CP-23-01450

ORDER

A Hearing was held before this Court on January 20, 2022, in Greenville, South Carolina. After review of Defendant Purkerson's Motion to Compel Discovery Responses as to Plaintiff Michael Gene Putnam, and after hearing arguments from both parties, this Court finds the following:

1. That, during the arguments made by the parties, it was brought to the attention of this Court that Defense Counsel had accidentally included Plaintiff's personal information by attaching, as Exhibit A to this Motion, Plaintiff's Responses to Defendant Purkerson's First Set of Requests to Produce, including attached documents that contained personal/identifying information, including Plaintiff's Social Security number, concerning Plaintiff and Plaintiff's daughter. This was a scrivener's error inadvertently made by defense counsel;
2. That the Clerk of Court shall redact from the record and return Exhibit A;
3. That the Clerk of Court shall redact any identifying information from the record in order to protect the parties from any potential identity fraud and that defense counsel shall not disseminate any identifying information, including the tax returns that were ordered to be provided in a separate Order;

4. This Order does not preclude the parties from filing additional discovery motions in the future of this case.

AND IT IS SO ORDERED!

J. Cordell Maddox, Jr.
Judge, Tenth Judicial Circuit



Greenville Common Pleas

Case Caption: Michael Gene Putnam vs. Wake Christian Academy , defendant, et al
Case Number: 2020CP2301450
Type: Order/Other

So Ordered

s/ J. Cordell Maddox Jr.

Electronically signed on 2022-02-02 14:54:03 page 3 of 3

ELECTRONICALLY FILED - 2022 Feb 03 11:28 AM - GREENVILLE - COMMON PLEAS - CASE#2020CP2301450

STATE OF SOUTH CAROLINA
COUNTY OF Greenville
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2020CP2301450

Michael Gene Putnam
PLAINTIFF(S)

Robin Cary Maples et al
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ **ACTION DISMISSED (*CHECK REASON*):** ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled);
☐ Other
- ☐ **ACTION STRICKEN (*CHECK REASON*):** ☐ Rule 40(j), SCRPC; ☐ Bankruptcy;
☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
☐ Other
- ☐ **STAYED DUE TO BANKRUPTCY**
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (*CHECK APPLICABLE BOX*):**
☐ Affirmed; ☐ Reversed; ☐ Remanded;
☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☒ Statement of Judgment by the Court:

See below

ORDER INFORMATION

This order ☒ ends ☐ does not end the case.

☒ See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 07/08/2022 .

Michael Gene Putnam for Michael Gene Putnam
Michael Gene Putnam for Michael Gene Putnam

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

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This matter is before the Court on Defendant Robert Henry Purkerson's Motion for Renewed Summary Judgment. Plaintiff Michael Gene Putnam brings a claim against this Defendant for defamation relating to voicemails and emails which Plaintiff contends are defamatory towards him. However, only one of the emails and one of the voicemails produced by the Plaintiff in opposition to summary judgment contain statements made by the Defendant to third parties about the Plaintiff. However, the parties to whom Mr. Putnam was allegedly defamed are either a family member or unidentified. This does not satisfy the publication element required for a defamation claim. See Capps v. Watts, 271 S.C. 276, 246 S.E.2d 606 (1978). Defendant's motion is GRANTED as to all causes of action. Defendant's attorney to prepare order and submit to law clerk via email.



Greenville Common Pleas

Case Caption: Michael Gene Putnam vs. Wake Christian Academy , defendant, et al
Case Number: 2020CP2301450
Type: Order/Electronic Form 4

So Ordered

G.D. Morgan Jr.

Electronically signed on 2022-07-08 12:49:13 page 3 of 3

ELECTRONICALLY FILED - 2022 Jul 08 1:00 PM - GREENVILLE - COMMON PLEAS - CASE#2020CP2301450

STATE OF SOUTH CAROLINA
COUNTY OF Greenville
IN THE COURT OF COMMON PLEAS

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NO. 2020CP2301450

Michael Gene Putnam
PLAINTIFF(S)

Robin Cary Maples et al
DEFENDANT(S)

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- ☐ DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):
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☐ Other

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IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☒ Statement of Judgment by the Court:

This matter is before the Court on Plaintiff's Motion to Amend or Alter or Reconsider An Order of the Court and Issue Preservation filed on July 25, 2022 and Plaintiff's Motion to Alter or Amend Order Granting Defendant Robert Henry Purkerson Summary Judgment filed on August 29, 2022. Having thoroughly reviewed the file, all prior and current submissions of the parties, and applicable case law, the motions are DENIED.

ORDER INFORMATION

This order ☒ ends ☐ does not end the case.

☐ See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 09/08/2022 .

Michael Gene Putnam for Michael Gene Putnam
Michael Gene Putnam for Michael Gene Putnam

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

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Greenville Common Pleas

Case Caption: Michael Gene Putnam vs. Wake Christian Academy , defendant, et al

Case Number: 2020CP2301450

Type: Order/Electronic Form 4

So Ordered

G.D. Morgan Jr.

Electronically signed on 2022-09-08 16:09:08 page 3 of 3

ELECTRONICALLY FILED - 2022 Sep 08 4:47 PM - GREENVILLE - COMMON PLEAS - CASE#2020CP2301450

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF GREENVILLE	)	C.A. No.: 2020-CP-23-01450
	)	
	)	
Michael Gene Putnam,	)	
	)	
Plaintiff	)	
vs.	)	ORDER GRANTING DEFENDANT
	)	ROBERT HENRY PURKERSON'S
Robert Henry Purkerson,	)	RENEWED MOTION FOR SUMMARY
	)	JUDGMENT
Defendant	)	
	)	
	)	

This matter came before this Court on June 21, 2022, pursuant to Defendant Robert Henry Purkerson's (hereinafter Defendant or Purkerson) Renewed Motion for Summary Judgment. Defendant was represented by Wesley J. Shull and Plaintiff presented *pro se*.

During the Hearing, this Court considered the evidence presented by the parties. After weighing all presented evidence, including motions, memorandums of law (with accompanying exhibits), and oral arguments given by counsel for Defendant and by Plaintiff, the Court grants Defendant's Renewed Motion for Summary Judgment. The ruling is supported by all the evidence on the record and the filings contained herein.

PROCEDURAL HISTORY

Plaintiff's ex-wife, Lyn Maples, is currently married to Robin Maples, a former co-defendant of Purkerson's in this lawsuit. There was one child born of Plaintiff and ex-wife's marriage ("Child"). This Child is still a minor. Until recently, Maples, his wife, and Child lived in North Carolina. While living in North Carolina, Child attended Wake Christian Academy ("Wake Christian") who was formerly a defendant in this case, but was dismissed. (Am. Compl. ¶ 11)

Other former defendants included employees of Wake Christian, Dana Lynn Cordell, Kellie O'Neal Auerweck ("School Defendants"), as well as attorney Vanessa Kormylo. All defendants, other than Robert Henry Purkerson, have also been dismissed from this case. Defendant Robert Henry Purkerson is Lyn Maples' father and is, therefore, the father-in-law of Defendant Robin Maples and the maternal grandfather of Child. (Am. Compl. ¶ 51)

Plaintiff initially began this civil action against Robin Maples and School Defendants when he filed a complaint in Greenville County Court of Common Pleas on June 21, 2019, Case No. 2019-CP-23-03584 ("2019 Complaint"), asserting causes of action of libel *per se* and conspiracy to defame against Maples. Plaintiff also asserted libel *per se* and conspiracy to defame causes of action against the School Defendants.

The School Defendants removed the case to federal court based on diversity, Case No. 6:19-cv-2136-TMC. Maples consented and joined in their removal. Plaintiff filed an amended complaint ("2019 Amended Complaint") asserting claims of libel *per se* and conspiracy to defame against Purkerson in an attempt to defeat diversity. (Am. Compl., August 26, 2019, attached as Ex. A)

The federal magistrate filed his report ("Report") on November 25, 2019. (Report of Magistrate Judge, p. 6, November 25, 2019, Def. Memorandum in Support of Motion for Renewed Summary Judgment Ex. B) The Report was adopted and incorporated in the Hon. Timothy M. Cain's Order of February 6, 2020, holding that Purkerson was fraudulently added to defeat diversity and denying Plaintiff's request to amend a second time. (Order, February 6, 2020, Def. Memorandum in Support of Motion for Renewed Summary Judgment Ex. C)

After Plaintiff's time for appeal of the federal court's order expired, Plaintiff re-filed his claims in the present action in state court via a March 6, 2020, Complaint. ("2020 Complaint") and

also filed an April 6, 2020, Amended Complaint (“Amended Complaint”). A Motion to Dismiss was filed by Defendant Purkerson and this issue was heard by the Hon. Edward W. Miller on June 25, 2020. Judge Miller issued an Order on June 25, 2020, stating, “After liberally construing the pleadings due to the Plaintiff’s position as a pro se litigant, the Court respectfully denies both Defendant’s Motions to Dismiss, at this time.” (June 25, 2020, Order, Def. Memorandum in Support of Motion for Renewed Summary Judgment Ex. D)

Defendant Purkerson filed a Motion for Summary Judgment on April 13, 2021. Oral argument was held before Judge Letitia Verdin on April 21, 2021. In an April 27, 2021, Form 4 Order, Judge Verdin ruled, “After careful review of the pleadings and other filings in this case, this Court denies Defendant Puerkson’s Motion for Summary Judgment at this time. However, Plaintiff is ordered to provide with specificity the names of ‘mutual friends or acquaintances in Greenville, SC’ referred to in Paragraph 57 of Plaintiff’s First Amended Complaint. Plaintiff shall provide this information to all Defendants within 14 days of the date of this Order. Failure to provide this information to Defendants will result in this Court granting Defendant Purkerson’s Motion for Summary Judgment.”

On May 7, 2021, Plaintiff sent defense counsel a letter with an attachment listing 14 potential witnesses, including Gail Purkerson (Defendant Purkerson’s wife), Tony Traynham, Jeff Fleming, Nikkee Fleming, and Zoie Fleming (Defendant Purkerson’s granddaughter). (May 7, 2021, letter, Def. Memorandum in Support of Motion for Renewed Summary Judgment Ex. G)

On December 22, 2021, Defendant Purkerson filed a Motion to Compel Discovery responses, resulting in a February 1, 2022, Order of Judge Cordell Maddox compelling Plaintiff to provide additional discovery. Specifically, this Order compelled Plaintiff to provide complete answers to Purkerson’s Interrogatories Numbers 5 and 6. In response to this, Plaintiff provided a

February 21, 2022, letter with 5 Exhibits attached. (Def. Memorandum in Support of Motion for Renewed Summary Judgment Ex. I, with only attachments Ex. 2 and Ex. 3 from Plaintiff's responses) Also, in response to an email exchange between defense counsel and Plaintiff (Def. Memorandum in Support of Motion for Renewed Summary Judgment Ex. J), Plaintiff sent a February 22, 2022, letter explaining his discovery responses. (Def. Memorandum in Support of Motion for Renewed Summary Judgment Ex. K)

On January 11, 2022, Defendant Purkerson filed a Motion to Compel Plaintiff's Deposition, resulting in a March 24, 2022, Form 4 Order from Hon. Edward W. Miller that ordered Plaintiff to appear at defense counsel's office on April 12, 2022, at 10:00 AM. The deposition took place on April 12, 2022. (Partial Transcript of Plaintiff's Depo. at Def. Memorandum in Support of Motion for Renewed Summary Judgment Ex. H)

FACTS

Plaintiff's claims against Defendant Robert Henry Purkerson allege defamation *per se* and conspiracy to defame. The parties have conducted discovery in this matter. Specifically, the parties have exchanged written discovery and Plaintiff's deposition was taken by Purkerson's attorney on April 12, 2022. (Defendant's Memo. in Support of Summary Judgment Ex. H, I, J and K). In addition, defense counsel has procured affidavits from Defendant Robert Purkerson, Dr. Ryland Tyrone Traynham, Sergeant Robert Perry, Jeffrey Fleming, and Nicole Fleming. (*Id.* at Ex. E, F, L and M). Lyn Maples was also previously married to Jeff Fleming, with whom she had one child, Zoie Fleming. Jeff Fleming is currently married to Nikkee Fleming.

During the Summer of 2016, an investigation was conducted by law enforcement and the local authorities in Greenville, South Carolina into alleged criminal conduct by Plaintiff based on

information that Child conveyed to her teacher and counselor at Wake Christian. (Am, Compl. ¶¶ 9-11 & Ex. #1-3 to Am. Compl.) This investigation is the basis for this lawsuit.

In his Amended Complaint, Plaintiff alleges that Purkerson has “engaged in constant and willful action aimed at parental alienation directly and by aiding and abetting MAPLES in his pursuit of parental substitution by making false and defamatory statement about Plaintiff in the presence of CHILD.” (Am. Compl. ¶ 52) Plaintiff further alleged that Purkerson “made false allegations and has encouraged CHILD to either exaggerate or make up stories defamatory of the PLAINTIFF, and to pass such on to other adults in an attempt to denigrate PLAINTIFF’S reputation and standing as a person of good character in an attempt at parental substitution.” (*Id.*, ¶ 53)

Plaintiff further alleged that Purkerson encouraged CHILD to lie to the North Carolina DSS and the Greenville County Sherriff’s Office and that “PURKERSON in fact called a Sargent Robert Perry with the Greenville County Sherriff’s Office trying to have him re-open the ‘Investigation’ and making defamatory statements in an effort to further denigrate the reputation of PLAINTIFF.” (*Id.*, ¶ 54)

Plaintiff further alleges that Purkerson, “... disclosed the information of a sex crime investigation and made other derogatory comments to Dr. Ryland T. (Tony) Traynham who is an oral surgeon here in Greenville ...” (*Id.*, ¶ 55)

On October 21, 2020, Dr. Ryland Tyrone Traynham executed an affidavit (“Affidavit of Traynham”) in which he testified, among other things, “I have never heard [Purkerson] say anything negative about Mr. Putnum.” (Aff. of Traynham, Def. Memorandum in Support of Motion for Renewed Summary Judgment Ex. E)

On November 9, 2020, Sargeant Robert Perry, of the Greenville County Sheriff's office, executed an affidavit ("Affidavit of Perry"). In said affidavit, Sargeant Perry testified, among other things, "My interaction with Robert Purkerson was limited to one phone call. During the call, I explained to Mr. Purkerson the reason that the Greenville County's Sheriff's Office was not moving forward with the criminal charges against Michael Putnam." (Aff. of Perry, Def. Memorandum in Support of Motion for Renewed Summary Judgment Ex. F). Sargeant Perry further testified in his affidavit, "During the call with Mr. Purkerson, he never asked that the investigation into Mr. Putnam be re-opened. He did not make any allegations or claims about Mr. Putnam during our call." (Id.)

Plaintiff's February 21, 2022, letter was, per Judge Maddox's Order, supposed to answer, completely, Defendant Purkerson's Interrogatories #5 and #6, which said:

5. Set forth the specific contents of any and all Statements you allege Purkerson made concerning you. For each Statement, identify the date of the Statement, the person(s) to whom the Statement was made and any other person(s) present when the Statement was made if the Statement was a verbal communication, or if the Statement was a written communication, identify the recipient of the Statement and all persons to whom Purkerson provided a copy of the Statement.
6. State with specificity what Purkerson encouraged the Child to exaggerate and/or the false statements Purkerson encouraged the Child to make. State what aspect of the Child's statements were exaggerated or false and the manner in which the statements were exaggerated or false.

Plaintiff's response to Interrogatory #5 was attached to a February 21, 2022, letter to defense counsel. (Def. Memorandum in Support of Motion for Renewed Summary Judgment Ex. I). In his response, Plaintiff referred to: (1) 36 pages of copies of text message exchanges between himself and Nikkee Fleming "all involving your client;" (2) an undated copy of an email from Defendant to Jeffrey C. Fleming in which Defendant referred to Plaintiff as a "sick desperate man," and stated that Plaintiff was manipulating Mr. Fleming "big time;" (3) an August 21, 2015, email

from Defendant to Plaintiff, copying Maggie Nowell and Lyn Purkerson, in which Defendant told Plaintiff that “All communications with [Defendant’s wife] and [Purkerson] must come to me at my e-mail address or home phone. Do not continue texting and calling Gail. I am your only contact starting now;” and, (4) a copy of an undated email from Defendant to Plaintiff in which he stated, “I understand that you have lawyered up and we will get lawyered up. The lawyers will try to assassinate the character of each person and everybody will loose [sic] and a judge will make a decision and probably get DSS involved. What will happen to [Child] and where does this end and when will you get out of our lives?” (*Id.*) Copies of these communications were attached to Plaintiff’s amended responses and to his supplemented responses to Defendant’s Requests to Produce.

The text message exchanges submitted by Plaintiff in his supplemental discovery were texts between Plaintiff and Nikkee Fleming. Nikkee Fleming is the current wife of Jeff Fleming, who was previously married to Purkerson’s daughter, Lyn Maples. Also included in Plaintiff’s responses was a transcript from a telephone conversation between Plaintiff and Purkerson in which Purkerson allegedly told Plaintiff, “You’re going to get yours; cause I’m going to give it to you bigtime!” The audio recording of this exchange was played for the Court at the June 21, 2022, hearing by Plaintiff on his mobile phone. Plaintiff’s discovery response also included an email with a redacted date from Bob Purkerson to Jeff Fleming in which Purkerson stated, “Michael is a sick and desperate man and is manipulating you big time. What Michael is doing and saying is not true. We are so thankful Zoie is safe and happy with you and is getting the help that she needs. You are doing a fine job with her and we thank you for it. We wish we could help.”

Plaintiff also emailed defense counsel audio recordings, none of which contain a recording of Purkerson defaming Plaintiff to any third-party.

In Plaintiff's supplemental response to Interrogatory #6, he discussed the evidence that he had that showed that Defendant encouraged his child to exaggerate and/or make false statements about him. (Defendant's Memo. Exhibit I) In his response, Plaintiff stated:

Wes, since I was not present when much of this occurred, I will be relying on testimony from other individuals. Some of the same ones mentioned above. Ms. Hinkle in Mt. Pleasant will be able to testify that my daughter eves drops on family meetings where Purkerson and Lyn and Rob are behind closed doors, and [daughter's name] puts her ear up against the wall. My daughter has called me from inside cars while parked in the driveway and asked me why "bad" things are said. I am trying to find the phone recordings of those, which I believe is in my storage facility. Sometimes if a child hears the same thing over and over, they will begin to believe it.

Also, I have been desperately trying to get emails, which I believe will unlock a vault of gold in my opinion. I hope to have the audios cleared up by the end of next week. They are highly time consuming to work with.

An audio recording of a voicemail that was purportedly left on Plaintiff's voicemail by Defendant was played in Court by Plaintiff, and transcripts of two audio recording that purportedly contained recorded conversations between Plaintiff and Defendant were submitted as an exhibit to Plaintiff's Motion in Opposition to Summary Judgment by Purkerson. This submitted transcript reads as follows:

MR. PURKERSON:

Okay. I can't wait to get my hands on you, buddy.

MR. PUTNAM:

Well, still got a ways to go, don't we?

MR. PURKERSON:

Yeah, we do. You're gonna get yours, 'cause I'm gonna give it to you big time."

Also submitted as an exhibit to Plaintiff's Memorandum was a transcript of the same audio recording that Plaintiff played in Court during arguments. The transcript stated:

MALE VOICE:

(Inaudible) all over the damn parking lot. You have disgraced my family. You have – you’ve dishonored my wife. You’ve dishonored all of us. And you is just – you is just trash is what you are. You’re just lou – lousy trash.

FEMALE VOICE:

This is why we brought the cops. We thought he was coming anyway.

MALE VOICE:

Why you bring policemen to my house when you’re supposed to pick her up today anyway? We knew that. All you had to do was to come by and all you had to do was make your own schedule. Instead you arrive at my house with two damn policemen. You are a lowlife coward, that’s what you are. And if you want to defend those words, I’ll meet you anywhere anytime. And I can’t wait to get my hands on you. Goodbye.

Also submitted as evidence by Plaintiff as another attachment to his Motion in Opposition to Summary Judgment by Purkerson was a copy of a June 5, 2020, email from Nikkee Fleming to Plaintiff, in which Nikkee Fleming supposedly stated:

FYI Lyn went ballistic on Zoie this past week stating she has been talking to you. Zoie told her she hasn’t and she wouldn’t believe her. Lyn told Zoie that you had told her that you are communicating with her. Zoie told her she hasn’t but Lyn didn’t believe her. Then Bob and Gail sat Zoie down and to tell her how awful you are and Zoie just cut them off and asked not to be drug into the drama between Lyn and Ella’s father. They shouldn’t be discussing anything with Zoie. My assumption is they don’t want you to know they are moving here. The photos from their listing have not furniture because it’s all down here in Mt pleasant. [sic] She just needs to tell the truth. It’s really unfair for you to have no clue what she’s doing with your daughter.

Plaintiff’s deposition revealed the following pertinent information:

- When asked when he first found out about Purkerson’s allegedly defamatory statements, Plaintiff answered that he found out about them in 2018; (Tr. pg. 50, ll. 9-15)

- Plaintiff admitted that he had given to defense counsel all of the text messages and phone call recordings that he had in his possession; (Tr. pg. 51, ll. 16-25)
- When asked if there was anything in the information provided through discovery that would help Plaintiff recall when he first found out about Purkerson's alleged defamation, Plaintiff admitted that this information contained nothing that would help him answer this question precisely; (Tr. pg. 51, ll. 1-9)
- Plaintiff admitted that he could not state when Purkerson first made a defamatory statement about Plaintiff; (Tr. pg. 53-54, ll. 22-24)
- Plaintiff admitted that he could not recall when he first learned of Purkerson's defamatory statements, but testified that he was first told about them by his daughter, Jeff Fleming and Nikkee Fleming; (Tr. pg. 56, ll. 16-24)
- Plaintiff could not recall when he was first told about Defendant's alleged defamatory statements or who it was who told him about these alleged statements; (Tr. pg. 57, ll. 20-25)
- When asked who he could name that had told him of Purkerson's alleged defamatory statements, Plaintiff listed his daughter, Larry Hoxie, Nikkee Fleming, Jeff Fleming, Zoie Fleming, Tony Traynham, Dana Cordell and Kellie Auerweck; (Tr. pg. 59, ll. 16-21; pg. 60, ll. 7-10; pg. 61, ll. 8-25; pg. 62, ll. 1-13)
- Plaintiff later admitted that he could not recall Larry Hoxie telling Plaintiff about any statements made by Purkerson to Mr. Hoxie about Plaintiff; (Tr. pg. 65, ll. 24-25; pg. 65, ll. 24-25; pg. 66, l. 1)

- Plaintiff was read his response to Purkerson's Interrogatory #5, and admitted that, other than maybe some emails that he had been attempting to obtain, he had nothing to add to his response; (Tr. pgs. 78, ll. 19-25; pg. 79, ll. 1-25; pg. 80, ll. 1-25)
- Plaintiff was asked during his deposition to show defense counsel where in the text messages he had provided between himself and Nikkee Fleming there was evidence of any defamatory statements made by Purkerson, but could only refer to some audio recordings from another supposed witness, Kearson, that have not been produced; (Tr. pg. 82, ll. 11-25)
- Plaintiff admitted that his other witnesses he listed in either his May 7, 2021, letter, or in his discovery responses, namely Gail Purkerson, Amy Creamer, Barbara Hawkins, Diane Jeter, Carol Morgan, Taylor Wilson Tucker, Robbie Purkerson and Gloria Walker never directly told Plaintiff about any alleged defamatory statements made by Purkerson about Plaintiff; (Tr. pg. 88, ll. 15-25; pg. 89, ll. 1-25; pg. 90, ll. 1-24)
- Plaintiff admitted that he could not recall if Chyna Nunez, Ginger Pop, listed in Plaintiff's first Set of Interrogatory Responses, had ever told him about any defamatory statements made about him by Purkerson; (Tr. pgs. 94, ll. 15-25; pg. 95, ll. 1-25; pg. 96, ll. 1-25)
- Plaintiff testified that the Guardian ad Litem appointed to the family court case, Elizabeth Martin-Young, discussed with him that Purkerson had defamed Plaintiff, but could not recall the specifics of what she told him, other than to state that "... a lot of rap has gone under the river bridge, and for me to sort that out in my mind right now, I couldn't do that;" (Tr. pg. 97, ll. 1-25; pg. 98, ll. 1-6)

- Plaintiff admitted that he cannot prove any financial damages due to Purkerson's alleged defamation; (Tr. pgs. 98, ll. 23-25; pg. 99, ll. 1-25; pg. 100, ll. 1-24)
- Plaintiff admitted that the transcribed recording of an alleged audio recording of Purkerson that he had submitted in his discovery responses did not contain any defamatory statements; (Tr. pg. 108, ll. 1-9; Ex. to Defendant's Memorandum Ex. I)
- When asked why he had not obtained affidavits of any witnesses regarding defamatory statements made by Purkerson, Plaintiff admitted that he had not asked any witnesses for affidavits, rather stating that he was "fine with just turning them loose, which is why I decided not to depose them. That's just not necessary." (Tr. pgs. 115, ll. 1-25; pg. 116, ll. 1-25; pg. 117, ll. 1-11)

On June 13, 2022, both Nicole Fleming and Jeff Fleming executed affidavits stating that Purkerson never discussed any investigation by legal authorities into Plaintiff, never "made any negative factual statements" about Plaintiff to either of them, and stated that they have no personal knowledge of any defamatory statements made by Purkerson about Plaintiff. (Ex. L and M)

On April 18, 2022, Robert Purkerson executed an affidavit denying that he ever encouraged his granddaughter to exaggerate or make up stories defamatory to Plaintiff and also denied that he ever made a false statement about Plaintiff concerning any sex crime investigation to anyone, including counselors in Greenville, Jeff Fleming, Nikkee Fleming, Zoie Fleming, Larry Hoxie, Dana Cordell, Kellie Auerweck, or Elizabeth Martin-Young. This affidavit was attached to Purkerson's Renewed Motion for Summary Judgment.

STANDARD OF REVIEW

Under Rule 56 of the South Carolina Rules of Civil Procedure, “[s]ummary judgment is appropriate when the pleadings, depositions, answers to interrogatories, and admissions on file, together with 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.” Nelson v. Piggly Wiggly Cent., Inc., 390 S.C. 382, 388, 701 S.E.2d 776, 779 (Ct. App. 2010). “In determining whether any triable issues of fact exist, the evidence and all reasonable inferences therefrom must be viewed in the light most favorable to the non-moving party.” Id.

“The purpose of summary judgment is to expedite the disposition of cases which do not require the services of a fact finder.” Englert, Inc. v. LeafGuard USA, Inc., 377 S.C. 129, 134, 659 S.E.2d 496, 498 (2008). “A conclusory statement as to the ultimate issue in a case is not sufficient to create a genuine issue of fact for purposes of resisting summary judgment.” Shupe v. Settle, 315 S.C. 510, 516-17, 445 S.E.2d 651, 655 (Ct. App. 1994). “As Rule 56(e), SCRCP, states, a party may not rest upon the mere allegations or denials of his pleading[s].” Nelson, 390 S.C. at 389.

Per S.C.R.C.P. 56(e), “Supporting and opposing affidavits shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein. Sworn or certified copies of all papers or parts thereof referred to in an affidavit shall be attached thereto or served therewith. The court may permit affidavits to be supplemented or opposed by depositions, answers to interrogatories, or further affidavits. When a motion for summary judgment is made and supported as provided in this rule, an adverse party may not rest upon the mere allegations or denials of his pleading, but his response, by affidavits or as otherwise provided in this rule, must set forth specific facts showing that there is a genuine issue for trial. If he does not so respond,

summary judgment, if appropriate, shall be entered against him.” S.C.R.C.P. 56(c) states that “The motion shall be served at least 10 days before the time fixed for the hearing. The adverse party may serve opposing affidavits not later than two days before the hearing.”

ANALYSIS

The Court finds there are no genuine issues of material fact that must be submitted to a fact finder as to Defendant Robert Henry Purkerson; therefore, Defendant Purkerson is entitled to summary judgement as a matter of law.

A person makes a defamatory statement if the statement "tends to harm the reputation of another as to lower him in the estimation of the community or deter third persons from associating or dealing with him." Fleming v. Rose, 350 S.C. at 494, 567 S.E.2d at 860 (2002).

Under South Carolina law, to state a cause of action for defamation, [a plaintiff] must allege the existence of some message that (1) is defamatory, (2) is published with actual or implied malice, (3) is false, (4) is published by the defendant, (5) concerned the plaintiff, and (6) resulted in legally presumed or in special damages. Richardson v. State-Record Co., 330 S.C. 562, 565, 499 S.E.2d 822, 824 (Ct. App. 1998).

In cases in which the non-moving party bears the burden of proof at trial, a movant properly makes and supports a motion for summary judgement by pointing out to the court the absence of proof for one or more elements of the non-moving party’s claim. See Lanham v. Blue Cross Blue Shield of S.C. Inc., 349 S.C. 356, 361, 563 S.E.2d 331, 333 (2002) (citation omitted). When such a motion is made, the non-moving party cannot rest on allegations alone, but “by affidavits or as otherwise provided in this rule, must set forth specific facts showing that there is a genuine issue for trial.” SCRCP 56(d).

To be libelous, the words on their face or by reason of extrinsic facts, must tend to impeach the reputation of the plaintiff, or, as often stated, they must tend to injure reputation. McGregor v. State Co., 114 S.C. 48, 103 S.E.2d 84 (1920); See Prosser, Law of Torts, p. 739 (4th E. 1971); Restatement (Second) of Torts § 559 (1977). To be actionable, the libel, as a result of its tendency to impeach or injure the plaintiff's reputation, must thereby injury him. Id. The injury, if any, which results from the libel is in the form of 'general damages' or 'special damage.' 'General damages' are those damages which the law presumes, without proof, to have resulted from the publication of the libel. 'Special damage' is actual damage and must be pled and proved. Damages in at least one of these forms must be present to render a libel actionable. If the libelous publication is actionable without the pleading and proof of special damage, it is said to be 'actionable per se.' If special damage must be pled to maintain an action, the defamation is 'actionable per quod.'" Capps v. Watts, 271 S.C. 276, 246 S.E.2d 606 (1978) (citing Restat. 2d. of Torts, § 559). The Restatement states:

A communication to be defamatory need not tend to prejudice the other in the eyes of everyone in the community or of all of his associates, nor even in the eyes of a majority of them. It is enough that the communication would tend to prejudice him in the eyes of a substantial and respectable minority of them, and that it is made to one or more of them or in a manner that makes it proper to assume that it will reach them. On the other hand, it is enough that the communication would be derogatory in the view of a single individual or a very small group of persons, if the group is not large enough to constitute a substantial minority. If the communication is defamatory only the eyes of a minority group, it must be shown that it has reached one or more persons of that group, although if it is published in a newspaper it will be presumed, unless the contrary is shown, that it was reads by them. Although defamation is not a question of majority opinion, neither is it a question of the existence of some individual or individuals with views sufficiently peculiar to regard as derogatory what the vast majority of persons regard as innocent. The fact that a communication tends to prejudice another in the eyes of even a substantial group is not enough if the group is one whose standards are so anti-social that it is not proper for the courts to recognize them. If the communication is obviously defamatory in

the eyes of the community generally, the fact that the particular recipient does not regard it as discreditable is not controlling.

In the present case, Plaintiff has presented one voice message that Purkerson allegedly left on Plaintiff's mobile device, one voice recording of an in-person encounter between Purkerson and Plaintiff, and three emails to support his case. Out of these 3 emails, 2 of them were from Purkerson directly to Plaintiff. One of these 2 emails was between Defendant and Plaintiff solely, with another being the same, save for third-parties, Maggie Nowell and Lyn Purkerson, who were copied on the email chain. This email simply states, "All communication with Gail and me must come to me at my e-mail address or home phone. Do not continue texting and calling Gail. I am your only contact starting now." The one email that Defendant allegedly sent to a third-party, the undated email sent to Jeff Fleming, a member of the extended family, does not contain any false factual assertions regarding Plaintiff and only states Defendant's opinions that Plaintiff was a "sick desperate man" and stated Defendant's opinion that Plaintiff was attempting to manipulate Jeff Fleming. Clearly, Jeff Fleming did not understand any possible defamatory meaning from this email, if any existed, as evidenced by Fleming's June 13, 2022, affidavit in which he denied knowing of any defamatory statements made by Defendant about Plaintiff.

Per Richardson and Rose, publication to a third party is a necessary element to this cause of action. Per Capps and the Restatement (Second) of Torts, this publication must be derogatory to more than a single individual or a very small group of persons, such as family members. The email sent from Defendant to Jeff Fleming clearly does not meet these requirements. All of the communications made directly to Plaintiff by Defendant, including voicemail messages, emails, and in-person communications do not meet this publication requirement, as they were all communicated directly to Plaintiff or were directed to a family member.

As of the June 21, 2022, hearing, Plaintiff had not produced an affidavit from anyone but himself that set forth specific facts showing that there is a genuine issue for trial. On June 17, 2022, Plaintiff did file affidavits on the public index of Michael R. Oster and William D. Johnson stating that they believed that the voice on the 2 audio files submitted by Plaintiff were, in fact, recordings of Defendant's voice. Mr. Oster's affidavit also contained his opinion that the statements made in the audio recordings were "intended to denigrate Michael's reputation in the community, which is also his home town. As a close friend to Michael, this is very concerning." Mr. Johnson's affidavit also contained his opinion that the statements made, allegedly by Defendant, on the audio recordings were "clearly defamatory, totally untrue, and without any merit whatsoever. Michael is a very stable and even-tempered person." Likewise, these affidavits do not meet the requirements espoused by Richardson, Rose, or Capps, because they are only opinions of the voice recordings that were made to Plaintiff and recorded by Plaintiff. These affidavits do not show evidence of a defamatory communication made by Defendant to either of the affiants. Although the Court considered these affidavits, it is arguable the statements in the affidavits are inadmissible because they contain opinions and lack proper foundation. Rule 56(e), SCRCP.

The procedural history of the case indicates that Plaintiff first made Purkerson a defendant in this case when he amended his complaint on August 26, 2019. From that time, the Plaintiff has not produced deposition testimony or affidavits which would support his case. Over a year of discovery has taken place, and Plaintiff still does not have an affidavit from a third party or deposition testimony stating that Defendant made defamatory statements about Plaintiff to said third party. The evidence in the record, rather, shows that Defendant likely never made defamatory statements about Plaintiff. This evidence includes the affidavits attached to Defendant's Motion for Renewal of Summary Judgment, the affidavits attached to Defendant's Memorandum in

Support of Renewed Motion for Summary Judgment, and the excerpts of Plaintiff's deposition transcript also submitted as an attachment to Defendant's Memorandum. Specifically, Robert Purkerson, Nikkee Fleming, Jeff Fleming, Dr. Traynham, and Sergeant Perry have all executed affidavits denying any knowledge of any alleged defamatory statements. Plaintiff is required, per Rule 56, to rebut this testimony.

Plaintiff has not made any admissible factual showing in opposition to Defendant's properly supported Renewed Motion for Summary Judgment as required by the Rules, and the Renewed Motion for Summary Judgment should be granted. See Dawkins v. Fields, 354 S.C. 58, 70, 580 S.E.2d 433, 439 (2003) ("[w]here a plaintiff relies solely upon the pleadings, files no counter-affidavits, and makes no factual showing in opposition to a motion for summary judgment, the lower court is required under Rule 56, to grant summary judgment if, under the facts presented by the defendant, he was entitled to judgment as a matter of law.") (quoting Humana-Hosp.-Bayside v. Lightle, 305 S.C. 214, 216, 407 S.E.2d 637, 638 (1991)).

CONCLUSION

The Court finds there are no genuine issues of material fact that must be submitted to a fact finder. Plaintiff has failed to meet his burden of showing a factual issue.

IT IS HEREBY ORDERED that Defendant Purkerson's Renewed Motion for Summary Judgment is GRANTED.

IT IS SO ORDERED.

The Honorable G.D. Morgan, Jr.
Circuit Court Judge
Thirteenth Judicial Circuit

Entered this _____ day of _____, 2022
Greenville, South Carolina



Greenville Common Pleas

Case Caption: Michael Gene Putnam vs. Wake Christian Academy , defendant, et al
Case Number: 2020CP2301450
Type: Order/Summary Judgment

So Ordered

G.D. Morgan Jr.

Electronically signed on 2022-08-16 17:20:59 page 20 of 20

ELECTRONICALLY FILED - 2022 Aug 17 9:06 AM - GREENVILLE - COMMON PLEAS - CASE#2020CP2301450

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

MICHAEL GENE PUTNAM

Plaintiff,

vs.

WAKE CHRISTIAN ACADEMY
5500 WAKE ACADEMY DRIVE
RALEIGH, NC 27603

-and-

DANA GRAVES CORDELL
2009 MUDDY CREEK COURT
RALEIGH, NC 27610

-and-

KELLIE O'NEAL AUERWECK
117 BELLS WALK COURT
HOLLY SPRINGS, NC 27540

-and-

ROBIN CARY MAPLES
1653 TUNNEL STREET
WENDELL, NC 27951

-and-

VANESSA HARTMAN KORMYLO, P.A.
1314 EAST WASHINGTON STREET
GREENVILLE, SC 29607

-and-

ROBERT HENRY PURKERSON
6 STILLWOOD DRIVE
GREENVILLE, SC 29607

Defendants.

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

SUMMONS

C.A NO: 2020-CP-23-

01450

JURY TRIAL DEMANDED

ENTERED COMPUTER

Verified

120 MAR 6 PM3:42
Paul Wickens@law.coc.gvl.sc

TO THE DEFENDANTS ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to answer the complaint herein, a copy of which is hereby served upon you, and to serve a copy of your answer to this complaint upon the Plaintiff, 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, judgement by default will be rendered against you for the relief demanded in the complaint.



Michael Gene Putnam – *Pro se* - Plaintiff
1108 S. Main St. Unit 355
Greenville, SC 29601-3377
Phone: 864-420-9624
Fax: 864-751-4365
Email: mputnam2006@gmail.com

Date: March 6, 2020

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)
)
)
)
)

MICHAEL GENE PUTNAM)

Plaintiff,)

vs.)

WAKE CHRISTIAN ACADEMY)
5500 WAKE ACADEMY DRIVE)
RALEIGH, NC 27603)
)
)

-and-)

DANA GRAVES CORDELL)
2009 MUDDY CREEK COURT)
RALEIGH, NC 27610)
)
)

-and-)

KELLIE O'NEAL AUERWECK)
117 BELLS WALK COURT)
HOLLY SPRINGS, NC 27540)
)
)

-and-)

ROBIN CARY MAPLES)
1653 TUNNEL STREET)
WENDELL, NC 27951)
)
)

-and-)

VANESSA HARTMAN KORMYLO, P.A.)
1314 EAST WASHINGTON STREET)
GREENVILLE, SC 29607)
)
)

-and-)

ROBERT HENRY PURKERSON)
6 STILLWOOD DRIVE)
GREENVILLE, SC 29607)
)
)

Defendants.)

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

COMPLAINT

C.A NO: 2020-CP-23-

01450

JURY TRIAL DEMANDED

20 MAR 6 PM 3:42
Paul Wickert@ncsc.org

COMPLAINT FOR DEFAMATION/PROFESSIONAL NEGLIGENCE

COMES NOW, PLAINTIFF MICHAEL GENE PUTNAM, (hereinafter, "PUTNAM") hereby files his original complaint against DEFENDANTS, WAKE CHRISTAIAN ACADEMY (hereinafter "WAKE"); DANA GRAVES CORDELL (hereinafter, "CORDELL"); KELLIE O'NEAL AUERWECK (hereinafter, "AUERWECK"); ROBIN CARY MAPLES, (hereinafter "MAPLES") and VANESSA HARTMAN KORMYLO, P.A. (hereinafter, "KORMYLO") and ROBERT HENRY PURKERSON (hereinafter "PURKERSON") for Defamation for making false damaging statements, (verbally and in writing), professional negligence, and other tortuous actions and alleges as follows:

1. PARTIES

1. This is an Action for Defamation (Libel Per Se), Professional Negligence, and damages in excess of \$30,000, exclusive of interest, costs, and attorney fees.

2. PLAINTIFF MICHAEL GENE PUTNAM is an individual over the age of 18, a citizen of the United States and a resident of the city of Greenville, Greenville County, South Carolina.

3. DEFENDANT WAKE CHRISTIAN ACADEMY is a Private Fundamentalist Christian School operating in Wake County, North Carolina.

4. DEFENDANT DANA GRAVES CORDELL is a teacher over the age of 18, who is employed by Wake Christian Academy, and is a resident of Wake County, North Carolina.

5. DEFENDANT KELLIE O'NEAL AUERWECK is a teacher over the age of 18, who is employed by Wake Christian Academy, and is a resident of Wake County, North Carolina.

6. DEFENDANT ROBIN CARY MAPLES is an employee of GlaxoSmithKline, step-father of Plaintiff's minor child, over the age of 18, and is a resident of Wake County, North Carolina.

7. DEFENDANT VANESSA HARTMAN KORMYLO is an attorney in Greenville, South

Carolina, over the age of 18, and is a resident of Greenville County, South Carolina.

8. DEFENDANT ROBERT HENRY PURKERSON is over the age of 18, and is a resident of Greenville County, South Carolina.

2. JURISDICTION AND VENUE

9. This Court has subject matter jurisdiction pursuant to South Carolina Code of Laws, Title 15, Section 7 and other rules pursuant to the South Carolina Rules of Civil Procedure (SCRCP). This Court has personal jurisdiction over the parties, and more particularly, the Defendants pursuant to S.C. Statute 36-2-803, 1(c) "commission of a tortious act in whole or in part in this State" As to the out-of-state defendants, the question of personal jurisdiction over a nonresident defendant is one which must be resolved upon the facts of each particular case. Engineered Products vs, Cleveland Crane & Eng'g, 262 S.C. 1, 201 S.E.2d 921 (1974). The facts will be provided in each cause of action. The Due Process Clause of the Fourteenth Amendment combined with South Carolina's "long-arm statute", which includes the power to exercise personal jurisdiction over causes of action arising from tortious injuries in South Carolina, will be satisfied as well. This Complaint is not about the buying or selling of products in the normal course of business. The foreseeability that is critical to due process analysis is not the mere likelihood that a tort and damages will find its way into the forum state (South Carolina). Rather, it is that the defendant's conduct and connection with the forum state are such that they should reasonably anticipate by their actions as to being hauled into court there. Worldwide Volkswagen 444 U.S. at 297 (U.S. Supreme Court). A single act that causes harm in this State (South Carolina) may create sufficient minimum contacts where the harm arises out of or relates to that act. Southern Plastics v. Southern Commerce Bank, 310 S.C. 256, 423 S.E.2d 128.

10. Venue is proper in this circuit under South Carolina Code 15-7-30 because the Plaintiff resides in Greenville, South Carolina and the tortious injuries and damages occurred in Greenville, County of Greenville, South Carolina. There are no issues or allegations in this Complaint related to any Federal Law or statute, and Plaintiff and certain defendants live in the same county (Greenville) in the State of South Carolina.

STATEMENT OF FACTS

11. Since the summer of 2016 when the Plaintiff's child was enrolled in Wake Christian Academy, without his involvement and against his strongest desires, the Defendants, individually, and as a group, sought to willfully make false statements, prepared false notarized affidavits to parties and non-parties of a unfiled action, and made untrue and non-factual statements to numerous third parties, including law enforcement agencies and other state agencies regarding a sex crime allegation against the Plaintiff. These actions have subjected the Plaintiff to loss of access to his minor child and a criminal investigation in Greenville, South Carolina that found the allegations of Wake, Cordell, Auerweck and Maples to be "totally unfounded". Further, the intentional interference of Plaintiff's relationship with his child, public humiliation, intentional defamation of his character, and a public record of a "sex crime investigation"; which was disseminated by Kormylo to the owner of a car dealership in Greenville, has created substantial emotional distress, doubts and denial of visitation with my child in Greenville, and irreparable damage to a well established reputation of high regard in Plaintiff's home community; where he was born and has lived and worked a professional career as a Certified Public Accountant most of his life.

12. For purposes of background of the Court, some of the issues contained in this Complaint were subject to a review and report by a Magistrate Judge in Greenville Federal Court, and a *de*

novus review of Plaintiff's Objections to the Magistrate's Report by the Honorable Judge Timothy M. Cain. When Judge Cain issued his Order after *de novo* review, certain motions of the Plaintiff (Putnam) were denied and certain portions of defendant's motions were granted. Plaintiff in this Complaint believes the technicalities pointed out have been corrected. There was no suggestion or statement in Judge Cain's Order that suggested the complaint was "futile" or that any dismissals were "with prejudice". Rule 41 (a)(2) of the Federal Rules states that dismissal of an action "By Order of Court", ... "Unless otherwise specified in the order, a dismissal under this paragraph is **without prejudice**". In *Artis v. District of Columbia*, 138 S. Ct. 594 (2018), the United States Supreme Court in the text of § 1367(d), stated "the statute of limitations is tolled at "two adjacent time periods" – once while the claim is pending in federal court and the other for 30 days after the claim was dismissed from federal court." This Complaint was timely filed within those guidelines.

With all of that being said, the Court or any party should understand that this Complaint includes different defendants, causes of actions and contains specific acts of defamation which Plaintiff became aware of during the pendency of the time while pending in Federal District Court. In fact, there are substantially more differences than any similarities.

COUNT 1

(DEFAMATION – LIBEL PER SE AGAINST DANA GRAVES CORDELL)

13. Each of the preceding paragraphs 1 through 12 are hereby incorporated herein by reference.
14. Defendant Dana Graves Cordell resides at 2009 Muddy Creek Court, Raleigh, NC 27610.
15. At all times relevant to this lawsuit, CORDELL has been an employee of WAKE.
16. In or around October 2018, CORDELL and AUERWECK fabricated a story which was then presented to Middle School Principle Larry Hoxie (hereinafter referred to as "HOXIE") alleging that a "sex crime" had been committed by Plaintiff against his CHILD in the recent past.

This misinformation and fabrication were provided to the Wake County Department of Social Services (DSS) which initiated an investigation. CORDELL, AUERWECK and HOXIE were fully aware that such investigation would be conducted in Greenville, South Carolina; the Plaintiff's residence. Indeed, an investigation by the Greenville County Sheriff's Office (Sex Crimes Division) was initiated under Case # 18000220548, (Exhibit 3), although Plaintiff had no knowledge that such fabricated statements had been communicated to DSS or that any investigation had begun.

Plaintiff learned of such an investigation by the Guardian ad Litem (Elizabeth Martin-Young) appointed by Greenville Family Court under C.A. 2018-DR-23-1569, in mid-December 2018. Many people, including non-parties to any court action(s) have been told the details of the allegations, while Plaintiff to this day does not know the specific details of what was said. The investigation included an unthinkable four (4) hour interview of my CHILD by forensic investigators.

The investigation coordinated by the Greenville Sheriff's Office and DSS were concluded in mid-February 2019. I was informed by Detective Collins of the Greenville County Sheriff's Office that the investigation had been closed and that **"This case is unfounded."** (Exhibit 4). She indicated that she had informed DSS of her investigation results and upon contact with DSS, Plaintiff was told the case had been closed with findings of the case decision as **"Unsubstantiated and Closed"** See Exhibit 5.

The allegations by CORDELL AND AUERWECK of an act of moral turpitude by Plaintiff, and the action of WAKE as a conduit for such, is clearly actionable as defamation per se in South Carolina.

17. In a notarized affidavit dated April 4, 2018, CORDELL made numerous false and

defamatory statements about Plaintiff causing significant injury and damage to Plaintiff.

18. Example statements from the affidavit include hearsay statements from the Plaintiff's minor child, whose name will not be referenced in this complaint as a matter of protection for the minor child, hereinafter referred to as (CHILD), who is now age fourteen (14):

- A. CHILD "also mentioned that her father has an alcohol problem."
- B. CHILD "also claims that at times when he calls her on the phone he is at bars."
- C. CHILD "said he stays so late they ask him to leave."
- D. CHILD "said he is depressed because he is unemployed and on workers comp."
- E. CHILD "expressed that he is looking for women on dating websites and is wanting women a lot younger than him"
- F. CORDELL states in the affidavit that "I have had no personal interactions with her father"

19. The false and defamatory statements made by CORDELL were malicious and with intent to destroy the reputation and character of Plaintiff and to separate him from his CHILD. CORDELL knew that her actions created connections to Greenville, S.C., although Kormylo likely failed to tell CORDELL the ramifications of personal jurisdiction in Greenville as a result of her tortuous acts.

20. The statements made by CORDELL clearly denigrate Plaintiff's reputation and accuse Plaintiff of engaging in criminal conduct and having traits adverse to the role of a parent, and are thus defamatory per se under South Carolina law. There is no "privileged" communication in Cordell's affidavit, as the detail as shown in Exhibit 1 could only result from an interrogation as requested, and probably prepared by Kormylo and supported and encouraged by Maples. Further, these actions are well beyond any scope of activities in anyway ethical or related to a teacher's profession and laced with malice. CORDELL clearly went further than her interests or her duties

required.

21. As to the actions of CORDELL and AUERWECK in fabricating allegations directed at Plaintiff that are criminal in nature, there is no "privilege" as none of the allegations were substantiated by the CHILD, as I was verbally told by the investigator. In the South Carolina Court of Appeals Opinion No. 3283, 2001, the Appeals Court concluded, "In order for a communication to be privileged, the person making it must be careful to go no further than his interests or his duties require. Where the speaker exceeds his privilege and the communication complained of goes beyond what the occasion demands that he should publish, and is unnecessarily defamatory of the plaintiff, he will not be protected. The existence of a duty, a common interest, or a confidential relation is not a defense. Whether the publication went too far beyond what the occasion required, resulting in the loss of the qualified privilege, is a question for the jury. See also Constant, 316 S.C. at 89, 447 S.E.2d at 196 ("It is ordinarily for the jury to determine whether the privilege has been abused or exceeded.").

Clearly, the teachers and WAKE, using their "extreme fundamentalist" interpretations, not in my CHILD or the public's common interest, abused and exceeded any reasonable concept of "privilege" in order to harm and injure the Plaintiff. The clear abuse of privilege shows the malice in the actions of the teachers and Wake. Further, CORDELL is operating

under written guidelines and beliefs of the school that have little or no relevance to, or in any way subject to interpretation of the existing laws which all citizens of the United States have rights and protections from.

22. As a direct and proximate result of CORDELL's conduct, Plaintiff has suffered and continues to suffer extreme mental anguish, distress and separation from his Child. Further, these statements were verbally referenced in a public forum and are now and forever more available for

public review and dissemination; further, non-parties to the family court action have been provided copies to further the spreading of lies, misrepresentations, and character assassination of the Plaintiff.

WHEREFORE, Plaintiff request judgement against defendant CORDELL for compensatory and punitive damages, together with any counsel fees now or in the future, costs of suit, and other relief as the court may deem proper.

COUNT 2
(DEFAMATION – LIBEL PER SE AGAINST KELLIE O’NEAL AUERWECK)

23. Each of the preceding paragraphs 1 through 22 are hereby incorporated herein by reference.

24. Defendant Kellie O’Neal Auerweck resides at 117 Bells Walk Court, Holly Springs, NC 27540.

25. At all times relevant to this lawsuit, AUERWECK has been an employee of WAKE.

26. For clarity, the contents of paragraph 15 and 20 of Count 1 are specifically incorporated by reference herein.

27. In a notarized affidavit dated April 9, 2018, AUERWECK made numerous false and defamatory statements about Plaintiff causing significant injury and damage to Plaintiff.

28. Example statements from the affidavit which are clearly directed by Kormylo to do an interrogation of the Plaintiff’s (CHILD):

G. CHILD “I really don’t want to go to dinner with my dad because all he does is drink and I either have to go to a table while he’s at the bar or I’m in the lobby.”

H. CHILD “is fearful to stay with him drinking and not feeling safe.”

I. CHILD “has mentioned several times throughout the year that they argue a lot.”

J. AUERWECK states in affidavit as regards to Plaintiff taking a tour of the school that "It's my understanding that he set up a couple of earlier appointments to do so and did not show up."

K. AUERWECK states in affidavit in referring to a meeting with Plaintiff that "He was pleasant during the meeting although I did notice that his speech was a little slow...." and "I also understand that he has had a stroke and that this may be an effect of that."

L. AUERWECK states in the affidavit her conclusion "I do worry about her safety when she is in his care"

M. As to knowing anything about Plaintiff AUERWECK states in affidavit that "I've only been contacted by CHILD's father ,, via email twice and I've met him once."

29. The false and defamatory statements made by AUERWECK were malicious and with intent to destroy the reputation and character of Plaintiff and to separate him from his CHILD. AUERWECK knew that her actions created connections to Greenville, S.C., although Kormylo likely failed to tell CORDELL the ramifications of personal jurisdiction in Greenville as a result of her tortuous acts.

30. The false and defamatory statements made by AUERWECK were malicious and with intent to destroy the reputation and character of Plaintiff and to separate him from his CHILD.

31. The statements made by AUERWECK clearly denigrate Plaintiff's reputation and accuse Plaintiff of engaging in criminal conduct and having traits adverse to the role of a parent, and are thus defamatory per se under South Carolina law. There is no "privileged" communication in AUERWECK'S affidavit, as the detail as shown in Exhibit 2 could only result from an interrogation as requested and scripted by Kormylo, and supported and encouraged by Maples. Further, these actions are well beyond any scope of activities and in anyway ethical or related to a teacher's profession and are laced with malice. AUERWECK clearly went further than her

interests or her duties required and under written guidelines of the school that have little or no relevance to or subject to interpretation of the existing laws which all citizens of the United States have rights and protections from.

32. As a direct and proximate result of AUERWECK's conduct, Plaintiff has suffered and continues to suffer extreme mental anguish, distress and separation from his Child. Further, these statements were verbally referenced in a public forum and are now and forever more available for public review and dissemination; further, non-parties to the family court action have been provided copies to further the spreading of lies, misrepresentations, and character assassination of the Plaintiff.

WHEREFORE, Plaintiff request judgement against defendant AUERWECK for compensatory and punitive damages, together with any counsel fees now or in the future, costs of suit, and other relief as the court may deem proper.

COUNT 3
(DEFAMATION – LIBEL PER SE AGAINST ROBIN CARY MAPLES)

33. Each of the preceding paragraphs 1 through 32 are hereby incorporated herein by reference. Defendant Robin Cary Maples resides at 1653 Tunnel Road, Wendell, NC 27951.

34. At all times relevant to this lawsuit, MAPLES has been step-father of Plaintiff's CHILD.

35. Since the very first time of being involved in CHILD's life, MAPLES has engaged in constant and willful action aimed at parental alienation and parental substitution by making false and defamatory statements about Plaintiff in the presence of and directly to my CHILD.

36. MAPLES has made false allegations and has encouraged CHILD to either exaggerate or make up stories defamatory of the Plaintiff. Further, the discussion of a sex crime investigation to

counselors in Greenville and to Jeff and Nikkee Fleming, who reside in Dorchester County, South Carolina is a denigration of Plaintiff's reputation and standing as a person of good character. Further, Jeff Fleming is the father of my CHILD's half-sister (Z), who communicates and has taken trips with my CHILD and shared hearsay that only further confuses and causes fear and anxiety with my CHILD. My CHILD has been on anti-depressant and anxiety medicine for over a year due to lies and exaggerations of MAPLES and other adults that have drank the poisonous message and reinforced these falsehoods to my CHILD.

37. In the sworn affidavits of co-defendants CORDELL and AUERWECK, both indicate that much of their information was obtained from MAPLES or suggested for inclusion or submission to third-parties by MAPLES.

38. MAPLES has blocked communications between Plaintiff and CHILD and denied Plaintiff visitation with CHILD, even though he has no legal right to do so.

39. The MAPLES has substantial contact and connections to South Carolina. MAPLES has transacted financial dealings of selling automobiles and has brought my daughter to therapy sessions in Greenville which caused extreme anxiety and confusion for my CHILD. In front of Cheryl Childers at a therapy session with my CHILD on Father's Day 2019, when MAPLES was in Greenville, S.C and transported my CHILD; my CHILD on Father's Day Sunday told me I wasn't her Father, that MAPLES was. He has come to Greenville on many occasions to ensure I have no visitation with my CHILD and visits Summerville, S.C on a regular basis. MAPLES knew his actions would draw him to South Carolina and he has threatened to sue the Flemings in Dorchester County, South Carolina.

40. As a direct and proximate result of MAPLE's conduct, Plaintiff has suffered and continues to suffer extreme mental anguish and distress. Further, parental substitution actions by

MAPLE's have caused substantial damage to Plaintiff's relationship with his CHILD, that has cause great loss of enjoyment and will require substantial time and costs associated with therapeutic assistance to, with hope but no certainty, heal the intentionally inflicted wounds by MAPLES. The tortuous injury is in South Carolina. MAPLES comes to Greenville, commits his injurious acts, and then retreats to his perceived safety in Raleigh, N.C.

WHEREFORE, Plaintiff request judgement by a jury in Greenville, S.C against defendant MAPLE's for compensatory and punitive damages, together with any counsel fees now or in the future, costs of suit, and other relief as the court may deem proper.

COUNT 4
(DEFAMATION – LIBEL PER SE AGAINST WAKE CHRISTIAN ACADEMY)

41. Each of the preceding paragraphs 1 through 40 are hereby incorporated herein by reference.

42. Defendant WAKE CHRISTIAN ACADEMY is a private school located at 5500 Wake Academy Drive, Raleigh, North Carolina 27603.

43. Wake Christian Academy was established in 1966 by a group opposed to the integration of public schools.

44. At all times relevant to this lawsuit, CHILD has been enrolled in WAKE.

45. Defendants CORDELL and AUERWECK are employees of WAKE, and as such, WAKE has responsibility for their actions in their official capacities as teachers for which the care of minor children is entrusted.

46. The Handbook of the School describes the reasons why the teachers (CORDELL and AUERWECK) and WAKE are above and can ignore the Laws of the United States Constitution, and any laws promulgated by any State or other authority. I have attached page 9 of the Handbook as Exhibit 6.

A few excerpts include the following:

- a. Throughout time, God has continually revealed Himself to be a loving, holy, just and sovereign God. As a result of His holy and just nature, He must punish the sinfulness of mankind.
- b. "Let not many of you become teachers, my brethren, knowing that as such we will incur a stricter judgment" (James 3:1). Throughout the Scriptures God uses teachers to instruct His people in following after His ways. Teachers are given the responsibility to search the Scriptures to discover the truths that God desires to be taught to His children. They are challenged to learn and apply the truths themselves and then instruct others through both words and actions.
- c. Like Paul, they will live in such a way that they too can challenge their students to "be imitators of me, just as I also am of Christ" (1 Corinthians 11:1)."
- d. **VISION STATEMENT** – To Emphasize the Preeminence of Christ in Life and Learning. Col. 1:18

47. The Plaintiff does not believe interpretations as so stated cannot be used to ignore the freedom from malicious prosecution or allegations and defamation based on beliefs that are totally inconsistent with our rule of law.

48. PLAINTIFF is knowing and believes that Larry Hoxie, Principle, aided and abetted CORDELL and AUERWECK and was knowing that their malicious actions would be defamatory and injurious to Plaintiff in Greenville, South Carolina. Further, WAKE served as a conduit for such defamatory and denigrative statements as to give them great credibility to unknowing third parties receiving such false and egregious information as to the Plaintiff.

49. As a direct and proximate result of WAKE's conduct, Plaintiff has suffered and continues

to suffer extreme mental anguish and distress. Further, these statements were verbally referenced in a public forum and are now and forever more available for public review and dissemination. WAKE's facilitation of the false and malicious statements to public authorities who have no concept of the fundamentalist guidelines is mis-leading to public authorities and results in false prosecutions, allegations and accusations that are not based on any laws under which United State citizens live, work and derive freedom from malicious prosecution and protections from those that choose to ignore these laws.

50. The actions or inactions by Wake facilitated a direct denigration and harm of Plaintiff's reputation, subjected him to false investigations, and public humiliation and are thus defamatory per se under South Carolina law. WAKE was knowing that such false accusations and assertions as to the Plaintiff would be extremely damaging and injurious to Plaintiff, and Plaintiff's relationship with his minor CHILD, and that it would create contacts between Wake and adjudication in South Carolina. The teaching of the school ignores and reject the existence of rules and laws and thus they conduct themselves without regard to the harm of others.

WHEREFORE, Plaintiff request judgement against defendant WAKE for compensatory and punitive damages, together with any counsel fees now or in the future, costs of suit, and other relief as the court may deem proper.

COUNT 5
(DEFAMATION -LIBEL/SLANDER PER SE AND PROFESSIONAL
NEGLIGENCE AGAINST VANESSA HARTMAN KORMYLO)

51. Each of the preceding paragraphs 1 through 50 are hereby incorporated herein by reference.

52. Defendant Vanessa Hartman Kormylo is an attorney who's place of business is 1314 E. Washington St., Greenville, South Carolina 29607.

53. KORMYLO was Plaintiff's counsel in a family court matter Case No. 2018-DR-23-1569.

Her client was Lyn Purkerson Maples, the mother of Plaintiff's CHILD.

54. As previously indicated, the sex crime investigation as to the Plaintiff was completed in mid-February 2019. KORMYLO was well aware that the findings were "Unfounded" and "Unsubstantiated". Despite this knowledge, KORMYLO proceeded to issue a subpoena dated March 25, 2019 in regards to the Greenville Sheriff's Office Investigation of the Plaintiff. The subpoena, attached as Exhibit 7, requested the following: "Please provide copies of your entire file for Case No. 18000220548 involving Michael Gene Putnam, including but not limited to, all interviews, reports, polygraphs, etc.". And to provide them to her office no later than April 5, 2019. However, as shown in Exhibit 7, the subpoena was directed to "William H. Bradshaw, as statutory Agent for Bradshaw Automotive, d/b/a Bradshaw Infinity". Plaintiff received a copy of subpoena pursuant to Rule 45 (c)(1) SCRPC. On March 27, 2019 I attempted to contact KORMYLO regarding the subpoena, but received an automatic "out of office until April 1, 2019" response.

55. The Plaintiff contacted a Master Sargent Robert Perry with the Greenville County Sheriff's Office who approved the Final Report of the sex crime investigation. Plaintiff met with Sgt. Perry on March 29, 2019 and showed him the subpoena. He asks me "why is a subpoena related to a sex crime investigation being sent to the owner of a automotive dealership in Greenville, SC?" I indicated that I had no idea, but that Mr. Bradshaw was a very well-known businessman in Greenville, and that I had met him and socialized with him on numerous occasions. Additionally, I had leased a car from one of his dealerships in early 2019.

Sgt. Perry indicated that he had not seen it, but if he did, he would probably forward to legal department of the Sheriff's Office. He had no advice as to how to handle the embarrassment, public humiliation, or how to suppress any furtherance of this inappropriate disclosure of a sex

crime investigation to a friend and well-connected person in the Greenville community. A couple of weeks later in a conversation with the GAL (Ms. Elizabeth Martin-Young), she indicated she had received her copy and called KORMYLO's office to advise them of the subpoena being addressed to Mr. Bradshaw.

56. On April 1, 2019, Plaintiff filed a Motion to Quash in Family Court the subpoena issued to Bradshaw and for a Protective Order of any information or material that might be received by KORMYLO from Bradshaw or the Greenville Sheriff's Office. That Motion, time stamped April 1, 2019 at the Family Court was hand delivered to Sgt. Perry's Office.

Plaintiff was never provided a copy of a "Corrected Subpoena" sent to the Sheriff's Office by KORMYLO; a violation of Rule 45(C)(1) and Rule 407 of the S.C. Bar Association Rule of Professional Conduct. Plaintiff's request for a hearing on the Motion to Quash was granted and scheduled for May 20, 2019.

In spite of providing the Sheriff's Office the granted hearing on the Motion to Quash and an Affidavit of Service of same, Wes Smith of the Sheriff's Office did in fact send Kormylo the entire case file including, as I understand it, copies of evidentiary material collected by the investigator, copies of video recordings of my CHILD's forensic four (4) hour interview by law enforcement, as well as copies of recordings between the GAL and the investigator.

57. At some point before the postponed hearing held on June 14, 2019 on Plaintiff's Motion to Quash, KORMYLO agreed to turn the materials over to Charles Marchbanks, the attorney representing the GAL. KORMYLO had ask me to consent to drop the hearing on the Motion to Quash the subpoena issued to Bradshaw before the June 14, 2019 hearing and Plaintiff respectfully denied that request as Plaintiff wanted to ensure the Court was made aware of the issuance of a subpoena as to a sex crime investigation of Plaintiff to William Bradshaw by KORMYLO. On

Page 48 of an official copy of the transcript of the hearing prepared by T. Dayton Grainger (Court Reporter), lines 2-6, KORMYLO indicates that she has spoken to her client about the LEC records and “we actually concurred with Mr. Putnam that these records are not relevant to this particular case.” After much back and forth with the Honorable Judge Thomas Hodges where Plaintiff on Page 52, Line 15 of the Transcript Plaintiff states to the Court ... “the subpoena asking for records relating to a sex crime investigation sent to a third party, which has now publicly exposed me and defamed me....”. On Page 54, Line 2, KORMYLO tells the Court, “Mr. Putnam is exactly correct. There was an egregious mistake in my office....”

58. There is much more Plaintiff could say about this series of events as Plaintiff believes it was done with malice given that the sex crime case had been closed over a month before the subpoena to Bradshaw was issued. Further, KORMYLO’s admission that it was an “egregious” act comes with what Plaintiff believes is an outright admission to an act of Slander *per se* in addition to the defamation *per se* by publicly exposing and supplying information suggestive of an act of moral turpitude which through Plaintiff’s social circle knows has been has been disseminated and permanently damaged Plaintiff’s reputation and future ability to use his skill set to provide services and supplement his fixed income.

59. Further, while Plaintiff had no attorney client relationship, Plaintiff believes KORMYLO has third party liability where the act is malicious, or as described by KORMYLO as “egregious”. From a 2012 roundtable discussion between attorneys of third-party liability: “If an attorney’s conduct is motivated by malice or otherwise commits an intentional tort, the attorney may still be personally liable for losses suffered by a third party. *Smith v. Griffiths*, 476 A.2d 22, 26-27 (Pa. Super. Ct. 1984). *See also Adelman v. Rosenbaum*, 3 A.2d 15, 18 (Pa. Super. Ct. 1938) (“Malicious action is not sheltered by any privilege. An attorney is personally liable to a third party when he is

guilty of fraud, collusion, or a malicious or tortious act, and he is liable, as anyone else, when he encourages and induces another to commit a trespass.”). Therefore, irrespective of a lack of privity or balancing of factors, an attorney is generally liable for his intentional wrongs.”

60. Lastly, while S.C. Code Section 15-36-10, et seq. sets forth a pre-suit procedure through which professional negligence claims may be asserted. South Carolina Code Section 15-36-100(B) provides that a plaintiff “must file as part of the complaint an affidavit of an expert witness which must specify at least one negligent act and the factual basis for each claim....” However, S.C. Code Section 15-36-100(C)(2) provides that no accompanying affidavit must be filed where, in a case such as this, the professional negligence is so obvious that it “lies within the ambit of common knowledge and experience, so that no special learning is needed to evaluate the conduct of the defendant.” See S.C. Code § 15-36-100(C)(2). Plaintiff believes the sending of an inappropriate subpoena to an inappropriate party, disclosing defamatory information requires no “expert affidavit” to be submitted. Plaintiff also believes that KORMYLO had an implied common law duty to his CHILD to not disburse or otherwise disseminate information of such a sensitive matter.

WHEREFORE, Plaintiff request judgement against KORMYLO for compensatory and punitive damages related to defamation, slander, and professional negligence together with any counsel fees now or in the future, costs of suit, and other relief as the court may deem proper.

COUNT 6
(DEFAMATION – LIBEL PER SE AGAINST ROBERT HENRY PURKERSON)

61. Each of the preceding paragraphs 1 through 60 are hereby incorporated herein by reference.
62. Defendant Robert Henry Purkerson resides at 6 Stillwood Drive, Greenville, SC 29607.

63. At all times relevant to this lawsuit, PURKERSON has been the maternal grandfather of PLAINTIFF's CHILD.

64. While at one time PURKERSON was supportive of Plaintiff, since family court action by Purkerson's daughter (mother of Plaintiff's CHILD), and his daughter's sixth marriage, PURKERSON has engaged in constant and willful action aimed at parental alienation directly and by aiding and abetting MAPLES in his pursuit of parental substitution by making false and defamatory statements about Plaintiff in the presence of CHILD. Further, they have met together in Greenville, S.C. on many occasions (more than twelve (12) in twelve months.

65. PURKERSON has made false allegations and has encouraged CHILD to either exaggerate or make up stories defamatory of the PLAINTIFF, and to pass such on to other adults in an attempt to denigrate PLAINTIFF's reputation and standing as a person of good character in an attempt at parental substitution.

66. PURKERSON has encouraged CHILD to tell lies and stories about Plaintiff which led to an unfounded investigation by North Carolina DSS and the Greenville County Sheriff's Office. PURKERSON in fact called a Sargent Robert Perry with the Greenville County Sheriff's Office trying to have him re-open the "Investigation" and making defamatory statements in an effort to further denigrate the reputation of PLAINTIFF.

67. More specifically, and importantly, PURKERSON has disclosed the information of a sex crime investigation and made other derogatory comments to Dr. Ryland T. (Tony) Traynham who is an oral surgeon here in Greenville and also an acquaintance of Plaintiff. PURKERSON and Traynham have been close friends for over forty (40) years. Plaintiff and Dr. Traynham go to the same barber whose name is Amy Creamer. Ms. Creamer shared the derogatory communication told to her by Dr. Traynham and ask Plaintiff if "I was ok"? The work environment where Ms.

Creamer works is an open environment where either other barbers (stylist) or clients in other chairs can easily overhear conversations. Dr. Traynham is known as being quite the talker. Ms. Creamer has heard these comments from other clients as well.

68. Dr. Traynham approached me to say hello at a local restaurant in 2019 and specifically ask me why Purkerson and his daughter (Lyn Purkerson Maples) were saying "bad" things about me? Plaintiff doesn't recall his specific response, other than to change subjects.

69. PURKERSON has made false and defamatory statements to other mutual friends or acquaintances in Greenville, South Carolina that have been repeated to me in person and have been spread about the community that has been the home of the PLAINTIFF for over fifty (50) years. These statements, once made, cannot be undone and become even more exaggerated and inflammatory as they are spread from person to person in and around Greenville County, South Carolina and have been tortuous and injurious where PLAINTIFF had established an excellent reputation, now tainted by the acts of PURKERSON.

70. As a direct and proximate result of PURKERSON's conduct, Plaintiff has suffered and continues to suffer extreme mental anguish and distress. Further, the encouragement of parental alienation and parental substitution actions by PURKERSON and MAPLE's have caused substantial damage to PLAINTIFF's relationship with his CHILD, that has cause great loss of enjoyment and will require substantial time and costs associated with therapeutic assistance to heal the intentionally inflicted wounds by PURKERSON. PURKERSON'S discussion of derogatory information harmful to Plaintiff's reputation, character and standing in the community certainly is defamation per se.

WHEREFORE, Plaintiff request judgement against defendant PURKERSON for compensatory and punitive damages, together with any counsel fees now or in the future, costs of suit, and other relief as the court may deem proper.

PRAYER FOR RELIEF

Plaintiff is informed does believe he is entitled to judgement against the defendants, jointly and severally, for actual damages, punitive damages, together with any counsel fees now or in the future, costs of suit, and other relief as the court may deem proper; all as a direct and proximate result of defendants' negligence, recklessness, willfulness and wantonness, and any other relief to which Plaintiff may otherwise be entitled.

DEMAND FOR A JURY TRIAL

PLAINTIFF demands a trial by jury as to all issues in the above matter.

Dated: 3-6-2020



Michael Gene Putnam – Plaintiff
1108 S. Main St. Unit 355
Greenville, SC 29601-3377
Phone: 864-420-9624
Fax: 864-751-4365
Email: mputnam2006@gmail.com

April 4, 2018

These are the statements that the lawyer for Lyn Maples asked us to provide

Student: Ella Putnam

Personal knowledge of how Ella is doing in school

Ella's daily interactions with other students

Any concerns Ella has expressed or struggles she has shared

Any concerns you have regarding Ella's well being

Any observations or opinions based on personal knowledge of the

- Mother
- Father
- Step-father

Dana Cordell

Personal knowledge of how Ella is doing in school

Ella is doing well in my class, but in our counselling sessions she has admitted that she feels distracted by the things happening in her personal life. I did reach out to her mom concerning this at the beginning of March. She was tearful and distracted in class several times (maybe 3-4 times). However, she does well in my class and has had A's and B's and strives to keep her grades up. She has shared that math is a major struggle for her and she spends hours a night doing homework. Her responsibilities at school compounded with her burdens at home have made school difficult this semester. My fear is that her preoccupation with her life at home, is causing her not to be productive at school. And that just begins more of the cycle of coming home with a ton of work and not getting rest.

Ella's daily interactions with other students

I have not had much observation on Ella outside of the classroom, however, she seems to be liked by her peers. She has a quiet personality, but seems to have a few friends that she sits with a lunch and break time. She works well in group activities in the classroom. I do not have much to share about her interactions with other students.

Any concerns Ella has expressed or struggles she has shared

- Ella has shared that when her father comes into town he often stays in a hotel. She talked about how she and her father argue and she does not feel safe with him. For example, she got in an argument with him while riding in the car, and got out of the car at a red light because she was so angry at him. She walked to the hotel where they were staying, across the street. (This was in a busy intersection at Crabtree Valley Mall, and was not safe.)
- Ella also mentioned that her father has an alcohol problem. She admitted to sitting at bars with him while he would drink, and that when they were at hotels he would order

EXHIBIT 1

- alcohol via room service. She also claims that at times when he calls her on the phone he is at bars. When she is with him and he is drinking they take Uber for transportation.
- She stated that he was at bars, City Range, every night beginning at 5 PM. She said he stays so late they ask him to leave.
 - She also said he is depressed because he is unemployed and on workers comp.
 - Ella has concerns about her father's health and the amount of medicine he takes. She also wonders how his alcohol affects that. She even told me she thinks he needs to be in a nursing home.
 - Ella said that she and her father argue a lot. Some statements she made to me that she claims he has said: He says she doesn't love him. He said she should not have been born. He said he doesn't want to be her father.
 - Ella told me that her father likes to take her on fancy trips, but she does not feel comfortable being with him. Because she is not comfortable, she stated that her mom and Rob, or another family member, would travel to the same place in order to be nearby if she needed them, but her dad did not know they were in close proximity. She admitted that she does not enjoy those trips with her father and does not believe he has the finances to sustain them.
 - Ella told me she has had a dream that she is his slave "like 50 times."
 - Ella seems to say that her father does not have close relationships with his sister or parents.
 - Ella is afraid to write letters to her dad, or even journal about her emotions because if he find the journal or reads things she has written he judges her writing and spelling. She is afraid for him to see her writing.
 - Ella expressed that he is looking for women on dating websites and is wanting women a lot younger than him, and this bothers her.
 - Ella expressed fear when she found out her father was moving out of his house due to foreclosure, and she cried. She said if he was within 50 miles she had to move in with him and that caused her to burst into tears. When I asked her to clarify the fear, she admitted that she was afraid he would try to get custody of her and move closeby. She also said that she will not sleep as well because he is at bars "until 11." This was the most upset that I had seen her. She truly seemed afraid because he did not know his intentions.
 - She said her dad would text harsh and harassing things to her mom, attacking their parenting, decisions, and once she mentioned that he would say rude things about Rob's dead wife. "When I am with him (meaning dad) I don't know why, but he makes Rob feel bad talking about his wife that died of cancer and calls him a 'peanut head.'"
 - When her dad is angry at her, he will block her phone number for a few days or hang up on her. He pressures her to talk to him on the phone, and she does not want to talk to him. However, she said if she doesn't that he get angry at her. She mentioned that she tries to get off the phone with him to do her schoolwork and he makes her feel guilty or becomes angry.
 - She says he hates her school and wants her to go elsewhere. It upsets her when he speaks negatively of the school, which seems to be frequent.

- She says he thinks she "gets in trouble alot and gets her name on the board" in classes. In her estimation, he does not think she is a good student.
- Some days she seems concerned about her dad and other days she seems bothered by him.

Any concerns you have regarding Ella's well being
 I am concerned with the heavy burdens that Ella seems to bear. She comes to school in tears or heavy-hearted frequently. My fear is that her preoccupation with her life at home, is causing her not to be productive at school. And that just begins more of the cycle of coming home with more homework and not getting rest. Ella seems to lose sleep over this, which she has admitted makes her have a hard time. She needs sleep and often cannot get it due to worry, texting, homework taking too long because she is distracted, and when she is with her dad he keeps her out late.

Any observations or opinions based on personal knowledge of the

- Mother
- Father
- Step-father

I have had no personal interactions with her father or step-father.
 I have interacted with her mother quite a few times. I believe her mother wants what is best for her and is fearful of her father's intentions. Personally, I have felt that her mom could possibly share more information about her father than she should know, which adds to Ella's burdens. I have heard Ella say things to me that I do not believe a 6th grader would conceive in her own mind, such as "my dad just needs to be in a nursing home." However, her mom has confided in me that she has not told Ella everything, in order to protect her. Her mom and Rob have pledged to protect Ella and constantly make that known to her.

Sincerely submitted,

Dana Cordell

Dana Cordell
 6th Grade Bible Teacher
 Wake Christian Academy
 Raleigh, NC 27603

This the 11th of April, 2018

PHYLIS PARRISH
 Exp.
 NOTARY
 PUBLIC
 WAKE COUNTY, NC
 2/18/2021
Phyllis Parrish
 Notary Public

My commission expires 2/18/2021

April 9, 2018

Personal knowledge of how Ella is doing in school

Ella is working to her full potential in English and writing. It is my understanding that she was born with some speech delays and that impacted her greatly in the early years. She has had speech therapy as well as occupational therapy. She is still delayed in letter formation, handwriting, and writing paragraphs, however, she has made great strides this year in these areas. This is a developmental issue, not one of lackadaisical nature. She keeps up with classwork and spends a great deal of time on homework and studying each night. She also has a tutor that helps outside of school. She attends help class when it's offered and is actively engaged in the group.

Ella's daily interactions with other students

Ella is a sweet, quiet girl and is kind to everyone. She has a few close friends that she enjoys being with between classes, break, and lunch. She interacts well in big and small groups and contributes to collaborative assignments done in groups.

Any concerns Ella has expressed or struggles she has shared

I have enjoyed getting to know Ella this year. She is witty, loving, and is very observant about her surroundings and social interactions. Late fall, after establishing a good rapport with Ella, she began to open up about her homelife. She is very burdened by her father and his behavior when she is with him, and when he calls. She has made the following comments in conversation about him. Please note, these conversations have always been prompted by Ella as if she needs to talk to someone at that very moment.

- "Is it bad that I didn't tell my dad that we have a long weekend? I just don't want to be with him."
- "I really don't want to go to dinner with my dad because all he does is drink and I either have to go to a table while he's at the bar or I'm in the lobby."
- She has mentioned several times throughout the year that they argue a lot.
- In February or March, she mentioned that he sent her flowers. Her response was, "I don't want those flowers. Does he really think that flowers are going to make-up for all that he has said and done?"
- Their birthdays are a few days apart and he came to town to take her out for dinner for their birthdays at Kanki. If I remember correctly it was a Friday night and he had not made reservations, so when they got there, it was a two hour wait. He wanted to stay and sit at the bar. She did not want to wait and wanted to go back to the hotel and order room service. He was staying at a hotel across from Kanki, at Crabtree Valley Mall, and they eventually went back to the hotel and she made him let her out of the car at the bottom of the driveway into the hotel because he had had too much to drink and she was really mad at him. She walked from the driveway into the hotel.
- She is fearful to stay with him due to him drinking and not feeling safe. She seems to dread when he is in town and is uptight about their visit.
- As per Mr. Putnam's request, he wanted to come and have a tour of the school and meet with Mr. Hoxie and me. It's my understanding that he set up a couple of earlier

EXHIBIT 2

appointments to do this and did not show up. I believe he was late for this appointment and by the time he met with Mr. Hoxie and me, we did not have very long to conference. It was a pleasant meeting and we ended after about 20 minutes because I had to get back to my class to teach. He brought samples of her writing ("emergency" was one word and I cannot remember the other word he showed us that she had written.) His concern was her spelling at her age and how her grades were what they were in school. Her spelling is substandard, but her speech and other delays are still trying to catch up to grade level. Progress is being made. He was pleasant during the meeting although I did notice that his speech was a little slow and he took some time to think about what he wanted to say before he spoke. I also understand that he has had a stroke and this may be an effect from that. The next week, Ella came to me in tears asking if I had told Mr. Putnam that she was a "horrible student and very disrespectful." I hugged her and assured her that I did not say anything of that nature and quite the contrary.

- He most recently (mid-March) contacted me for some work samples and due to it being the beginning of the 4th quarter, I had returned all work to Ella and I did not have any samples on hand. He said he wanted to work on some grammar with her.
- She also has told me that her father has blocked her on occasion from his phone.
- She has frequently said, "I just want to be with my family (her mother and Rob) in Raleigh."

Any concerns you have regarding Ella's well being

I have no reason to believe that Ella is not being truthful when she confides in me. Her demeanor has become more serious and withdrawn as the school year has progressed; in my opinion, this is due to the stress of her relationship with her father. It is a burden for her because they are distant and not able to get along when they are together and he apparently is not pleasant to be around- either in SC or when he visits. I do worry about her safety when she is in his care.

Any observations or opinions based on personal knowledge of the

- Mother
- Father
- Step-father

Ella's mother came in at the beginning of the year and introduced herself and gave me some background on Ella (learning delays, divorced parents). She and I are in contact fairly frequently.

I've only been contacted by Ella's father, Michael Putnam, via e-mail twice and I've met him once.

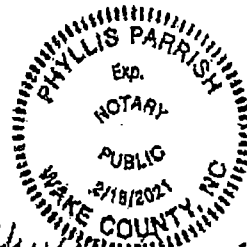
I met Ella's stepfather once in the fall when they came to Super Saturday, a school-wide fundraiser. I may have met him earlier in the year at our "Meet the Teacher" on the first day of school, but I'm not certain.

Sincerely submitted,
Kellie Auerweck

6th grade Lead Teacher
6th grade English & Writing Teacher
Wake Christian Academy

Kellie Annwed
April 11, 2018

This the 11th of April, 2018



Phyllis Parrish
Notary Public

my commission expires 2/18/2021

Ent: anyoung 12/19/2018 20:07:42 GREENVILLE COUNTY SHERIFF'S OFFICE
EC5 12/19/2018-13:29:54
Incident Report

RECORDS
COPY

107-19

Agency I.D.
SC0230000

RTA

11DC,36CC,

Case Number

18000220548

Adult/Juv

EVENT	INCIDENT TYPE		OFFENSE COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED	TYPE VICTIM			
	Criminal Sexual Conduct/Minor		Y	N	20 - Residence/Home	0	☒ Individual ☐ Business ☐ Financial Inst. ☐ Government ☐ Religious Org. ☐ Soc / Public ☐ Other ☐ Unknown ☐ Police Officer			
	Incident Location (Address, City, State, Zip, Apt. #, etc.)		Closest Intersection		Zip Code					
	Linkside Drive Taylors SC				29687					
VICTIM	Incident Date	Time	To	Date	Time	Weapon Type	Time Arrived	Time Completed	Panel District	
	01/14/2008	12:00		01/14/2018	12:00	40	12:00	13:00	02	
	Complainant Name (Last, First, Middle)		Relationship	Race	Sex	Age	Business Phone	Mobile Phone		
			O	W	M	25 to 40				
SUBJECT	Victim's Name (Last, First, Middle)		Victim Relationship To Subject		Residence	Employment	Race	Sex	Age	
			CH		O	N	W	F	12	
	Address		City	State	Zip Code	Panel District				
NARRATIVE	Visible Injury (Vict 1) ☐ Yes ☒ No Explain:									
	Complaint of any Non-Visible Injuries ☐ Yes ☒ No									
	Victim (No. 1) Using Alcohol ☐ Yes ☒ No ☐ Unk Drugs ☐ Yes ☒ No ☐ Unk Type:									
	Two-Man Veh ☐ One Man Veh ☐ Detective/PLASMT ☐ Other ☐ ALONE ☐ ASSISTED ☐ Jurisdiction: -									
VEHICLE	Suspect Name (Last, First, Middle)		Sex	Race	Sex	Age	Date of Birth	Height	Weight	
	Putnam, Michael Gene		N	W	M	62	01/11/1956	5'10"	185	
	Address		City		State	Zip Code	Panel District			
	101 Reedy View Dr. Apt #263		Greenville		SC	29601	CJ11			
PROPERTY	Facial Hair, Scar, Tattoo, Glasses, Clothing, Physical Characteristics, Etc.		Subject (No. 1) Using Alcohol		Drugs		Arrested Near Offense Scene		Told Arrested	
			☐ Yes ☒ No ☐ Unk		☐ Yes ☒ No ☐ Unk		☐ Yes ☒ No ☐ Unk		☐ Yes ☒ No ☐ Unk	
	Arrestee Armed ☐ Yes ☒ No		Weapon Type		Arrested on Current Offense		Cleared By Arrest on Prior Offense			
	Juvenile Disposition ☐ Handled Released ☐ Referred To Other Authority		On View Arrest ☐ Summoned ☐ Custody							
ADMIN	Arrest Location		Gang Affiliation: NG - Not Gang Related							
	This case is in reference to a report received from the Department of Social Services.									
	Jurisdiction of Theft:		Jurisdiction of Recovery:							
	☐ Towed ☐ Broken ☐ Recovered ☐ Suspect ☐ Victim		☐ Yes Only ☐ No							
Subject Identified ☒ Yes ☐ No		Subject Located ☒ Yes ☐ No		☒ Active ☐ Admin Closed ☐ Unfounded		☐ Arrested Under 18 ☐ Arrested 18 and Over		☐ Ex-Cleared Under 18 ☐ Ex-Cleared 18 and Over		
Reason For Exceptional Clearance ☐ Offender Death ☐ No Prosecution ☐ Victim Declines Cooperation ☐ Extradition Denied ☐ Juvenile No Arrest										
Reporting Officer(s)		Date	Unit/State	Approving Officer		Date	Unit/State			
BROWN JOE		12/17/2018	79 / 03048	PEEPLES, SHAYNEE		12/18/2018	707 / 03071			
Follow Up Investigation ☒ Yes ☐ No		SID - Crimes Against		12/17/2018						

EXHIBIT 3

Agency I.D.
SC0230000

GREENVILLE COUNTY SHERIFF'S OFFICE
Supplemental Report

RECORDS
COPY

Case Number
18000220548

☐ Original Report	☒ Status Change	☐ Additional Victims	☐ Additional Stolen Property	Incident Type	Criminal Sexual Conduct/Minor						
☒ Supplemental Report	☐ Other Report	☐ Additional Defendants	☐ Additional Recovered Property	Patrol District	02B	Page	1 of 2 Pages				
I.D. OVERFLOW	☐ Complainant	Subject Name (Last, First, Middle)		Victim Relationship To Subject	CH	Shirney	Residence	Male	Age	12	Side of Birth
	☒ Victim #1	Address		City	State	Zip Code	Patrol District	Arrested	Arrested	Arrested	Arrested
	☐ Subject	Weight		Height	Sex	Eye	Facial Hair, Neave, Tattoos, Scars, Clothing, Physical, Possession, Etc.				
	☐ Runaway	Victim No.		1	Visible Injury	☐ Yes ☒ No	Complaint of any Non-Violating Injuries	☐ Yes ☒ No	Victim Using Alcohol	☐ Yes ☒ No	Unk
	☐ Wanted	Explain:		Drug		☒ No ☐ Yes	Type:				
	☐ Arrest	Subject No.		Using Alcohol		☐ No ☐ Yes	Unk				
	☐ Missing	Using Drugs		☐ No ☐ Yes	Type:						
	☐ Jail	Arrested on Current Offense									
	☐ Other	Unk									
	Arrested Armed		☐ Yes ☐ No		Weapon Type						
Juvenile Disposition		☐ Handled Released ☐ Referred To Other Authority		On View Arrest		☐ Summoned ☐ Custody					
Arrest Location				Gang Affiliation: NG - Not Gang Related							
Overflow: Show of Force: NO Terrorist Affiliation: Not Terrorist related Hate Group Affiliation: Not Hate Group related											
Complainant 1 RACE: White, SEX: Male, RESIDENT: outside of South Carolina, Primary:											
Victim 1 DL STATE/NUMBER: /N/A											
NARRATIVE	Putnam, Michael Gene: Subject 1 Subject Types: suspect ADDRESS: N, RESIDE DL STATE/ Mobile: () Physical HAIRCOLOR INJURY: N										
	Narrative: Supplemental 3 **This case was a DSS referral stating that										
	On Monday, January 28, 2019, I received the forensic interview from Detective Pena										
PROPERTY	Status										
	Property Type										
	Quantity										
	Property Make										
	Color										
	Description										
	Serial #/OAH										
	Value										
ADMIN	Subject Identified		Subject Located		☐ Active ☐ Admin Closed		☐ Arrested Under 18		☐ Ex-Cleared Under 18		
	☒ Yes ☐ No		☒ Yes ☐ No		☒ Unfounded		☐ Arrested 18 and Over		☐ Ex-Cleared 18 and Over		
	Reason For Exceptional Clearance		☐ Offender Death		☐ No Prosecution		☐ Victim Declines Cooperation		☐ Extradition Denied		
	Reporting Officer(s)		Date		Unit/Star#		Approving Officer		Date		
	NUNEZ, CHYNA		01/30/2019		A32 / 01466		PERRY, ROBERT		01/30/2019		

5-MIP 02/05/2019 2:57 PM

2019 FEB -4 PM 2:57

EXHIBIT 4

Case Number
18000220548

6182/59/28 274/5



**Human
Services**

Tel 919 212 7000

220 Swinburne Street
PO Box 46833
Raleigh, NC 27610
www.wakegov.com

02/13/2019

RE: Ella Putnam

Michael Putnam
101 Reedy View Dr. Apt 263
Greenville, SC 29601

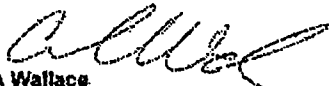
Dear Michael Putnam:

This letter is to serve as a follow up regarding the concerns addressed during the Investigative Assessment. A case decision was made on 02/13/2019. The findings of the assessment are as follows:

Unsubstantiated and Closed

If you have any questions, please do not hesitate to call me at 919-250-3083.

Sincerely,


A Wallace
Human Services Senior Practitioner

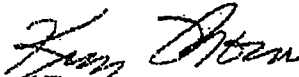

K Thomas
Human Services Supervisor II

EXHIBIT 5

EXHIBIT 6

1. Throughout time, God has continually revealed Himself to be a loving, holy, just and sovereign God. As a result of His holy and just nature, He must punish the sinfulness of mankind. However, as a loving and sovereign God, He had a plan from the very foundations of the earth for the reconciliation of His creation. That plan was fulfilled in Christ Jesus, His one and only begotten son (John 3:16, 1 Peter 1:20-21). *"For Christ also suffered once for sins, the righteous for the unrighteous, that he might bring us to God"* (1 Peter 3:18). Just as sin reigned through Adam, grace reigns through Jesus for all those who trust in Him (1 Peter 2:6, Romans 10:11, Romans 5:5,21, Zephaniah 3:11, Joel 2:26-27, Isaiah 50:7, 49:23, 45:17).
2. The purpose of Christian Education is to assist the family and church in the ministry of reconciliation through instruction centered upon Jesus Christ and founded upon the absolute truths of His Word (II Corinthians 5:18).
3. The teacher plays an integral role in Christ-centered instruction. In his epistle, James teaches that the tongue is a powerful tool. He compares it to the bit in the mouth of the horse and the rudder on the ship. He demonstrates the power of tongue to guide the body either toward heaven or hell. It is important to note that this popular chapter on the tongue is opened with the challenge, *"Let not many of you become teachers, my brethren, knowing that as such we will incur a stricter judgment"* (James 3:1). Throughout the Scriptures God uses teachers to instruct His people in following after His ways. Teachers are given the responsibility to search the Scriptures to discover the truths that God desires to be taught to His children. They are challenged to learn and apply the truths themselves and then instruct others through both words and actions.
4. The primary goal of the teacher is to lead the body in following Christ. This can only be done if the teacher is himself/herself following Christ and learning from Him. Effective teachers and staff members will be born again Christians who demonstrate a strong Christian testimony. They are active members of a Bible-believing church and are trained in the area that God has called them to teach. Like Paul, they will live in such a way that they too can challenge their students to *"be imitators of me, just as I also am of Christ"* (1 Corinthians 11:1).

The goal of Christian education is to provide a learning environment that consists of Christ-centered instruction and activities that will provide conditions whereby young people can receive the Truth.

In John 8:32 Jesus stated, *"And ye shall know the Truth and the Truth shall make you free,"* The Scriptures also state that Jesus is *"the way the truth and the life"* (John 14:6) and *"He is before all things, and in Him all things hold together"* (Col 1:17). Christ-centered education

EXHIBIT 6

acknowledges that Jesus is the center of all that is. He is the Truth and only in Him can truth be found. Therefore, curriculum must be developed with Jesus Christ as its center. He must hold the curriculum together, and all truth must come from Him and lead to Him.

5. Throughout the Scriptures, parents are commanded to raise their children in the "discipline and instruction that comes from the Lord" (Eph. 6:4). A Christ-centered school strives to assist the family and church in fulfilling this charge. The school cannot take the place of the parents or church in this calling and, therefore, cannot relieve them from their responsibilities. Rather, it serves as an extension of, both in rearing future generations to be followers of Jesus, well prepared for the fulfillment of God's desire for their lives.

B. VISION STATEMENT – To Emphasize the Preeminence of Christ in Life and Learning. Col. 1:18

EXHIBIT 6

STATE OF SOUTH CAROLINA
ISSUED BY THE FAMILY COURT IN THE COUNTY OF GREENVILLE

Lyn Maples f/n/a Lyn Hampton Purkerson

Plaintiff,

vs.

SUBPOENA IN A CIVIL CASE
(Records Only)

Michael Gene Putnam

Defendant.

C.A. No.: 2018-DR-23-1569

TO: William H. Bradshaw, as Statutory Agent for
Bradshaw Automotive, d/b/a Bradshaw Infinity

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

Location of Court:	Courtroom: Date and Time:

YOU ARE COMMANDED to appear at the place, date and time specified below.

Place of deposition:	Date and Time:

YOU ARE COMMANDED to produce and permit inspection of: Please provide copies of your entire file for Case No. 18000220548 involving Michael Gene Putnam, including but not limited to, all interviews, reports, polygraphs, etc.

Place: Vanessa H. Kormylo, Esq. 1314 E. Washington Street Greenville, South Carolina 29607	Date and Time: Friday, April 5, 2019 at 10:00 a.m.

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

Premises	Date and Time

ANY SUBPOENAED ORGANIZATION NOT A PARTY TO THIS SUIT IS HEREBY DIRECTED PURSUANT TO RULE 30 (B)(8), SOUTH CAROLINA RULES OF CIVIL PROCEDURE, TO FILE A DESIGNATION WITH THE COURT SPECIFYING ONE OR MORE OFFICERS, DIRECTORS, OR MANAGING AGENTS, OR OTHER PERSONS WHO CONSENT TO TESTIFY ON ITS BEHALF, AND SHALL SET FORTH, FOR EACH PERSON DESIGNATED, THE MATTERS ON WHICH HE WILL TESTIFY OR PRODUCE DOCUMENTS OR THINGS. THE PERSON SO DESIGNATED SHALL TESTIFY AS TO MATTERS KNOWN OR REASONABLY AVAILABLE TO THE ORGANIZATION.

Vanessa H. Kormylo, Esq., 1314 East Washington Street, Greenville, SC 29607 (864) 242-1644/ (864) 640-8879

Vanessa H. Kormylo

Issuing officer's signature and title (Attorney for Plaintiff) Date March 25, 2019

EXHIBIT 7

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

MICHAEL GENE PUTNAM

Plaintiff(s)

vs.

WAKE CHRISTIAN ACADEMY, ET AL

Defendant(s)

Submitted By: MICHAEL GENE PUTNAM

Address: 1108 S. Main Street, Unit 355

Greenville, SC 29601-3377

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2020-CP - 23 - 01450

20 MAR 6 PM 3:42
Paid Wickenshaw COUNCIL SC

SC Bar #:

Pro Se - Plaintiff

Telephone #:

864-420-9624

Fax #:

864-751-4365

Other:

E-mail:

MPUTNAM2006@GMAIL.COM

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing cases that are NOT E-Filed. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint. This form is NOT required to be filed in E-Filed Cases.

DOCKETING INFORMATION (Check all that apply)

**If Action is Judgment/Settlement do not complete*

- ☒ JURY TRIAL demanded in complaint. ☐ NON-JURY TRIAL demanded in complaint.
☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☒ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

Contracts ☐ Constructions (100) ☐ Debt Collection (110) ☐ General (130) ☐ Breach of Contract (140) ☐ Fraud/Bad Faith (150) ☐ Failure to Deliver/ Warranty (160) ☐ Employment Discrim (170) ☐ Employment (180) ☐ Other (199) _____	Torts - Professional Malpractice ☐ Dental Malpractice (200) ☐ Legal Malpractice (210) ☐ Medical Malpractice (220) Previous Notice of Intent Case # 20 ____ -NI- ____ ☐ Notice/ File Med Mal (230) ☒ Other (299) _____	Torts - Personal Injury ☐ Conversion (310) ☐ Motor Vehicle Accident (320) ☐ Premises Liability (330) ☐ Products Liability (340) ☐ Personal Injury (350) ☐ Wrongful Death (360) ☐ Assault/Battery (370) ☒ Slander/Libel (380) ☐ Other (399) _____	Real Property ☐ Claim & Delivery (400) ☐ Condemnation (410) ☐ Foreclosure (420) ☐ Mechanic's Lien (430) ☐ Partition (440) ☐ Possession (450) ☐ Building Code Violation (460) ☐ Other (499) _____
Inmate Petitions ☐ PCR (500) ☐ Mandamus (520) ☐ Habeas Corpus (530) ☐ Other (599) _____	Administrative Law/Relief ☐ Reinstato Drv. License (800) ☐ Judicial Review (810) ☐ Relief (820) ☐ Permanent Injunction (830) ☐ Forfeiture-Petition (840) ☐ Forfeiture-Consent Order (850) ☐ Other (899) _____	Judgments/Settlements ☐ Death Settlement (700) ☐ Foreign Judgment (710) ☐ Magistrate's Judgment (720) ☐ Minor Settlement (730) ☐ Transcript Judgment (740) ☐ Lis Pendens (750) ☐ Transfer of Structured Settlement Payment Rights Application (760) ☐ Confession of Judgment (770) ☐ Petition for Workers Compensation Settlement Approval (780) ☐ Incapacitated Adult Settlement (790) ☐ Other (799) _____	Appeals ☐ Arbitration (900) ☐ Magistrate-Civil (910) ☐ Magistrate-Criminal (920) ☐ Municipal (930) ☐ Probate Court (940) ☐ SCDOT (950) ☐ Worker's Comp (960) ☐ Zoning Board (970) ☐ Public Service Comm. (990) ☐ Employment Security Comm (991) ☐ Other (999) _____
Special/Complex /Other ☐ Environmental (600) ☐ Automobile Arb. (610) ☐ Medical (620) ☐ Other (699) _____ ☐ Sexual Predator (510) ☐ Permanent Restraining Order (680) ☐ Interpleader (690)	☐ Pharmaceuticals (630) ☐ Unfair Trade Practices (640) ☐ Out-of State Depositions (650) ☐ Motion to Quash Subpoena in an Out-of-County Action (660) ☐ Pre-Suit Discovery (670)		

Submitting Party Signature: Michael Gene Putnam

Date: 3-6-2020

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

MICHAEL GENE PUTNAM

Plaintiff,

vs.

WAKE CHRISTIAN ACADEMY
5500 WAKE ACADEMY DRIVE
RALEIGH, NC 27603

-and-

DANA GRAVES CORDELL
2009 MUDDY CREEK COURT
RALEIGH, NC 27610

-and-

KELLIE O'NEAL AUERWECK
117 BELLS WALK COURT
HOLLY SPRINGS, NC 27540

-and-

ROBIN CARY MAPLES
1653 TUNNEL STREET
WENDELL, NC 27951

-and-

VANESSA HARTMAN KORMYLO, P.A.
1314 EAST WASHINGTON STREET
GREENVILLE, SC 29607

-and-

ROBERT HENRY PURKERSON
6 STILLWOOD DRIVE
GREENVILLE, SC 29607

Defendants.

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

**FIRST
AMENDED COMPLAINT**

C.A NO: 2020-CP-23-01450

JURY TRIAL DEMANDED

20 APR 6 PM 4:38
Paul Wickens - 200607 SC

WHEREFORE, the Plaintiff hereby moves to amend his complaint as allowed under Rule 15(a) of the South Carolina Rules of Civil Procedure (SCRCP) which provides "(a) Amendments. A party may amend his pleading once as a matter of course at any time before or within 30 days after a responsive pleading is served or, if the pleading is one to which no responsive pleading is required and the action has not been placed upon the trial roster, he may so amend it at any time within 30 days after it is served." Defendants Wake Christian Academy, Dana Graves Cordell and Kellie O'Neal Auerweck ("SCHOOL DEFENDANTS") filed a Motion to Dismiss with this Court on March 30, 2020 and service was accepted by Plaintiff on March 31, 2020. Defendant Purkerson filed a Motion to Dismiss time stamped April 2, 2020. These Motions to Dismiss are "non-responsive" pleadings and the Amended Complaint meets the requirements of SCRCP Rule 15. Since the first complaint is no longer in effect, Defendants' Motions to Dismiss seeks dismissal on a superseded complaint, and these motions should be deemed as moot. An ADR (Workflow) was placed on the Case Index, however, such placement shall not be on the circuit court trial roster until a Proof of ADR is filed.

AMENDED COMPLAINT FOR DEFAMATION/SLANDER AND PROFESSIONAL NEGLIGENCE

COMES NOW, PLAINTIFF MICHAEL GENE PUTNAM, (hereinafter, "PUTNAM") hereby files his First Amended Complaint against DEFENDANTS, WAKE CHRISTIAN ACADEMY (hereinafter "WAKE"); DANA GRAVES CORDELL (hereinafter, "CORDELL"); KELLIE O'NEAL AUERWECK (hereinafter, "AUERWECK"); ROBIN CARY MAPLES, (hereinafter "MAPLES") and VANESSA HARTMAN KORMYLO, P.A. (hereinafter, "KORMYLO") and ROBERT HENRY PURKERSON (hereinafter "PURKERSON") for Defamation for making false damaging statements, (verbally and in writing), slander per se by putting in writing false and malicious statements alleging acts or moral turpitude, and professional negligence, and other

tortuous actions. The Amended Complaint contains the same Defendants as the Original Complaint, but adds clarification as to the facts surrounding the allegations. In Motions to Dismiss by certain Defendants, a reference is made to a Civil Action No. 6:19-cv-2136-TMC. Although there are certain Defendants that are common to that action; there also new Defendants and numerous issues and new allegations not raised during the pendency of that case. All dismissals in that District Court case were without prejudice and provide for a thirty (30) day period for Plaintiff to reassert those issues in a new complaint, now in the proper venue of Greenville County, South Carolina. There were never any hearings or factual determinations by the District Court and there was no suggestion or reference that the case was futile.

1. PARTIES

1. This is an Action for Defamation (Libel Per Se), Slander per se, and Professional Negligence; and damages in excess of \$30,000, exclusive of interest, costs, and attorney fees.

2. PLAINTIFF MICHAEL GENE PUTNAM is an individual over the age of 18, a citizen of the United States and a resident of the city of Greenville, Greenville County, South Carolina.

3. DEFENDANT WAKE CHRISTIAN ACADEMY is a Private Fundamentalist Christian School operating in Wake County, North Carolina.

4. DEFENDANT DANA GRAVES CORDELL is a teacher over the age of 18, who is employed by Wake Christian Academy, and is a resident of Wake County, North Carolina.

5. DEFENDANT KELLIE O'NEAL AUERWECK is a teacher over the age of 18, who is employed by Wake Christian Academy, and is a resident of Wake County, North Carolina.

6. DEFENDANT ROBIN CARY MAPLES is an employee of GlaxoSmithKline, step-father of Plaintiff's minor child, over the age of 18, and is a resident of Wake County, North Carolina.

7. DEFENDANT VANESSA HARTMAN KORMYLO is an attorney in Greenville, South

Carolina, over the age of 18, and is a resident of Greenville County, South Carolina.

8. DEFENDANT ROBERT HENRY PURKERSON is over the age of 18, and is a resident of Greenville County, South Carolina.

2. JURISDICTION AND VENUE

9. This Court has subject matter jurisdiction pursuant to South Carolina Code of Laws, Title 15, Section 7 and other rules pursuant to the South Carolina Rules of Civil Procedure (SCRPC). This Court has personal jurisdiction over the parties, and more particularly, the Defendants pursuant to S.C. Statute 36-2-803, 1(c) "commission of a tortious act in whole or in part in this State" See S.C. Code Ann. § 36-2-803 (2016); ESAB Group Centricut, Inc., 126 F.3d 617 (4th Cir. 1997) (construing South Carolina's long-arm statute); Moore v. Club Car, LLC, No. 4:16-CV-00581-RBH, 2017 WL 930173, at *3 (D.S.C. Mar. 9, 2017) (holding that plaintiffs had provided sufficient proof to support jurisdiction). As to the out-of-state defendants, the question of personal jurisdiction over a nonresident defendant is one which must be resolved upon the facts of each particular case. Engineered Products vs. Cleveland Crane & Eng'g, 262 S.C. 1, 201 S.E.2d 921 (1974). This Complaint is not about the buying or selling of products in the normal course of business. The foreseeability that is critical to due process analysis is not the mere likelihood that a tort and damages will find its way into the forum state (South Carolina). Rather, it is that the defendant's conduct and connection with the forum state are such that they should reasonably anticipate by their actions as to being hauled into court there. Worldwide Volkswagen 444 U.S. at 297 (U.S. Supreme Court). A single act that causes harm in this State (South Carolina) may create sufficient minimum contacts where the harm arises out of or relates to that act. Southern Plastics v. Southern Commerce Bank, 310 S.C. 256, 423 S.E.2d 128. Further, the false reporting by SCHOOL DEFENDANTS to a reporting agency

alleging an act of moral turpitude by Plaintiff; that they knew or should have known, would be referred to South Carolina for investigation by South Carolina DSS and South Carolina Law Enforcement, amounts to slander per se and intentional infliction of emotional distress with malice to a resident of South Carolina. Making willful defamatory and false statements about Plaintiff by a resident of North Carolina is no different than that same person driving their car to South Carolina, causing injury, and then retreating to and seeking protection in their North Carolina residence. In fact, SCHOOL DEFENDANTS were ready and anxious to come to South Carolina and repeat those made up allegations and had phone contacts repeating those false allegations to residents of South Carolina.

10. Venue is proper in this circuit under South Carolina Code 15-7-30 because the Plaintiff resides in Greenville, South Carolina and the tortious injuries and damages occurred in Greenville, County of Greenville, South Carolina; further, there are two other Defendants which are residents of Greenville County, South Carolina. There are no issues or allegations in the Original or Amended Complaint related to any Federal Laws or statutes.

STATEMENT OF FACTS

11. Since the summer of 2016 when the Plaintiff's child was enrolled in Wake Christian Academy, without his involvement and against his strongest desires, the Defendants, individually, and as a group, sought to willfully make false, untrue, and non-factual statements to numerous third parties, including law enforcement agencies and other state agencies regarding a sex crime allegation against the Plaintiff. These actions have subjected the Plaintiff to loss of access to his minor child and a criminal investigation in Greenville, South Carolina that found the allegations of Wake, Cordell, Auerweck and Maples to be "totally unfounded"; and now known to be fabricated by the SCHOOL DEFENDANTS in "bad faith" and with malice. The SCHOOL

DEFENDANTS intentionally sought a way to see that Plaintiff would not be allowed to see or have visitation with his child. Further, the intentional interference of Plaintiff's relationship with his child, public humiliation, intentional defamation of his character, and a public record of a "sex crime investigation"; which was disseminated by Kormylo to the owner of a car dealership in Greenville, has created substantial emotional distress, doubts and denial of visitation with my child in Greenville, and irreparable damage to a well established reputation of high regard in Plaintiff's home community; where he was born and has lived and worked a professional career as a Certified Public Accountant most of his life.

12. As previously but briefly stated, some of the issues contained in this Complaint were subject to a review and report by a Magistrate Judge in Greenville Federal Court, and a *de novo* review of Plaintiff's Objections to the Magistrate's Report by the Honorable Judge Timothy M. Cain. When Judge Cain issued his Order after *de novo* review, certain motions of the Plaintiff (Putnam) were denied and certain portions of defendant's motions were granted. Plaintiff in this Complaint believes the technicalities pointed out have been corrected. There was no suggestion or statement in Judge Cain's Order that suggested the complaint was "futile" or that any dismissals were "with prejudice". Rule 41 (a)(2) of the Federal Rules states that dismissal of an action "By Order of Court", ..."Unless otherwise specified in the order, a dismissal under this paragraph is **without prejudice**". In *Artis v. District of Columbia*, 138 S. Ct. 594 (2018), the United States Supreme Court in the text of § 1367(d), stated "the statute of limitations is tolled at "two adjacent time periods" – once while the claim is pending in federal court and the other for 30 days after the claim was dismissed from federal court." The Original Complaint was timely filed within those guidelines.

COUNT 1
(DEFAMATION – LIBEL PER SE AGAINST DANA GRAVES CORDELL)

13. Each of the preceding paragraphs 1 through 12 are hereby incorporated herein by reference.

14. Defendant Dana Graves Cordell resides at 2009 Muddy Creek Court, Raleigh, NC 27610.

15. At all times relevant to this lawsuit, CORDELL has been an employee of WAKE.

16. In or around October 2018, CORDELL and AUERWECK fabricated a story which was then presented to Middle School Principle Larry Hoxie (hereinafter referred to as "HOXIE") alleging that a "sex crime" had been committed by Plaintiff against his CHILD in the recent past. This misinformation and fabrication were provided to the Wake County Department of Social Services (DSS) which initiated an investigation. CORDELL, AUERWECK and HOXIE ("SCHOOL DEFENDANTS") were fully aware that such investigation would be conducted in Greenville, South Carolina; the Plaintiff's residence. Indeed, an investigation by the Greenville County Sheriff's Office (Sex Crimes Division) was initiated under Case # 18000220548, (Exhibit 1), although Plaintiff had no knowledge that such fabricated statements had been communicated to DSS or that any investigation had begun.

Plaintiff learned of such an investigation by the Guardian ad Litem (Elizabeth Martin-Young) appointed by Greenville Family Court under C.A. 2018-DR-23-1569, in mid-December 2018. A number of people in South Carolina had been told the details of the allegations; while Plaintiff to this day does not know the specific details of what was said. The investigation included an unthinkable four (4) hour interview of my CHILD by forensic investigators.

The investigation coordinated by the Greenville Sheriff's Office and DSS were concluded in mid-February 2019. Plaintiff was informed by Detective Collins of the Greenville County Sheriff's Office that the investigation had been closed and that "This case is unfounded." (Exhibit 2). Detective Collins indicated that she had informed DSS of her investigation results and upon contact

with DSS, Plaintiff was told the case had been closed with findings of the case decision as "Unsubstantiated and Closed" See (Exhibit 3). As stated by Detective Collins and her supervisor to Plaintiff, during that four-hour egregious interrogation of Plaintiff's child, the child did not validate or otherwise corroborate any allegations made by the SCHOOL DEFENDANTS in their written report to DSS as true. Further, the child had been seeing a therapist on a regular basis for individual counseling since January of 2018. The therapist was Monique Sorensen, LCMHC, LCAS, CCS-I ("hereinafter Sorensen"). Per her website she states "I work with people who have had traumatic experiences in childhood from abusive parents to survivors of sexual assault." Sorensen is a "mandated reporter", with very extensive training in understanding her clients and very qualified to bring out any concerns of the child. Much more qualified than the SCHOOL DEFENDANTS. Not once, in over more than a year's time of therapy, was there ever an issue raised by the child related to the fabricated allegations of the SCHOOL DEFENDANTS. The allegations fabricated by CORDELL AND AUERWECK of an act of moral turpitude by Plaintiff, and the action or inaction of WAKE as a conduit for such, is clearly actionable as defamation and slander *per se* in South Carolina.

17. As to the actions of SCHOOL DEFENDANTS in fabricating allegations directed at Plaintiff that are criminal in nature, South Carolina Code as to False Reporting: Ann. Code §§ 63-7-430; 63-7-440. If the "court determines that a person has made a report of suspected child abuse or neglect maliciously or in bad faith, or if a person has been found guilty of making a false report pursuant to § 63-7-440, the Department of Social Services may bring a civil action to recover the costs of the department's investigation and proceedings associated with the investigation, including attorney's fees. The department also is entitled to recover costs and attorney's fees incurred in the civil action authorized by this section. The decision of whether to bring a civil action is in the sole discretion of

the department." If the "court determines that a person has made a false report of suspected child abuse or neglect maliciously or in bad faith or if a person has been found guilty of making a false report, a person who was subject of the false report has a civil cause of action against the person who made the false report and is entitled to recover from the person who made the false report such relief as may be appropriate, including actual damages, punitive damages, a reasonable attorney's fee, and other litigation costs reasonably incurred. It is unlawful to knowingly make a false report of abuse or neglect. A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not more than \$5,000 or imprisoned for not more than 90 days, or both" Plaintiff believes that "bad faith" clearly exist and is a question for the jury. See also Constant, 316 S.C. at 89, 447 S.E.2d at 196 ("It is ordinarily for the jury to determine whether the privilege has been abused or exceeded.")." Plaintiff asserts the above provisions of law apply to all SCHOOL DEFENDANTS.

Clearly, the teachers and WAKE, using their "extreme fundamentalist" interpretations, not in my CHILD or the publics' common interest, abused and exceeded any reasonable concept of "good faith" in order to harm and injure the Plaintiff. Further, SCHOOL DEFENDANTS are operating under guidelines and beliefs of WAKE (see "Exhibit 4, page 9") that have little or no relevance to, or in any way subject to interpretation of the written existing laws which all citizens of the United States have rights and protections from. Plaintiff believes that all relevant reporting agencies in Wake or other counties from where children attend WAKE, there should be written guidance to those agencies as to interpretation of any reports emanating from WAKE.

As a direct and proximate result of CORDELL's conduct, Plaintiff and his Child have suffered, and continue to suffer extreme mental anguish, anxiety and distress.

WHEREFORE, Plaintiff request judgement against defendant CORDELL for compensatory and punitive damages, together with any counsel fees now or in the future, costs of suit, and other relief as the court may deem proper.

COUNT 2
(DEFAMATION – LIBEL PER SE AGAINST KELLIE O’NEAL AUERWECK)

18. Each of the preceding paragraphs 1 through 17 are hereby incorporated herein by reference.

19. Defendant Kellie O’Neal Auerweck resides at 117 Bells Walk Court, Holly Springs, NC 27540.

20. At all times relevant to this lawsuit, AUERWECK has been an employee of WAKE.

21. For clarity and consistency, the contents of paragraph 16 and 17 of Count 1 are specifically incorporated by reference herein and all references to AUERWECK or SCHOOL DEFENDANTS in such paragraphs are reaffirmed and reasserted.

The false and defamatory statements made by AUERWECK were malicious and with intent to destroy the reputation and character of Plaintiff and to separate him from his CHILD.

22. The statements made by AUERWECK clearly denigrate Plaintiff’s reputation and accuse Plaintiff of engaging in criminal conduct and having traits adverse to the role of a parent, and are thus defamatory per se under South Carolina law. There is no “privileged” communication in AUERWECK’S affidavit, as the detail as shown in Exhibit 2 could only result from an interrogation as requested and scripted by Kormylo, and supported and encouraged by Maples. Further, these actions are well beyond any scope of activities and in anyway ethical or related to a teacher’s profession and are laced with malice. AUERWECK clearly went further than her interests or her duties required and under written guidelines of the school that have little or no

relevance to or subject to interpretation of the existing laws which all citizens of the United States have rights and protections from.

As a direct and proximate result of CORDELL's conduct, Plaintiff and his Child have suffered, and continue to suffer extreme mental anguish, anxiety and distress.

WHEREFORE, Plaintiff request judgement against defendant AUERWECK for compensatory and punitive damages, together with any counsel fees now or in the future, costs of suit, and other relief as the court may deem proper.

COUNT 3

(DEFAMATION – LIBEL/SLANDER PER SE AGAINST WAKE CHRISTIAN ACADEMY)

23. Each of the preceding paragraphs 1 through 22 are hereby incorporated herein by reference.

24. Defendant WAKE CHRISTIAN ACADEMY is a private school located at 5500 Wake Academy Drive, Raleigh, North Carolina 27603.

25. Wake Christian Academy was established in 1966 by a group opposed to the integration of public schools.

26. At all times relevant to this lawsuit, CHILD has been enrolled in WAKE.

27. Defendants CORDELL and AUERWECK are employees of WAKE, and as such, WAKE has responsibility for their actions in their official capacities as teachers for which the care and education of minor children is entrusted.

28. The Child Abuse Prevention and Treatment Act (CAPTA), was added by the 2010 reauthorization of CAPTA (P.L. 111-320), and highlights key issues regarding federal laws on immunity for all reporters, whether mandated or otherwise. The Plaintiff certainly supports the intentions of this law and its protections, where appropriate. The words of "good faith" come up time and again in readings of this subject, and, although not equally emphasized, reports made

with "bad faith" with malice, or attempting to use their position of power to define an innocent person as being a one guilty of moral turpitude. Such is the case with the SCHOOL DEFENDANTS.

29. Very few people, such as the Plaintiff in this case, understand the true impact this kind of allegation can have on every person involved such as being doubted by friends and family losing their job and being shunned by others. The damage to the reputation of those with knowledge is devastating. The child in question can also be deeply impacted by these false allegations. Children the age of Plaintiff's child (now 14), are highly susceptible to confessions that are not true as they are coaxed out of them by teachers or parents. Was anything reported by a parent, step-parent or even a licensed therapist that child saw for an extended period; "NO". Did the SCHOOL DEFENDANTS even consult with child's therapist to express "hypothetical" concerns; "NO".

30. The Handbook of the Wake Christian Academy in part explains the reasons why the SCHOOL DEFENDANTS have no regard for State and Laws and feel to ignore the Laws of the United States Constitution, and any laws promulgated by any State or other authority. When views and conclusions are drawn from a microscope no one else looks through, bad things can happen as they have to the Plaintiff.

Below are a few excerpts from the SCHOOL DEFENDANT's handbook which guide their principles, and lead to a "bad faith and malicious act" upon the Plaintiff:

I. Page 6, Paragraph 1:

"INTRODUCTION

Although this handbook represents the policies of Wake Christian Academy, the Bible supersedes anything written here. If at any time Wake policies are found to be in conflict with God's Word, the Bible will be the final authority. As a private institution, Wake Christian Academy reserves the privilege of setting and maintaining its own standards of student

appearance, conduct, and scholarship. The school maintains the right to suspend or expel any student who violates, on or off campus, the standards set down in the Parent & Student Policy Handbook as defined by the administration.”

2. Page 6, Part A.

Statement of Biblical Morality

“Wake Christian Academy stands firmly upon the historical truth claims and moral foundations of Christianity. This includes, but is not limited to, the **biblical definition** of marriage, the attendant boundaries of sexuality and moral conduct, and the clear biblical teaching that gender is both sacred and established by God’s design.

Parents or legal guardians, who choose to enroll their children at Wake are agreeing to support these and other basic biblical values derived from historical Christianity. Parents understand and agree that Wake Christian Academy will teach these principles and biblical values.

3. Page 7, Paragraph 2.:

“Wake Christian Academy believes that every person is created in the image of God, that human sexuality reflects that image in terms of intimate love, communication, fellowship, **subordination** of the self to the larger whole, and fulfillment. God’s Word makes use of the marriage relationship as the supreme metaphor for His relationship with His covenant people and for revealing the truth that that relationship is of one God with one people. Therefore, God’s plan for human sexuality is that it is to be expressed only in a monogamous lifelong relationship between one man and one woman within the framework of marriage. This is the **only relationship** that is divinely designed for the birth and rearing of children and is a union made in the sight of God, taking priority over every other human relationship (*Genesis 1:27-28; 2:18, 20, 23-24; Isaiah 54:4-8*;

62:5b; *Jeremiah 3:14; Ezekiel 16; Hosea 2; Malachi 2:14; Matthew 19:4-6; Mark 10:9; John 2:1-2, 11; 1 Corinthians 9:5; Ephesians 5:23-32; 1 Timothy 5:14; Hebrews 13:4; and Revelation 19:7-8*).

4. Page 9, Part 12:

“Wake Christian Academy believes that every person is created in the image of God, that human sexuality reflects that image in terms of intimate love, communication, fellowship, subordination of the self to the larger whole, and fulfillment. God’s Word makes use of the marriage relationship as the supreme metaphor for His relationship with His covenant people and for revealing the truth that that relationship is of one God with one people. Therefore, God’s plan for human sexuality is that it is to be expressed only in a monogamous lifelong relationship between one man and one woman within the framework of marriage. This is the only relationship that is divinely designed for the birth and rearing of children and is a union made in the sight of God, **taking priority over every other human relationship** (*Genesis 1:27-28; 2:18, 20, 23-24; Isaiah 54:4-8; 62:5b; Jeremiah 3:14; Ezekiel 16; Hosea 2; Malachi 2:14; Matthew 19:4-6; Mark 10:9; John 2:1-2, 11; 1 Corinthians 9:5; Ephesians 5:23-32; 1 Timothy 5:14; Hebrews 13:4; and Revelation 19:7-8*).

5. Page 10, Paragraph 4:

“Throughout time, God has continually revealed Himself to be a loving, holy, just and sovereign God. **As a result of His holy and just nature, He must punish the sinfulness of mankind.**

6. Page 11, Paragraph 6:

“Let not many of you become teachers, my brethren, knowing that as such we will incur a **stricter judgment**” (James 3:1). Throughout the Scriptures God uses teachers to instruct His people in following after His ways. **Teachers are given the responsibility to search the**

Scriptures to discover the truths that God desires to be taught to His children. They are challenged to learn and apply the truths themselves and then instruct others through both words and actions.

7. Page 11, Paragraph 7:

"Like Paul, they will live in such a way that they (teachers) too can challenge their students to "be imitators of me, just as I also am of Christ" (1 Corinthians 11:1)."

a. **VISION STATEMENT** – To Emphasize the Preeminence of Christ in Life and Learning. Col. 1:18

31. The Plaintiff the believe samples above from the School Handbook are not simply mere guidance, but rather strict instructions on how teachers and staff should behave and interpret any and everything they see. These rules representing the "constitution" of Wake are so stated that they cannot be used to ignore the freedom from malicious prosecution, "bad faith" or allegations of "morale turpitude" and defamation based on beliefs that are totally inconsistent with our own rules of law. Plaintiff believes that a jury should be the best adjudicator of the strict fundamentalist interpretations which resulted in a disclosure to authorities based on bad faith, no input from parents or therapist and represent a rouge abuse of our system to protect children and family from the horrific consequences of false and malicious prosecution.

32. PLAINTIFF is knowing and believes that Larry Hoxie, Principle, aided and abetted CORDELL and AUERWECK and was knowing that their malicious actions would be defamatory and injurious to Plaintiff in Greenville, South Carolina. Further, WAKE served as a conduit for such defamatory and denigrative statements as to give them great credibility to unknowing third parties receiving such false and egregious information as to the Plaintiff. Further, the impact of children caught in the middle can have lifelong consequences.

33. The actions or inactions by Wake facilitated a direct denigration and harm of Plaintiff's reputation, subjected him to false investigations, and public humiliation and are thus defamatory per se under South Carolina law. WAKE was knowing that such false accusations and assertions as to the Plaintiff would be extremely damaging and injurious to Plaintiff, and Plaintiff's relationship with his minor CHILD, and that it would create contacts between Wake and adjudication and false and unsubstantiated investigations in South Carolina. The teachings and rules of the school ignores and reject the existence of Federal and State rules, and laws and thus they conduct themselves without regard to the harm of others.

WHEREFORE, Plaintiff request judgement against defendant WAKE for compensatory and punitive damages, together with any counsel fees now or in the future, costs of suit, and other relief as the court may deem proper.

COUNT 4
(DEFAMATION – LIBEL PER SE AGAINST ROBIN CARY MAPLES)

34. Each of the preceding paragraphs 1 through 33 are hereby incorporated herein by reference. Defendant Robin Cary Maples resides at 1653 Tunnel Road, Wendell, NC 27951.

35. At all times relevant to this lawsuit, MAPLES has been step-father of Plaintiff's CHILD.

36. Since the very first time of being involved in CHILD's life, MAPLES has engaged in constant and willful action aimed at parental alienation and parental substitution by making false and defamatory statements about Plaintiff in the presence of and directly to my CHILD.

37. MAPLES has made false allegations and has encouraged CHILD to either exaggerate or make up stories defamatory of the Plaintiff. Further, the discussion of a sex crime investigation to counselors in Greenville and to Jeff and Nikkee Fleming, who reside in Dorchester County, South Carolina is a denigration of Plaintiff's reputation and standing as a person of good character.

Further, Jeff Fleming is the father of my CHILD's half-sister (Z), who communicates and has taken trips with my CHILD and shared hearsay that only further confuses and causes fear and anxiety with my CHILD. My CHILD has been on anti-depressant and anxiety medicine for over a year due to lies and exaggerations of MAPLES and other adults that have drank the poisonous message and reinforced these falsehoods to my CHILD. Further, Plaintiff has knowledge and belief that MAPLES encouraged the SCHOOL DEFENDANTS make a false and malicious report about PLAINTIFF in "bad faith" to Wake County DSS..

38. MAPLES has blocked communications between Plaintiff and CHILD and denied Plaintiff visitation with CHILD, even though he has no legal right to do so.

39. That MAPLES has substantial contact and connections to South Carolina. MAPLES has transacted financial dealings of selling automobiles, bank accounts and has brought my daughter to therapy sessions in Greenville which caused extreme anxiety and confusion for my CHILD. In front of Cheryl Childers at a therapy session with my CHILD on Father's Day 2019, when MAPLES was in Greenville, S.C and transported my CHILD; my CHILD on Father's Day Sunday told me I wasn't her Father, that MAPLES was. He has come to Greenville on many occasions to ensure I have no visitation with my CHILD and visits Summerville, S.C on a regular basis. MAPLES knew his actions would draw him to South Carolina and he has threatened to sue the Flemings in Dorchester County, South Carolina.

40. As a direct and proximate result of MAPLE's conduct, Plaintiff has suffered and continues to suffer extreme mental anguish and distress. Further, parental substitution actions by MAPLE's have caused substantial damage to Plaintiff's relationship with his CHILD, that has cause great loss of enjoyment and will require substantial time and costs associated with therapeutic assistance to, with hope but no certainty, heal the intentionally inflicted wounds by

MAPLES. The tortuous injury is in South Carolina. MAPLES is in Greenville on a regular basis, commits his injurious acts, and then retreats to his perceived safety in Raleigh, N.C. Whether in Raleigh, NC or in South Carolina, the Long-Arm Statute providing for adjudication of tortuous acts in the State where the damages occurred (Greenville) are controlling despite any level of commerce MAPLES may conduct in South Carolina.

WHEREFORE, Plaintiff request judgement by a jury in Greenville, S.C against defendant MAPLE's for compensatory and punitive damages, together with any counsel fees now or in the future, costs of suit, and other relief as the court may deem proper.

COUNT 5
(DEFAMATION -LIBEL/SLANDER PER SE AND PROFESSIONAL
NEGLIGENCE AGAINST VANESSA HARTMAN KORMYLO)

41. Each of the preceding paragraphs 1 through 40 are hereby incorporated herein by reference.

42. Defendant Vanessa Hartman Kormylo is an attorney who's place of business is 1314 E. Washington St., Greenville, South Carolina 29607, and her residence is in Greenville County, South Carolina.

43. KORMYLO was counsel in a family court matter Case No. 2018-DR-23-1569. Her client was Lyn Purkerson Maples, the mother of Plaintiff's CHILD.

44. In as much as Plaintiff was not a client of KORMYLO, this is specifically not a "mal-practice action" as there is no "privity" between PLAINTIFF and KORMYLO. The "privity" standard is not an essential element of malicious acts such as fraud, bad faith, collusion and eliminates any attorney immunity from a third-party claim such as the Plaintiff is asserting.

45. As previously indicated, the sex crime investigation as to the Plaintiff was completed in mid-February 2019. KORMYLO was well aware that the findings were "Unfounded" and "Unsubstantiated". Despite this knowledge, KORMYLO proceeded to issue a subpoena dated

March 25, 2019 in regards to the Greenville Sheriff's Office Investigation of the Plaintiff. The subpoena, attached as Exhibit 7, requested the following: "Please provide copies of your entire file for Case No. 18000220548 involving Michael Gene Putnam, including but not limited to, all interviews, reports, polygraphs, etc.". And to provide them to her office no later than April 5, 2019. However, as shown in (Exhibit 5), the subpoena was directed to "William H. Bradshaw, as statutory Agent for Bradshaw Automotive, d/b/a Bradshaw Infinity". Plaintiff received a copy of subpoena pursuant to Rule 45 (c)(1) SCRPC. On March 27, 2019 I attempted to contact KORMYLO regarding the subpoena, but received an automatic "out of office until April 1, 2019" response.

46. The Plaintiff contacted a Master Sargent Robert Perry with the Greenville County Sheriff's Office who approved the Final Report of the sex crime investigation. Plaintiff met with Sgt. Perry on March 29, 2019 and showed him the subpoena. He asks me "why is a subpoena related to a sex crime investigation being sent to the owner of a automotive dealership in Greenville, SC?" I indicated that I had no idea, but that Mr. Bradshaw was a very well-known businessman in Greenville, and that I had met him and socialized with him on numerous occasions. Additionally, I had leased a car from one of his dealerships in early 2019.

Sgt. Perry indicated that he had not seen it, but if he did, he would probably forward to legal department of the Sheriff's Office. He had no advice as to how to handle the embarrassment, public humiliation, or how to suppress any furtherance of this inappropriate disclosure of a sex crime investigation to a friend and well-connected person in the Greenville community. A couple of weeks later in a conversation with the GAL (Ms. Elizabeth Martin-Young), she indicated she had received her copy and called KORMYLO's office to advise them of the subpoena being addressed to Mr. Bradshaw.

47. On April 1, 2019, Plaintiff filed a Motion to Quash in Family Court the subpoena issued to Bradshaw and for a Protective Order of any information or material that might be received by KORMYLO from Bradshaw or the Greenville Sheriff's Office. That Motion, time stamped April 1, 2019 at the Family Court was hand delivered to Sgt. Perry's Office.

Plaintiff was never provided a copy of a "Corrected Subpoena" sent to the Sheriff's Office by KORMYLO; a violation of Rule 45(C)(1) and Rule 407 of the S.C. Bar Association Rule of Professional Conduct. Plaintiff's request for a hearing on the Motion to Quash was granted and scheduled for May 20, 2019.

In spite of providing the Sheriff's Office the granted hearing on the Motion to Quash and an Affidavit of Service of same, Wes Smith of the Sheriff's Office did in fact send Kormylo the entire case file including, as I understand it, copies of evidentiary material collected by the investigator, copies of video recordings of my CHILD's forensic four (4) hour interview by law enforcement, as well as copies of recordings between the GAL and the investigator.

48. At some point before the postponed hearing held on June 14, 2019 on Plaintiff's Motion to Quash, KORMYLO agreed to turn the materials over to Charles Marchbanks, the attorney representing the GAL. KORMYLO had ask me to consent to drop the hearing on the Motion to Quash the subpoena issued to Bradshaw before the June 14, 2019 hearing and Plaintiff respectfully denied that request as Plaintiff wanted to ensure the Court was made aware of the issuance of a subpoena as to a sex crime investigation of Plaintiff to William Bradshaw by KORMYLO. On Page 48 of an official copy of the transcript of the hearing prepared by T. Dayton Grainger (Court Reporter), lines 2-6, KORMYLO indicates that she has spoken to her client about the LEC records and "we actually concurred with Mr. Putnam that these records are not relevant to this particular case." After much back and forth with the Honorable Judge Thomas Hodges where Plaintiff on

Page 52, Line 15 of the Transcript Plaintiff states to the Court ... "the subpoena asking for records relating to a sex crime investigation sent to a third party, which has now publicly exposed me and defamed me....". On Page 54, Line 2, KORMYLO tells the Court, "Mr. Putnam is exactly correct. There was an egregious mistake in my office....".

49. There is much more Plaintiff could say about this series of events as Plaintiff believes it was done with malice given that the sex crime case had been closed over a month before the subpoena to Bradshaw was issued. Further, KORMYLO's admission that it was an "egregious" act comes with what Plaintiff believes is an outright admission to an act of Slander *per se* in addition to the defamation *per se* by publicly exposing and supplying information suggestive of an act of moral turpitude which through Plaintiff's social circle knows has been has been disseminated and permanently damaged Plaintiff's reputation and future ability to use his skill set to provide services and supplement his fixed income.

50. Further, while Plaintiff had no attorney client relationship, Plaintiff believes KORMYLO has third party liability where the act is malicious, or as described by KORMYLO as "egregious". From a 2012 roundtable discussion between attorneys of third-party liability: "If an attorney's conduct is motivated by malice or otherwise commits an intentional tort, the attorney may still be personally liable for losses suffered by a third party. *Smith v. Griffiths*, 476 A.2d 22, 26-27 (Pa. Super. Ct. 1984). *See also Adelman v. Rosenbaum*, 3 A.2d 15, 18 (Pa. Super. Ct. 1938) ("Malicious action is not sheltered by any privilege. An attorney is personally liable to a third party when he is guilty of fraud, collusion, or a malicious or tortious act, and he is liable, as anyone else, when he encourages and induces another to commit a trespass."). Therefore, irrespective of a lack of privity or balancing of factors, an attorney is generally liable for his intentional wrongs."

51. Lastly, while S.C. Code Section 15-36-10, et seq. sets forth a pre-suit procedure through which professional negligence claims may be asserted. South Carolina Code Section 15-36-100(B) provides that a plaintiff "must file as part of the complaint an affidavit of an expert witness which must specify at least one negligent act and the factual basis for each claim...." However, S.C. Code Section 15-36-100(C)(2) provides that no accompanying affidavit must be filed where, in a case such as this, the professional negligence is so obvious that it "lies within the ambit of common knowledge and experience, so that no special learning is needed to evaluate the conduct of the defendant." See S.C. Code § 15-36-100(C)(2). Plaintiff believes the sending of an inappropriate malicious subpoena to an inappropriate party; disclosing defamatory information requires no "expert affidavit" to be submitted. Plaintiff also believes that KORMYLO had an implied common law duty to his CHILD to not disburse or otherwise disseminate information of such a sensitive matter.

WHEREFORE, Plaintiff request judgement against KORMYLO for compensatory and punitive damages related to defamation, slander, and professional negligence together with any counsel fees now or in the future, costs of suit, and other relief as the court may deem proper.

COUNT 6
(DEFAMATION – LIBEL PER SE AGAINST ROBERT HENRY PURKERSON)

52. Each of the preceding paragraphs 1 through 51 are hereby incorporated herein by reference.

53. Defendant Robert Henry Purkerson resides at 6 Stillwood Drive, Greenville, SC 29607.

51. At all times relevant to this lawsuit, PURKERSON has been the maternal grandfather of PLAINTIFF's CHILD.

52. While at one time PURKERSON was supportive of Plaintiff, since family court action by Purkerson's daughter (mother of Plaintiff's CHILD), and his daughter's sixth marriage,

PURKERSON has engaged in constant and willful action aimed at parental alienation directly and by aiding and abetting MAPLES in his pursuit of parental substitution by making false and defamatory statements about Plaintiff in the presence of CHILD. Further, they have met together in Greenville, S.C. on many occasions (more than twelve (12) in twelve months.

53. PURKERSON has made false allegations and has encouraged CHILD to either exaggerate or make up stories defamatory of the PLAINTIFF, and to pass such on to other adults in an attempt to denigrate PLAINTIFF's reputation and standing as a person of good character in an attempt at parental substitution.

54. PURKERSON has encouraged CHILD to tell lies and stories about Plaintiff which led to an unfounded investigation by North Carolina DSS and the Greenville County Sheriff's Office. PURKERSON in fact called a Sargent Robert Perry with the Greenville County Sheriff's Office trying to have him re-open the "Investigation" and making defamatory statements in an effort to further denigrate the reputation of PLAINTIFF.

55. More specifically, and importantly, PURKERSON has disclosed the information of a sex crime investigation and made other derogatory comments to Dr. Ryland T. (Tony) Traynham who is an oral surgeon here in Greenville and also an acquaintance of Plaintiff. PURKERSON and Traynham have been close friends for over forty (40) years. Plaintiff and Dr. Traynham go to the same barber whose name is Amy Creamer. Ms. Creamer shared the derogatory communication told to her by Dr. Traynham and ask Plaintiff if "I was ok"? The work environment where Ms. Creamer works is an open environment where either other barbers (stylist) or clients in other chairs can easily overhear conversations. Dr. Traynham is known as being quite the talker. Ms. Creamer has heard these comments from other clients as well.

56. Dr. Traynham approached me to say hello at a local restaurant in 2019 and specifically ask

me why Purkerson and his daughter (Lyn Purkerson Maples) were saying "bad" things about me? Plaintiff doesn't recall his specific response, other than to change subjects.

57. PURKERSON has made false and defamatory statements to other mutual friends or acquaintances in Greenville, South Carolina that have been repeated to me in person and have been spread about the community that has been the home of the PLAINTIFF for over fifty (50) years. These statements, once made, cannot be undone and become even more exaggerated and inflammatory as they are spread from person to person in and around Greenville County, South Carolina and have been tortuous and injurious where PLAINTIFF had established an excellent reputation, now tainted by the acts of PURKERSON.

58. As a direct and proximate result of PURKERSON's conduct, Plaintiff has suffered and continues to suffer extreme mental anguish and distress. Further, the encouragement of parental alienation and parental substitution actions by PURKERSON and MAPLE's have caused substantial damage to PLAINTIFF's relationship with his CHILD, that has cause great loss of enjoyment and will require substantial time and costs associated with therapeutic assistance to heal the intentionally inflicted wounds by PURKERSON. PURKERSON'S discussion of derogatory information harmful to Plaintiff's reputation, character and standing in the community certainly is defamation per se.

WHEREFORE, Plaintiff request judgement against defendant PURKERSON for compensatory and punitive damages, together with any counsel fees now or in the future, costs of suit, and other relief as the court may deem proper.

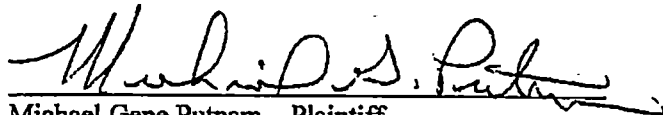
PRAYER FOR RELIEF

Plaintiff is informed does believe he is entitled to judgement against the defendants, jointly and severally, for actual damages, punitive damages, together with any counsel fees now or in the future, costs of suit, and other relief as the court may deem proper; all as a direct and proximate result of defendants' negligence, recklessness, willfulness and wantonness, and any other relief to which Plaintiff may otherwise be entitled.

DEMAND FOR A JURY TRIAL

PLAINTIFF demands a trial by jury as to all issues in the above matter.

Dated: 4-6-2020



Michael Gene Putnam – Plaintiff
1108 S. Main St. Unit 355
Greenville, SC 29601-3377
Phone: 864-420-9624
Fax: 864-751-4365
Email: mputnam2006@gmail.com

Ent: anyyoung 12/19/2018 20:07:42 GREENVILLE COUNTY SHERIFF'S OFFICE
EC5 12/19/2018-13:29:54 Incident Report

RECORDS
COPY

10-7-19

Agency I.D.
SC0230000

RTA

11DC,36CC,

Case Number

18000220548

Adult/Juv

EVENT	INCIDENT TYPE		OFFENSE COMPLETED	FORCED ENTRY	PREMISE TYPE	UNIT# ENTERED	TYPE VICTIM ☐ Individual ☐ Business ☐ Financial Inst. ☐ Government ☐ Religious Org. ☐ Soc./Public ☐ Other ☐ Unknown ☐ Police Officer						
	Criminal Sexual Conduct/Minor		Y	N	20 - Residence/Home	0							
	Incident Location (Jurisdiction, Map Village, Apartment & Number, Street Name & Number)		Closest Intersection		DISPATCH								
	Linkside Drive Taylors SC				29687								
VICTIM	Incident Date	Time	To	Date	Time	Weapon Type	Time Arrived	Time Completed	Patrol District				
	01/14/2008	12:00		01/14/2018	12:00	40	12:00	13:00	02				
	Complainant Name (Last, First, Middle)		RESIDENT	RACE	SEX	AGE	Estimated Phone		Mobile Phone				
			O	W	M	25 to 40							
SUBJECT	Victim's Name (Last, First, Middle)		Victim's Relationship To Subject		Arrested	Eligibility	RACE	SEX	AGE	Property Value	Business Phone	Mobile Phone	
			CH		O	N	W	F	12				
	Address		City		State		Zip Code		Parent District				
									OJ20				
NARRATIVE	Visible Injury (Vict 1) ☐ Yes ☒ No Explain.												
	Complaint of any Non-Visible Injuries ☐ Yes ☒ No												
	Victim (No 1) Using Alcohol ☐ Yes ☒ No ☐ Unk Drugs ☐ Yes ☒ No ☐ Unk Type:												
	Two-Man Veh ☐ One-Man Veh ☐ Detective/SPLASMT ☐ Other ☐ ALONE ☐ ASSISTED ☐ Jurisdiction:												
VEHICLE	☒ Suspect		Subject's Name (Last, First, Middle)		STEVENS	RACE	SEX	AGE	Date of Birth	Height	Weight	Hair	Eyes
	☐ Runaway		Putnam, Michael Gene		N	W	M	62	01/11/1956	510	185		
	☐ Wanted		Address		City		State		Zip Code		Parent District		
	☐ Warrant		101 Reedy View Dr Apt #263		Greenville		SC		29601		CJ11		
PROPERTY	☐ Arrest		Facial Hair, Scars, Tattoos, Glasses, Clothing, Physical, Peculiarities, Etc.		City		State		Zip Code		Parent District		
	☐ Missing				Greenville		SC		29601		CJ11		
	☐ Suspect (No 1) Using Alcohol ☐ Yes ☒ No ☐ Unk		Arrested Near Offense Scene		Yes ☐ No ☒		Date/Time of Offense		Date of Arrest				
	☐ Drugs ☐ Yes ☒ No ☐ Unk		Type:										
ADMIN	Arrestee Armed ☐ Yes ☒ No		Weapon Type		☐ Arrested on Current Offense		☐ Cleared By Arrest on Prior Offense						
	Juvenile Disposition ☐ Handled Released ☐ Referred To Other Authority		☐ On View Arrest ☐ Summoned ☐ Custody										
	Charge		Warrant Number		Ticket Number								
VEHICLE	Arrest Location												
	Gang Affiliation: NG - Not Gang Related												
	This case is in reference to a report received from the Department of Social Services.												
	Jurisdiction of Theft: Jurisdiction of Recovery:												
VEHICLE	☐ Towed		Tag Number		State		Year		VIN		Color		
	☐ Stolen												
	☐ Recovered		Year		Model		Style		Color				
	☐ Suspect												
PROPERTY	☐ Victim		Tag Only ☐		Automatic Vehicle Description								
ADMIN	Subject Identified ☒ Yes ☐ No		Subject Located ☒ Yes ☐ No		☒ Active ☐ Admin Closed ☐ Unfounded		☐ Arrested Under 18 ☐ Arrested 18 and Over		☐ Ex-Cleared Under 18 ☐ Ex-Cleared 18 and Over				
	Reason For Exceptional Clearance ☐ Offender Death ☐ No Prosecution ☐ Victim Declines Cooperation ☐ Extradition Denied ☐ Juvenile No Arrest												
	Reporting Officer(s)		Date	Unit/Star#	Approving Officer		Date	Unit/Star#					
	BROWN, JOE		12/17/2018	T9 - 00048	PEEPLES, SHAWNNEE		12/18/2018	707 - 00071					
Fellow Up Investigation ☒ Yes ☐ No ☐ SID - Crimes Against													
12/17/2018													

Exhibit 1

Agency I.D.
SCD230000

GREENVILLE COUNTY SHERIFF'S OFFICE
Supplemental Report

RECORDS
COPY
2-21-954

Case Number
18000220548

☐ Original Report	☒ Status Change	☐ Additional Victims	☐ Additional Stolen Property	Incident Type	Criminal Sexual Conduct/Minor	
☒ Supplemental Report	☐ Other Report	☐ Additional Defendants	☐ Additional Recovered Property	Patrol District	02B	Page 1 of 2 Pages
I. D. OVERFLOW	☒ Complainant			Victim's Name (Last, First, Middle)	Victim Relationship To Subject	CH
	☒ Victim #1			Address	City	State
	☐ Subject			Height	Weight	Hair
	☐ Runaway			Build	Complexion	Scars, Tattoos, Piercings, etc.
	☐ Wanted			Age	Sex	DOB or Birth
	☐ Arrest			Visible Injury	Complaint of any Non-Violent Injuries	Victim Using Alcohol
	☐ Missing			Exploits	Drugs	Two-Men Veh
	☐ Jail			Subject No.	Using Alcohol	One Man Veh
	☐ Other			Using Drugs	Arrested on Current Offense	ALONE
	☐ Arrested Armed			Weapon Type	On View Arrest	Summonsed
Juvenile Disposition			Handled Released	Referred To Other Authority	Custody	
Arrest Location			Gang Affiliation: NG - Not Gang Related			
NARRATIVE	Overflow: Show of Force: NO Terrorist Affiliation: Not Terrorist related Hate Group Affiliation: Not Hate Group related					
	Complainant 1 RACE: White, SEX: Male, RESIDENT: Outside of South Carolina, Primary:					
	Victim 1 DL STATE/NUMBER: /N/A					
	Putnam, Michael Gene: Subject 1 Subject Types: Suspect ADDRESS: N, RESIDE DL STATE/ Mobile: () Physical HAIRCOLOR INJURY: N					
	Narrative: Supplemental 3 **This case was a OSS referral station that					
	On Monday, January 28, 2019, I received the forensic interview from Detective Pena					
PROPERTY	Status					
	Property Type					
	Quantity					
	Property Make					
	Color					
	Description					
	Serial # / OAH					
	Value					
ADMIN	Subject Identified		Subject Located		☐ Active ☐ Admin Closed	
	☒ Yes ☐ No		☒ Yes ☐ No		☐ Arrested Under 18 ☐ Ex-Cleared Under 18	
	☐ Unfounded		☐ No Prosecution		☐ Arrested 18 and Over ☐ Ex-Cleared 18 and Over	
	Reason For Exceptional Clearance		☐ Offender Death		☐ Victim Declines Cooperation	
	☐ Extradition Denied		☐ Juvenile No Arrest			
	Reporting Officer(s)		Date		Unit/Star#	
	NUKEZ, CHYNA		01/30/2019		A32 / 01460	
	Approving Officer		Date		Unit/Star#	
	PERRY, ROBERT		01/30/2019		709 / 01039	
	Follow Up Investigation		☐ Yes ☒ No			

Exhibit 2

Agency I.D.
SC0230000

GREENVILLE COUNTY SHERIFF'S OFFICE
Supplemental Report 2-21-19 SA

RECORDS
COPY

Case Number
18000220548

☐ Original Report	☒ Status Change	☐ Additional Victims	☐ Additional Stolen Property	Incident Type <u>Criminal Sexual Conduct/Minor</u>
☒ Supplemental Report	☐ Other Report	☐ Additional Defendants	☐ Additional Recovered Property	Patrol District <u>02B</u> Page <u>2</u> of <u>2</u> Pages
I. OVERFLOW	☐ Complaint			
	☐ Victim			
	☐ Subject			
	☐ Runaway			
	☐ Wanted			
☐ Arrest				
☐ Missing				
☐ Jail				
☐ Other				
Subject's Name (Last, First, Middle)				
Victim Relationship to Subject				
Ethnicity				
Height				
Weight				
Hair				
Eyes				
Facial Hair, Scars, Tattoos, Glasses, Clothing, Physical, Psychological, Etc.				
Address				
City				
State				
Zip Code				
Phone Number				
Day Phone				
Evening Phone				
Height				
Weight				
Hair				
Eyes				
Facial Hair, Scars, Tattoos, Glasses, Clothing, Physical, Psychological, Etc.				
Victim No. <u> </u>				
Visible Injury ☐ Yes ☐ No				
Complaint of any Non-Violent Injury ☐ Yes ☐ No				
Victim Using Alcohol ☐ Yes ☐ No ☐ Unk				
Drugs ☐ No ☐ Yes Type: <u> </u>				
Two-Man Veh ☐ One Man Veh ☐ ALONE ☐				
Detective ☐ Other ☐ ASSISTED ☐				
Subject No. <u> </u>				
Using Alcohol ☐ No ☐ Yes ☐ Unk				
Using Drugs ☐ No ☐ Yes Type: <u> </u>				
Arrested on Current Offense ☐				
Unk ☐ Cleared by Arrest on Prior Offense ☐				
Arrestee Armed ☐ Yes ☒ No				
Weapon Type <u> </u>				
Juvenile Disposition ☐ Handled Released ☐ Referred To Other Authority				
Arrest Location <u> </u>				
Gang Affiliation: NG - Not Gang Related				

did not disclose anything. she would not be any criminal charges. He thanked me for my time and ended the phone conversation.

All parties involved were informed of the status of the case including DSS Worker Wallace and Guardian ad Litem I wasn't able to speak with Amanda, so I left her two voicemails.

This case is unfounded.

PROPERTY	Status	Property Type	Quantity	Property Make	Color	Description	Serial # / OAI	Value
ADMIN	Subject Identified ☒ Yes ☐ No		Subject Located ☒ Yes ☐ No		☐ Active ☐ Admin Closed		☐ Arrested Under 18 ☐ Ex-Cleared Under 18	
	☒ Unfounded				☐ Arrested 18 and Over		☐ Ex-Cleared 18 and Over	
	Reason For Exceptional Clearance ☐ Offender Death ☐ No Prosecution ☐ Victim Decline Cooperation ☐ Extradition Denied ☐ Juvenile No Arrest							
	Reporting Officer(s)	Date	Unit/Station	Approving Officer	Date	Unit/Station		
	NIWEZ, CHYNA	01/30/2019	AS2 / 01486	PERRY, ROBERT	01/30/2019	708 / 01039		
Follow Up Investigation ☐ Yes ☒ No (When)								



**Human
Services**

Tel 919 212 7000

220 Swinburne Street
PO Box 46833
Raleigh, NC 27610
www.wakegov.com

02/13/2019

RE: Ella Putnam

Michael Putnam
101 Reedy View Dr. Apt 263
Greenville, SC 29601

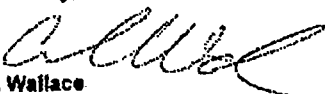
Dear Michael Putnam:

This letter is to serve as a follow up regarding the concerns addressed during the Investigative Assessment. A case decision was made on 02/13/2019. The findings of the assessment are as follows:

Unsubstantiated and Closed

If you have any questions, please do not hesitate to call me at 919-250-3083.

Sincerely,


A Wallace
Human Services Senior Practitioner

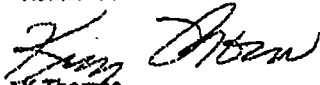

K Thomas
Human Services Supervisor II

Exhibit 3

4
EXHIBIT c

1. Throughout time, God has continually revealed Himself to be a loving, holy, just and sovereign God. As a result of His holy and just nature, He must punish the sinfulness of mankind. However, as a loving and sovereign God, He had a plan from the very foundations of the earth for the reconciliation of His creation. That plan was fulfilled in Christ Jesus, His one and only begotten son (John 3:16, 1 Peter 1:20-21). *"For Christ also suffered once for sins, the righteous for the unrighteous, that he might bring us to God"* (1 Peter 3:18). Just as sin reigned through Adam, grace reigns through Jesus for all those who trust in Him (1 Peter 2:6, Romans 10:11, Romans 5:5,21, Zephaniah 3:11, Joel 2:26-27, Isaiah 50:7, 49:23, 45:17).
2. The purpose of Christian Education is to assist the family and church in the ministry of reconciliation through instruction centered upon Jesus Christ and founded upon the absolute truths of His Word (II Corinthians 5:18).
3. The teacher plays an integral role in Christ-centered instruction. In his epistle, James teaches that the tongue is a powerful tool. He compares it to the bit in the mouth of the horse and the rudder on the ship. He demonstrates the power of tongue to guide the body either toward heaven or hell. It is important to note that this popular chapter on the tongue is opened with the challenge, **"Let not many of you become teachers, my brethren, knowing that as such we will incur a stricter judgment"** (James 3:1). Throughout the Scriptures God uses teachers to instruct His people in following after His ways. Teachers are given the responsibility to search the Scriptures to discover the truths that God desires to be taught to His children. They are challenged to learn and apply the truths themselves and then instruct others through both words and actions.
4. The primary goal of the teacher is to lead the body in following Christ. This can only be done if the teacher is himself/herself following Christ and learning from Him. Effective teachers and staff members will be born again Christians who demonstrate a strong Christian testimony. They are active members of a Bible-believing church and are trained in the area that God has called them to teach. Like Paul, they will live in such a way that they too can challenge their students to **"be imitators of me, just as I also am of Christ"** (1 Corinthians 11:1).

The goal of Christian education is to provide a learning environment that consists of Christ-centered instruction and activities that will provide conditions whereby young people can receive the Truth.

In John 8:32 Jesus stated, "And ye shall know the Truth and the Truth shall make you free." The Scriptures also state that Jesus is "the way the truth and the life" (John 14:6) and "He is before all things, and in Him all things hold together" (Col 1:17). Christ-centered education

Exhibit 4

acknowledges that Jesus is the center of all that is. He is the Truth and only in Him can truth be found. Therefore, curriculum must be developed with Jesus Christ as its center. He must hold the curriculum together, and all truth must come from Him and lead to Him.

5. Throughout the Scriptures, parents are commanded to raise their children in the "discipline and instruction that comes from the Lord" (Eph. 6:4). A Christ-centered school strives to assist the family and church in fulfilling this charge. The school cannot take the place of the parents or church in this calling and, therefore, cannot relieve them from their responsibilities. Rather, it serves as an extension of both in rearing future generations to be followers of Jesus, well prepared for the fulfillment of God's desire for their lives.

B. VISION STATEMENT – To Emphasize the Preeminence of Christ in Life and Learning. Col. 1:18

4
EXHIBIT #

STATE OF SOUTH CAROLINA
ISSUED BY THE FAMILY COURT IN THE COUNTY OF GREENVILLE

Lyn Maples f/n/a Lyn Hampton Purkerson

Plaintiff,

vs.

SUBPOENA IN A CIVIL CASE
(Records Only)

Michael Gene Putnam

Defendant.

C.A. No.: 2018-DR-23-1569

TO: William H. Bradshaw, as Statutory Agent for
Bradshaw Automotive, d/b/a Bradshaw Infinity

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

Location of Court:	Courtroom: Date and Time:

YOU ARE COMMANDED to appear at the place, date and time specified below.

Place of deposition:	Date and Time:

YOU ARE COMMANDED to produce and permit inspection of: Please provide copies of your entire file for Case No. 18000220548 involving Michael Gene Putnam, including but not limited to, all interviews, reports, polygraphs, etc.

Place: Vanessa H. Kormylo, Esq. 1314 E. Washington Street Greenville, South Carolina 29607	Date and Time: Friday, April 5, 2019 at 10:00 a.m.

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

Premises	Date and Time

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

Vanessa H. Kormylo, Esq., 1314 East Washington Street, Greenville, SC 29607 (864) 242-1644/ (864) 640-8879

Vanessa H. Kormylo

Issuing officer's signature and title (Attorney for Plaintiff) Date March 25, 2019

Exhibit 5

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

MICHAEL GENE PUTNAM)

Plaintiff,)

vs.)

Wake Christian Academy, (Inactive))
Dana Graves Cordell, (Inactive))
Kellie O'Neal Auerweck, (Inactive))
Robin Cary Maples,)
Vanessa H. Kormylo, P.A., (Inactive))
and Robert Henry)
Purkerson,)

Defendants.)

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

C.A. No. 2020-CP-23-01450

NOTICE OF MOTION AND
MOTION FOR LEAVE TO AMEND
PLAINTIFF'S FIRST AMENDED
COMPLAINT

JURY TRIAL DEMANDED

To: DEFENDANTS ROBERT HENRY PURKERSON AND ROBIN CARY MAPLES BY
AND THROUGH THEIR ATTORNEY CHACE D. CAMPBELL:

YOU WILL PLEASE TAKE NOTICE that the Plaintiff Michael Gene Putnam, hereby
moves this Court for an Order pursuant to Rule 15 of the South Carolina Rules of Civil
Procedures ("SCRCP") giving Plaintiff leave to amend his First Amended Complaint (**Exhibit**
1). A copy of the proposed non-final draft of the Second Amended Complaint is attached hereto
as (**Exhibit 2**). The Plaintiff further moves that pursuant to Rule 15(c) SCRCP said amendments
relate back to the original filing and service of the Summons and Complaint.

I. FACTUAL BACKGROUND

On March 6, 2020 Plaintiff filed a verified summons and complaint alleging defamation and professional misconduct against DEFENDANTS, WAKE CHRISTAIAN ACADEMY (hereinafter "WAKE"); DANA GRAVES CORDELL (hereinafter, "CORDELL"); KELLIE O'NEAL AUERWECK (hereinafter, "AUERWECK"); ROBIN CARY MAPLES, (hereinafter "MAPLES") and VANESSA HARTMAN KORMYLO, P.A. (hereinafter, "KORMYLO") and ROBERT HENRY PURKERSON (hereinafter "PURKERSON"). On April 6, 2020 Plaintiff filed a First Amended Complaint, as a matter of course, which modified and clarified certain allegations and relief requested in the Original Complaint.

Subsequent to the filing of the First Amended Complaint, all defendants except KORMYLO filed motions to dismiss pursuant to various provisions of Rule 12 (SCRCP). A hearing was held before the Honorable Judge Edward W. Miller on June 25, 2020 where argument was heard before the court as to the various motions outstanding. After due consideration, Judge Miller ordered the dismissal of Wake, Cordell, Auerweck and Kormylo from the First Amended Complaint (hereinafter the "Complaint"). The result of the dismissals was to leave Purkerson and Maples as remaining defendants.

Plaintiff sought and requested consent of counsel representing Purkerson and Maples to amend the First Amended Complaint. Since no response was received, hence, the Plaintiff's filing of this motion. If left "**unamended**", the parties and the court will be left to deal with a thirty-two (32) page convoluted complaint, with **irrelevant references and exhibits** as to dismissed defendants. [Bold for emphasis]

II. ISSUES AND ARGUMENTS

A. Rule 15(a) SCRCP

Rule 15(a) SCRCP provides that when a party asks to amend his pleading, "leave shall be freely given when justice so requires and does not prejudice any other party." Rule 15(a), SCRCP. "This rule strongly favors amendments and the court is encouraged to freely grant leave to amend." *Parker v. Spartanburg Sanitary Sewer Dist.*, 362 S.C. 276, 286, 607 S.E.2d 711, 717 (Ct. App. 2005) (citing [804 S.E.2d 262] *Jarrell v. Seaboard Sys. R.R., Inc.*, 294 S.C. 183, 186, 363 S.E.2d 398, 399 (Ct. App. 1987))." Rule 15(a) is substantially the same as the Federal Rule," Rule 15(a), SCRCP notes, and the Supreme Court of the United States has referred to the Rule's "freely given" provision as a "mandate" that "is to be heeded," *Foman v. Davis*, 371 U.S. 178, 182, 83 S.Ct. 227, 230, 9 L.Ed.2d 222, 226 (1962). The *Foman* Court continued:

If the underlying facts or circumstances relied upon by a plaintiff may be a proper subject of relief, he ought to be afforded an opportunity to test his claim on the merits. In the absence of any apparent or declared reason—such as undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, futility of amendment, etc.—the leave sought should, as the rules require, be "freely given."

Id. (citing Fed. R. Civ. P. 15(a)); accord *Forrester v. Smith & Steele Builders, Inc.*, 295 S.C. 504, 507, 369 S.E.2d 156, 158 (Ct. App. 1988).

While the South Carolina Supreme Court has consistently held that a circuit court's ruling on a Rule 15 motion to amend is within its discretion, a court's failure to exercise its discretion is itself an abuse of discretion. *Angela Patton, Alexia L. v. Gregory A. Miller, M.D., Rock Hill Gynecological & Obstetrical Assocs., P.A.*, 804 S.E.2d 252 (S.C., 2017) *State v. Hawes*, 411 S.C. 188, 191, 767 S.E.2d 707, 708 (2015) (quoting *Samples v. Mitchell*, 329 S.C. 105, 114, 495 S.E.2d 213, 218 (Ct. App. 1997)).

Under Rule 15(a), the circuit court must consider whether the defendants are prejudiced by the amendment, or whether there was some other substantial reason to deny it. The Circuit Court cannot deny a motion to amend based upon merit-based arguments concerning the amended complaints. *Angela Patton, Alexia L. v. Gregory A. Miller, M.D., Rock Hill Gynecological & Obstetrical Assocs., P.A.*, 804 S.E.2d 252 (S.C., 2017).

The language of Rule 15(a)(2) states that the amendment should be freely allowed “when justice so requires.” Most courts have interpreted this language to require them to allow an amendment unless one of the following justifies denial: (a) undue delay; (b) bad faith or dilatory motive by the moving party; (c) repeated failure to cure deficiencies by previous amendments; (d) undue prejudice to the opposing party; or (e) futility. Plaintiff feels strongly that none of the reasons for denial of this motion are in any way applicable or justifiable.

Counsel for defendants Maples and Purkerson filed answers to the First Amended Complaint on July 9, 2020 as to both defendants. While the “Proposed Draft” (Exhibit 2) does clarify and refine some factual details based upon new factual information obtained by Plaintiff, responding to the proposed Second Amended Complaint requested by this motion will not create undue hardship or prejudice to the opposing parties. The Answers by Maples and Purkerson are essentially identical; both are eleven pages with Purkerson’s response containing 234 more words than Maples. Further, the FIRST AFFIRMATIVE DEFENSE in the answers to the First Amended Complaint by both defendants, and both at paragraph 38, states as to Maples and Purkerson, **“has not had the opportunity to conduct a sufficient investigation or to engage in adequate discovery of Plaintiffs claims.”** While permitting the amendment would cause the defendants to face the merits of the amended claim, the above statement as to needing more time suggest there is very little or no prejudice by allowing the amendment requested

by Plaintiff. [bold emphasis added]

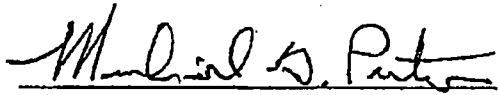
III. CONCLUSION

The Plaintiff's proposed draft amendments are necessary for the just and equitable pursuit of and trial of this action. Allowing Plaintiff leave to make amendments is in accord with both the letter and spirit of Rule 15 SCRPC and cause no prejudice to the Defendants in this matter; and further, would provide a workable document without extraneous information.

Plaintiff would respectfully request ten (10) days from any notice to Plaintiff of the signing of any Order related to this motion, in order to submit the final requested "Second Amended Complaint".

Respectfully submitted,

Dated: July 24, 2020



Michael Gene Putnam – Plaintiff – *Pro se*
1108 S. Main St. Unit 355
Greenville, SC 29601-3377
Phone: 864-420-9624
Fax: 864-751-4365
Email: mputnam2006@gmail.com

Exhibit 1

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

MICHAEL GENE PUTNAM

Plaintiff,

vs.

WAKE CHRISTIAN ACADEMY
5500 WAKE ACADEMY DRIVE
RALEIGH, NC 27603

-and-

DANA GRAVES CORDELL
2009 MUDDY CREEK COURT
RALEIGH, NC 27610

-and-

KELLIE O'NEAL AUERWECK
117 BELLS WALK COURT
HOLLY SPRINGS, NC 27540

-and-

ROBIN CARY MAPLES
1653 TUNNEL STREET
WENDELL, NC 27951

-and-

VANESSA HARTMAN KORMYLO, P.A.
1314 EAST WASHINGTON STREET
GREENVILLE, SC 29607

-and-

ROBERT HENRY PURKERSON
6 STILLWOOD DRIVE
GREENVILLE, SC 29607

Defendants.

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

FIRST
AMENDED COMPLAINT

C.A NO: 2020-CP-23-01450

JURY TRIAL DEMANDED

FILED: 2020-09-04 10:00 AM
CLERK OF COURT

EXHIBIT 1

WHEREFORE, the Plaintiff hereby moves to amend his complaint as allowed under Rule 15(a) of the South Carolina Rules of Civil Procedure (SCRCP) which provides "(a) Amendments. A party may amend his pleading once as a matter of course at any time before or within 30 days after a responsive pleading is served or, if the pleading is one to which no responsive pleading is required and the action has not been placed upon the trial roster, he may so amend it at any time within 30 days after it is served." Defendants Wake Christian Academy, Dana Graves Cordell and Kellie O'Neal Auerweck ("SCHOOL DEFENDANTS") filed a Motion to Dismiss with this Court on March 30, 2020 and service was accepted by Plaintiff on March 31, 2020. Defendant Purkerson filed a Motion to Dismiss time stamped April 2, 2020. These Motions to Dismiss are "non-responsive" pleadings and the Amended Complaint meets the requirements of SCRCP Rule 15. Since the first complaint is no longer in effect, Defendants' Motions to Dismiss seeks dismissal on a superseded complaint, and these motions should be deemed as moot. An ADR (Workflow) was placed on the Case Index, however, such placement shall not be on the circuit court trial roster until a Proof of ADR is filed.

AMENDED COMPLAINT FOR DEFAMATION/SLANDER AND PROFESSIONAL NEGLIGENCE

COMES NOW, PLAINTIFF MICHAEL GENE PUTNAM, (hereinafter, "PUTNAM") hereby files his First Amended Complaint against DEFENDANTS, WAKE CHRISTIAN ACADEMY (hereinafter "WAKE"); DANA GRAVES CORDELL (hereinafter, "CORDELL"); KELLIE O'NEAL AUERWECK (hereinafter, "AUERWECK"); ROBIN CARY MAPLES, (hereinafter "MAPLES") and VANESSA HARTMAN KORMYLO, P.A. (hereinafter, "KORMYLO") and ROBERT HENRY PURKERSON (hereinafter "PURKERSON") for Defamation for making false damaging statements, (verbally and in writing), slander per se by putting in writing false and malicious statements alleging acts or moral turpitude, and professional negligence, and other

tortuous actions. The Amended Complaint contains the same Defendants as the Original Complaint, but adds clarification as to the facts surrounding the allegations. In Motions to Dismiss by certain Defendants, a reference is made to a Civil Action No. 6:19-cv-2136-TMC. Although there are certain Defendants that are common to that action; there also new Defendants and numerous issues and new allegations not raised during the pendency of that case. All dismissals in that District Court case were without prejudice and provide for a thirty (30) day period for Plaintiff to reassert those issues in a new complaint, now in the proper venue of Greenville County, South Carolina. There were never any hearings or factual determinations by the District Court and there was no suggestion or reference that the case was futile.

1. **PARTIES**

1. This is an Action for Defamation (Libel Per Se), Slander per se, and Professional Negligence; and damages in excess of \$30,000, exclusive of interest, costs, and attorney fees.

2. PLAINTIFF MICHAEL GENE PUTNAM is an individual over the age of 18, a citizen of the United States and a resident of the city of Greenville, Greenville County, South Carolina.

3. DEFENDANT WAKE CHRISTIAN ACADEMY is a Private Fundamental Christian School operating in Wake County, North Carolina.

4. DEFENDANT DANA GRAVES CORDELL is a teacher over the age of 18, who is employed by Wake Christian Academy, and is a resident of Wake County, North Carolina.

5. DEFENDANT KELLIE O'NEAL AUERWECK is a teacher over the age of 18, who is employed by Wake Christian Academy, and is a resident of Wake County, North Carolina.

6. DEFENDANT ROBIN CARY MAPLES is an employee of GlaxoSmithKline, step-father of Plaintiff's minor child, over the age of 18, and is a resident of Wake County, North Carolina.

7. DEFENDANT VANESSA HARTMAN KORMYLO is an attorney in Greenville, South

Carolina, over the age of 18, and is a resident of Greenville County, South Carolina.

8. DEFENDANT ROBERT HENRY PURKERSON is over the age of 18, and is a resident of Greenville County, South Carolina.

2. JURISDICTION AND VENUE

9. This Court has subject matter jurisdiction pursuant to South Carolina Code of Laws, Title 15, Section 7 and other rules pursuant to the South Carolina Rules of Civil Procedure (SCRCPP). This Court has personal jurisdiction over the parties, and more particularly, the Defendants pursuant to S.C. Statute 36-2-803, 1(c) "commission of a tortious act in whole or in part in this State" See S.C. Code Ann. § 36-2-803 (2016); ESAB Group Centricut, Inc., 126 F.3d 617 (4th Cir. 1997) (construing South Carolina's long-arm statute); Moore v. Club Car, LLC, No. 4:16-CV-00581-RBH, 2017 WL 930173, at *3 (D.S.C. Mar. 9, 2017) (holding that plaintiffs had provided sufficient proof to support jurisdiction). As to the out-of-state defendants, the question of personal jurisdiction over a nonresident defendant is one which must be resolved upon the facts of each particular case. Engineered Products vs, Cleveland Crane & Eng'g, 262 S.C. 1, 201 S.E.2d 921 (1974). This Complaint is not about the buying or selling of products in the normal course of business. The foreseeability that is critical to due process analysis is not the mere likelihood that a tort and damages will find its way into the forum state (South Carolina). Rather, it is that the defendant's conduct and connection with the forum state are such that they should reasonably anticipate by their actions as to being hauled into court there. Worldwide Volkswagen 444 U.S. at 297 (U.S. Supreme Court). A single act that causes harm in this State (South Carolina) may create sufficient minimum contacts where the harm arises out of or relates to that act. Southern Plastics v. Southern Commerce Bank, 310 S.C. 256, 423 S.E.2d 128. Further, the false reporting by SCHOOL DEFENDANTS to a reporting agency

alleging an act of moral turpitude by Plaintiff; that they knew or should have known, would be referred to South Carolina for investigation by South Carolina DSS and South Carolina Law Enforcement, amounts to slander per se and intentional infliction of emotional distress with malice to a resident of South Carolina. Making willful defamatory and false statements about Plaintiff by a resident of North Carolina is no different than that same person driving their car to South Carolina, causing injury, and then retreating to and seeking protection in their North Carolina residence. In fact, SCHOOL DEFENDANTS were ready and anxious to come to South Carolina and repeat those made up allegations and had phone contacts repeating those false allegations to residents of South Carolina.

10. Venue is proper in this circuit under South Carolina Code 15-7-30 because the Plaintiff resides in Greenville, South Carolina and the tortious injuries and damages occurred in Greenville, County of Greenville, South Carolina; further, there are two other Defendants which are residents of Greenville County, South Carolina. There are no issues or allegations in the Original or Amended Complaint related to any Federal Laws or statutes.

STATEMENT OF FACTS

11. Since the summer of 2016 when the Plaintiff's child was enrolled in Wake Christian Academy, without his involvement and against his strongest desires, the Defendants, individually, and as a group, sought to willfully make false, untrue, and non-factual statements to numerous third parties, including law enforcement agencies and other state agencies regarding a sex crime allegation against the Plaintiff. These actions have subjected the Plaintiff to loss of access to his minor child and a criminal investigation in Greenville, South Carolina that found the allegations of Wake, Cordell, Auerweck and Maples to be "totally unfounded"; and now known to be fabricated by the SCHOOL DEFENDANTS in "bad faith" and with malice. The SCHOOL

DEFENDANTS intentionally sought a way to see that Plaintiff would not be allowed to see or have visitation with his child. Further, the intentional interference of Plaintiff's relationship with his child, public humiliation, intentional defamation of his character, and a public record of a "sex crime investigation"; which was disseminated by Kormylo to the owner of a car dealership in Greenville, has created substantial emotional distress, doubts and denial of visitation with my child in Greenville, and irreparable damage to a well established reputation of high regard in Plaintiff's home community; where he was born and has lived and worked a professional career as a Certified Public Accountant most of his life.

12. As previously but briefly stated, some of the issues contained in this Complaint were subject to a review and report by a Magistrate Judge in Greenville Federal Court, and a *de novo* review of Plaintiff's Objections to the Magistrate's Report by the Honorable Judge Timothy M. Cain. When Judge Cain issued his Order after *de novo* review, certain motions of the Plaintiff (Putnam) were denied and certain portions of defendant's motions were granted. Plaintiff in this Complaint believes the technicalities pointed out have been corrected. There was no suggestion or statement in Judge Cain's Order that suggested the complaint was "futile" or that any dismissals were "with prejudice". Rule 41 (a)(2) of the Federal Rules states that dismissal of an action "By Order of Court", ... "Unless otherwise specified in the order, a dismissal under this paragraph is without prejudice". In *Artis v. District of Columbia*, 138 S. Ct. 594 (2018), the United States Supreme Court in the text of § 1367(d), stated "the statute of limitations is tolled at "two adjacent time periods" – once while the claim is pending in federal court and the other for 30 days after the claim was dismissed from federal court." The Original Complaint was timely filed within those guidelines.

COUNT 1
(DEFAMATION – LIBEL PER SE AGAINST DANA GRAVES CORDELL)

13. Each of the preceding paragraphs 1 through 12 are hereby incorporated herein by reference.

14. Defendant Dana Graves Cordell resides at 2009 Muddy Creek Court, Raleigh, NC 27610.

15. At all times relevant to this lawsuit, CORDELL has been an employee of WAKE.

16. In or around October 2018, CORDELL and AUERWECK fabricated a story which was then presented to Middle School Principle Larry Hoxie (hereinafter referred to as "HOXIE") alleging that a "sex crime" had been committed by Plaintiff against his CHILD in the recent past. This misinformation and fabrication were provided to the Wake County Department of Social Services (DSS) which initiated an investigation. CORDELL, AUERWECK and HOXIE ("SCHOOL DEFENDANTS") were fully aware that such investigation would be conducted in Greenville, South Carolina; the Plaintiff's residence. Indeed, an investigation by the Greenville County Sheriff's Office (Sex Crimes Division) was initiated under Case # 18000220548, (Exhibit 1), although Plaintiff had no knowledge that such fabricated statements had been communicated to DSS or that any investigation had begun.

Plaintiff learned of such an investigation by the Guardian ad Litem (Elizabeth Martin-Young) appointed by Greenville Family Court under C.A. 2018-DR-23-1569, in mid-December 2018. A number of people in South Carolina had been told the details of the allegations; while Plaintiff to this day does not know the specific details of what was said. The investigation included an unthinkable four (4) hour interview of my CHILD by forensic investigators.

The investigation coordinated by the Greenville Sheriff's Office and DSS were concluded in mid-February 2019. Plaintiff was informed by Detective Collins of the Greenville County Sheriff's Office that the investigation had been closed and that "This case is unfounded." (Exhibit 2). Detective Collins indicated that she had informed DSS of her investigation results and upon contact

with DSS, Plaintiff was told the case had been closed with findings of the case decision as "Unsubstantiated and Closed" See (Exhibit 3). As stated by Detective Collins and her supervisor to Plaintiff, during that four-hour egregious interrogation of Plaintiff's child, the child did not validate or otherwise corroborate any allegations made by the SCHOOL DEFENDANTS in their written report to DSS as true. Further, the child had been seeing a therapist on a regular basis for individual counseling since January of 2018. The therapist was Monique Sorensen, LCMHC, LCAS, CCS-I ("hereinafter Sorensen"). Per her website she states "I work with people who have had traumatic experiences in childhood from abusive parents to survivors of sexual assault." Sorensen is a "mandated reporter", with very extensive training in understanding her clients and very qualified to bring out any concerns of the child. Much more qualified than the SCHOOL DEFENDANTS. Not once, in over more than a year's time of therapy, was there ever an issue raised by the child related to the fabricated allegations of the SCHOOL DEFENDANTS. The allegations fabricated by CORDELL AND AUERWECK of an act of moral turpitude by Plaintiff, and the action or inaction of WAKE as a conduit for such, is clearly actionable as defamation and slander *per se* in South Carolina.

17. As to the actions of SCHOOL DEFENDANTS in fabricating allegations directed at Plaintiff that are criminal in nature, South Carolina Code as to False Reporting: Ann. Code §§ 63-7-430; 63-7-440. If the "court determines that a person has made a report of suspected child abuse or neglect maliciously or in bad faith, or if a person has been found guilty of making a false report pursuant to § 63-7-440, the Department of Social Services may bring a civil action to recover the costs of the department's investigation and proceedings associated with the investigation, including attorney's fees. The department also is entitled to recover costs and attorney's fees incurred in the civil action authorized by this section. The decision of whether to bring a civil action is in the sole discretion of

the department." If the "court determines that a person has made a false report of suspected child abuse or neglect maliciously or in bad faith or if a person has been found guilty of making a false report, a person who was subject of the false report has a civil cause of action against the person who made the false report and is entitled to recover from the person who made the false report such relief as may be appropriate, including actual damages, punitive damages, a reasonable attorney's fee, and other litigation costs reasonably incurred. It is unlawful to knowingly make a false report of abuse or neglect. A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not more than \$5,000 or imprisoned for not more than 90 days, or both" Plaintiff believes that "bad faith" clearly exist and is a question for the jury. See also Constant, 316 S.C. at 89, 447 S.E.2d at 196 ("It is ordinarily for the jury to determine whether the privilege has been abused or exceeded.")" Plaintiff asserts the above provisions of law apply to all SCHOOL DEFENDANTS.

Clearly, the teachers and WAKE, using their "extreme fundamentalist" interpretations, not in my CHILD or the publics' common interest, abused and exceeded any reasonable concept of "good faith" in order to harm and injure the Plaintiff. Further, SCHOOL DEFENDANTS are operating under guidelines and beliefs of WAKE (see "Exhibit 4, page 9") that have little or no relevance to, or in any way subject to interpretation of the written existing laws which all citizens of the United States have rights and protections from. Plaintiff believes that all relevant reporting agencies in Wake or other counties from where children attend WAKE, there should be written guidance to those agencies as to interpretation of any reports emanating from WAKE.

As a direct and proximate result of CORDELL's conduct, Plaintiff and his Child have suffered, and continue to suffer extreme mental anguish, anxiety and distress.

WHEREFORE, Plaintiff request judgement against defendant CORDELL for compensatory and punitive damages, together with any counsel fees now or in the future, costs of suit, and other relief as the court may deem proper.

COUNT 2
(DEFAMATION – LIBEL PER SE AGAINST KELLIE O’NEAL AUERWECK)

18. Each of the preceding paragraphs 1 through 17 are hereby incorporated herein by reference.

19. Defendant Kellie O’Neal Auerweck resides at 117 Bells Walk Court, Holly Springs, NC 27540.

20. At all times relevant to this lawsuit, AUERWECK has been an employee of WAKE.

21. For clarity and consistency, the contents of paragraph 16 and 17 of Count 1 are specifically incorporated by reference herein and all references to AUERWECK or SCHOOL DEFENDANTS in such paragraphs are reaffirmed and reasserted.

The false and defamatory statements made by AUERWECK were malicious and with intent to destroy the reputation and character of Plaintiff and to separate him from his CHILD.

22. The statements made by AUERWECK clearly denigrate Plaintiff’s reputation and accuse Plaintiff of engaging in criminal conduct and having traits adverse to the role of a parent, and are thus defamatory per se under South Carolina law. There is no “privileged” communication in AUERWECK’S affidavit, as the detail as shown in Exhibit 2 could only result from an interrogation as requested and scripted by Kommylo, and supported and encouraged by Maples. Further, these actions are well beyond any scope of activities and in anyway ethical or related to a teacher’s profession and are laced with malice. AUERWECK clearly went further than her interests or her duties required and under written guidelines of the school that have little or no

relevance to or subject to interpretation of the existing laws which all citizens of the United States have rights and protections from.

As a direct and proximate result of CORDELL's conduct, Plaintiff and his Child have suffered, and continue to suffer extreme mental anguish, anxiety and distress.

WHEREFORE, Plaintiff request judgement against defendant AUERWECK for compensatory and punitive damages, together with any counsel fees now or in the future, costs of suit, and other relief as the court may deem proper.

COUNT 3

(DEFAMATION – LIBEL/SLANDER PER SE AGAINST WAKE CHRISTIAN ACADEMY)

23. Each of the preceding paragraphs 1 through 22 are hereby incorporated herein by reference.

24. Defendant WAKE CHRISTIAN ACADEMY is a private school located at 5500 Wake Academy Drive, Raleigh, North Carolina 27603.

25. Wake Christian Academy was established in 1966 by a group opposed to the integration of public schools.

26. At all times relevant to this lawsuit, CHILD has been enrolled in WAKE.

27. Defendants CORDELL and AUERWECK are employees of WAKE, and as such, WAKE has responsibility for their actions in their official capacities as teachers for which the care and education of minor children is entrusted.

28. The Child Abuse Prevention and Treatment Act (CAPTA), was added by the 2010 reauthorization of CAPTA (P.L. 111-320), and highlights key issues regarding federal laws on immunity for all reporters, whether mandated or otherwise. The Plaintiff certainly supports the intentions of this law and its protections, where appropriate. The words of "good faith" come up time and again in readings of this subject, and, although not equally emphasized, reports made

with "bad faith" with malice, or attempting to use their position of power to define an innocent person as being a one guilty of moral turpitude. Such is the case with the SCHOOL DEFENDANTS.

29. Very few people, such as the Plaintiff in this case, understand the true impact this kind of allegation can have on every person involved such as being doubted by friends and family losing their job and being shunned by others. The damage to the reputation of those with knowledge is devastating. The child in question can also be deeply impacted by these false allegations. Children the age of Plaintiff's child (now 14), are highly susceptible to confessions that are not true as they are coaxed out of them by teachers or parents. Was anything reported by a parent, step-parent or even a licensed therapist that child saw for an extended period; "NO". Did the SCHOOL DEFENDANTS even consult with child's therapist to express "hypothetical" concerns; "NO".

30. The Handbook of the Wake Christian Academy in part explains the reasons why the SCHOOL DEFENDANTS have no regard for State and Laws and feel to ignore the Laws of the United States Constitution, and any laws promulgated by any State or other authority. When views and conclusions are drawn from a microscope no one else looks through, bad things can happen as they have to the Plaintiff.

Below are a few excerpts from the SCHOOL DEFENDANT's handbook which guide their principles, and lead to a "bad faith and malicious act" upon the Plaintiff:

I. Page 6, Paragraph 1:

"INTRODUCTION

Although this handbook represents the policies of Wake Christian Academy, the Bible supersedes anything written here. If at any time Wake policies are found to be in conflict with God's Word, the Bible will be the final authority. As a private institution, Wake Christian Academy reserves the privilege of setting and maintaining its own standards of student

appearance, conduct, and scholarship. The school maintains the right to suspend or expel any student who violates, on or off campus, the standards set down in the Parent & Student Policy Handbook as defined by the administration."

2. Page 6, Part A.

Statement of Biblical Morality

"Wake Christian Academy stands firmly upon the historical truth claims and moral foundations of Christianity. This includes, but is not limited to, the **biblical definition** of marriage, the attendant boundaries of sexuality and moral conduct, and the clear biblical teaching that gender is both sacred and established by God's design.

Parents or legal guardians, who choose to enroll their children at Wake are agreeing to support these and other basic biblical values derived from historical Christianity. Parents understand and agree that Wake Christian Academy will teach these principles and biblical values.

3. Page 7, Paragraph 2.:

"Wake Christian Academy believes that every person is created in the image of God, that human sexuality reflects that image in terms of intimate love, communication, fellowship, **subordination** of the self to the larger whole, and fulfillment. God's Word makes use of the marriage relationship as the supreme metaphor for His relationship with His covenant people and for revealing the truth that that relationship is of one God with one people. Therefore, God's plan for human sexuality is that it is to be expressed only in a monogamous lifelong relationship between one man and one woman within the framework of marriage. This is the **only relationship that is divinely designed for the birth and rearing of children** and is a union made in the sight of God, taking priority over every other human relationship (*Genesis 1:27-28; 2:18, 20, 23-24; Isaiah 54:4-8*;

62:5b; Jeremiah 3:14; Ezekiel 16; Hosea 2; Malachi 2:14; Matthew 19:4-6; Mark 10:9; John 2:1-2, 11; 1 Corinthians 9:5; Ephesians 5:23-32; 1 Timothy 5:14; Hebrews 13:4; and Revelation 19:7-8).

4. Page 9, Part 12:

"Wake Christian Academy believes that every person is created in the image of God, that human sexuality reflects that image in terms of intimate love, communication, fellowship, subordination of the self to the larger whole, and fulfillment. God's Word makes use of the marriage relationship as the supreme metaphor for His relationship with His covenant people and for revealing the truth that that relationship is of one God with one people. Therefore, God's plan for human sexuality is that it is to be expressed only in a monogamous lifelong relationship between one man and one woman within the framework of marriage. This is the only relationship that is divinely designed for the birth and rearing of children and is a union made in the sight of God, taking priority over every other human relationship (*Genesis 1:27-28; 2:18, 20, 23-24; Isaiah 54:4-8; 62:5b; Jeremiah 3:14; Ezekiel 16; Hosea 2; Malachi 2:14; Matthew 19:4-6; Mark 10:9; John 2:1-2, 11; 1 Corinthians 9:5; Ephesians 5:23-32; 1 Timothy 5:14; Hebrews 13:4; and Revelation 19:7-8*).

5. Page 10, Paragraph 4:

"Throughout time, God has continually revealed Himself to be a loving, holy, just and sovereign God. As a result of His holy and just nature, He must punish the sinfulness of mankind.

6. Page 11, Paragraph 6:

"Let not many of you become teachers, my brethren, knowing that as such we will incur a stricter judgment" (James 3:1). Throughout the Scriptures God uses teachers to instruct His people in following after His ways. Teachers are given the responsibility to search the

Scriptures to discover the truths that God desires to be taught to His children. They are challenged to learn and apply the truths themselves and then instruct others through both words and actions.

7. Page 11, Paragraph 7:

"Like Paul; they will live in such a way that they (teachers) too can challenge their students to "be imitators of me, just as I also am of Christ" (1 Corinthians 11:1)."

a. **VISION STATEMENT** – To Emphasize the Preeminence of Christ in Life and Learning. Col. 1:18

31. The Plaintiff the believe samples above from the School Handbook are not simply mere guidance, but rather strict instructions on how teachers and staff should behave and interpret any and everything they see. These rules representing the "constitution" of Wake are so stated that they cannot be used to ignore the freedom from malicious prosecution, "bad faith" or allegations of "morale turpitude" and defamation based on beliefs that are totally inconsistent with our own rules of law. Plaintiff believes that a jury should be the best adjudicator of the strict fundamentalist interpretations which resulted in a disclosure to authorities based on bad faith, no input from parents or therapist and represent a rouge abuse of our system to protect children and family from the horrific consequences of false and malicious prosecution.

32. PLAINTIFF is knowing and believes that Larry Hoxie, Principle, aided and abetted CORDELL and AUERWECK and was knowing that their malicious actions would be defamatory and injurious to Plaintiff in Greenville, South Carolina. Further, WAKE served as a conduit for such defamatory and denigrative statements as to give them great credibility to unknowing third parties receiving such false and egregious information as to the Plaintiff. Further, the impact of children caught in the middle can have lifelong consequences.

33. The actions or inactions by Wake facilitated a direct denigration and harm of Plaintiff's reputation, subjected him to false investigations, and public humiliation and are thus defamatory per se under South Carolina law. WAKE was knowing that such false accusations and assertions as to the Plaintiff would be extremely damaging and injurious to Plaintiff, and Plaintiff's relationship with his minor CHILD, and that it would create contacts between Wake and adjudication and false and unsubstantiated investigations in South Carolina. The teachings and rules of the school ignores and reject the existence of Federal and State rules, and laws and thus they conduct themselves without regard to the harm of others.

WHEREFORE, Plaintiff request judgement against defendant WAKE for compensatory and punitive damages, together with any counsel fees now or in the future, costs of suit, and other relief as the court may deem proper.

COUNT 4
(DEFAMATION – LIBEL PER SE AGAINST ROBIN CARY MAPLES)

34. Each of the preceding paragraphs 1 through 33 are hereby incorporated herein by reference. Defendant Robin Cary Maples resides at 1653 Tunnel Road, Wendell, NC 27951.

35. At all times relevant to this lawsuit, MAPLES has been step-father of Plaintiff's CHILD.

36. Since the very first time of being involved in CHILD's life, MAPLES has engaged in constant and willful action aimed at parental alienation and parental substitution by making false and defamatory statements about Plaintiff in the presence of and directly to my CHILD.

37. MAPLES has made false allegations and has encouraged CHILD to either exaggerate or make up stories defamatory of the Plaintiff. Further, the discussion of a sex crime investigation to counselors in Greenville and to Jeff and Nikkee Fleming, who reside in Dorchester County, South Carolina is a denigration of Plaintiff's reputation and standing as a person of good character.

Further, Jeff Fleming is the father of my CHILD's half-sister (Z), who communicates and has taken trips with my CHILD and shared hearsay that only further confuses and causes fear and anxiety with my CHILD. My CHILD has been on anti-depressant and anxiety medicine for over a year due to lies and exaggerations of MAPLES and other adults that have drank the poisonous message and reinforced these falsehoods to my CHILD. Further, Plaintiff has knowledge and belief that MAPLES encouraged the SCHOOL DEFENDANTS make a false and malicious report about PLAINTIFF in "bad faith" to Wake County DSS..

38. MAPLES has blocked communications between Plaintiff and CHILD and denied Plaintiff visitation with CHILD; even though he has no legal right to do so.

39. That MAPLES has substantial contact and connections to South Carolina. MAPLES has transacted financial dealings of selling automobiles, bank accounts and has brought my daughter to therapy sessions in Greenville which caused extreme anxiety and confusion for my CHILD. In front of Cheryl Childers at a therapy session with my CHILD on Father's Day 2019, when MAPLES was in Greenville, S.C and transported my CHILD; my CHILD on Father's Day Sunday told me I wasn't her Father, that MAPLES was. He has come to Greenville on many occasions to ensure I have no visitation with my CHILD and visits Summerville, S.C on a regular basis. MAPLES knew his actions would draw him to South Carolina and he has threatened to sue the Flemings in Dorchester County, South Carolina.

40. As a direct and proximate result of MAPLE's conduct, Plaintiff has suffered and continues to suffer extreme mental anguish and distress. Further, parental substitution actions by MAPLE's have caused substantial damage to Plaintiff's relationship with his CHILD, that has cause great loss of enjoyment and will require substantial time and costs associated with therapeutic assistance to, with hope but no certainty, heal the intentionally inflicted wounds by

MAPLES. The tortuous injury is in South Carolina. MAPLES is in Greenville on a regular basis, commits his injurious acts, and then retreats to his perceived safety in Raleigh, N.C. Whether in Raleigh, NC or in South Carolina, the Long-Arm Statute providing for adjudication of tortuous acts in the State where the damages occurred (Greenville) are controlling despite any level of commerce MAPLES may conduct in South Carolina.

WHEREFORE, Plaintiff request judgement by a jury in Greenville, S.C against defendant MAPLE's for compensatory and punitive damages, together with any counsel fees now or in the future, costs of suit, and other relief as the court may deem proper.

COUNT 5
(DEFAMATION -LIBEL/SLANDER PER SE AND PROFESSIONAL
NEGLIGENCE AGAINST VANESSA HARTMAN KORMYLO)

41. Each of the preceding paragraphs 1 through 40 are hereby incorporated herein by reference.

42. Defendant Vanessa Hartman Kormylo is an attorney who's place of business is 1314 E. Washington St., Greenville, South Carolina 29607, and her residence is in Greenville County, South Carolina.

43. KORMYLO was counsel in a family court matter Case No. 2018-DR-23-1569. Her client was Lyn Purkerson Maples, the mother of Plaintiff's CHILD.

44. In as much as Plaintiff was not a client of KORMYLO, this is specifically not a "mal-practice action" as there is no "privity" between PLAINTIFF and KORMYLO. The "privity" standard is not an essential element of malicious acts such as fraud, bad faith, collusion and eliminates any attorney immunity from a third-party claim such as the Plaintiff is asserting.

45. As previously indicated, the sex crime investigation as to the Plaintiff was completed in mid-February 2019. KORMYLO was well aware that the findings were "Unfounded" and "Unsubstantiated". Despite this knowledge, KORMYLO proceeded to issue a subpoena dated

March 25, 2019 in regards to the Greenville Sheriff's Office Investigation of the Plaintiff. The subpoena, attached as Exhibit 7, requested the following: "Please provide copies of your entire file for Case No. 18000220548 involving Michael Gene Putnam, including but not limited to, all interviews, reports, polygraphs, etc.". And to provide them to her office no later than April 5, 2019. However, as shown in (Exhibit 5), the subpoena was directed to "William H. Bradshaw, as statutory Agent for Bradshaw Automotive, d/b/a Bradshaw Infinity". Plaintiff received a copy of subpoena pursuant to Rule 45 (c)(1) SCRPC. On March 27, 2019 I attempted to contact KORMYLO regarding the subpoena, but received an automatic "out of office until April 1, 2019" response.

46. The Plaintiff contacted a Master Sergeant Robert Perry with the Greenville County Sheriff's Office who approved the Final Report of the sex crime investigation. Plaintiff met with Sgt. Perry on March 29, 2019 and showed him the subpoena. He asks me "why is a subpoena related to a sex crime investigation being sent to the owner of a automotive dealership in Greenville, SC?" I indicated that I had no idea, but that Mr. Bradshaw was a very well-known businessman in Greenville, and that I had met him and socialized with him on numerous occasions. Additionally, I had leased a car from one of his dealerships in early 2019.

Sgt. Perry indicated that he had not seen it, but if he did, he would probably forward to legal department of the Sheriff's Office. He had no advice as to how to handle the embarrassment, public humiliation, or how to suppress any furtherance of this inappropriate disclosure of a sex crime investigation to a friend and well-connected person in the Greenville community. A couple of weeks later in a conversation with the GAL (Ms. Elizabeth Martin-Young), she indicated she had received her copy and called KORMYLO's office to advise them of the subpoena being addressed to Mr. Bradshaw.

47. On April 1, 2019, Plaintiff filed a Motion to Quash in Family Court the subpoena issued to Bradshaw and for a Protective Order of any information or material that might be received by KORMYLO from Bradshaw or the Greenville Sheriff's Office. That Motion, time stamped April 1, 2019 at the Family Court was hand delivered to Sgt. Perry's Office.

Plaintiff was never provided a copy of a "Corrected Subpoena" sent to the Sheriff's Office by KORMYLO; a violation of Rule 45(C)(1) and Rule 407 of the S.C. Bar Association Rule of Professional Conduct. Plaintiff's request for a hearing on the Motion to Quash was granted and scheduled for May 20, 2019.

In spite of providing the Sheriff's Office the granted hearing on the Motion to Quash and an Affidavit of Service of same, Wes Smith of the Sheriff's Office did in fact send Kormylo the entire case file including, as I understand it, copies of evidentiary material collected by the investigator, copies of video recordings of my CHILD's forensic four (4) hour interview by law enforcement, as well as copies of recordings between the GAL and the investigator.

48. At some point before the postponed hearing held on June 14, 2019 on Plaintiff's Motion to Quash, KORMYLO agreed to turn the materials over to Charles Marchbanks, the attorney representing the GAL. KORMYLO had ask me to consent to drop the hearing on the Motion to Quash the subpoena issued to Bradshaw before the June 14, 2019 hearing and Plaintiff respectfully denied that request as Plaintiff wanted to ensure the Court was made aware of the issuance of a subpoena as to a sex crime investigation of Plaintiff to William Bradshaw by KORMYLO. On Page 48 of an official copy of the transcript of the hearing prepared by T. Dayton Grainger (Court Reporter), lines 2-6, KORMYLO indicates that she has spoken to her client about the LEC records and "we actually concurred with Mr. Putnam that these records are not relevant to this particular case." After much back and forth with the Honorable Judge Thomas Hodges where Plaintiff on

Page 52, Line 15 of the Transcript Plaintiff states to the Court ... "the subpoena asking for records relating to a sex crime investigation sent to a third party, which has now publicly exposed me and defamed me....". On Page 54, Line 2, KORMYLO tells the Court, "Mr. Putnam is exactly correct. There was an egregious mistake in my office...."

49. There is much more Plaintiff could say about this series of events as Plaintiff believes it was done with malice given that the sex crime case had been closed over a month before the subpoena to Bradshaw was issued. Further, KORMYLO's admission that it was an "egregious" act comes with what Plaintiff believes is an outright admission to an act of Slander *per se* in addition to the defamation *per se* by publicly exposing and supplying information suggestive of an act of moral turpitude which through Plaintiff's social circle knows has been disseminated and permanently damaged Plaintiff's reputation and future ability to use his skill set to provide services and supplement his fixed income.

50. Further, while Plaintiff had no attorney client relationship, Plaintiff believes KORMYLO has third party liability where the act is malicious, or as described by KORMYLO as "egregious". From a 2012 roundtable discussion between attorneys of third-party liability: "If an attorney's conduct is motivated by malice or otherwise commits an intentional tort, the attorney may still be personally liable for losses suffered by a third party. *Smith v. Griffiths*, 476 A.2d 22, 26-27 (Pa. Super. Ct. 1984). *See also Adelman v. Rosenbaum*, 3 A.2d 15, 18 (Pa. Super. Ct. 1938) ("Malicious action is not sheltered by any privilege. An attorney is personally liable to a third party when he is guilty of fraud, collusion, or a malicious or tortious act, and he is liable, as anyone else, when he encourages and induces another to commit a trespass."). Therefore, irrespective of a lack of privity or balancing of factors, an attorney is generally liable for his intentional wrongs."

51. Lastly, while S.C. Code Section 15-36-10, et seq. sets forth a pre-suit procedure through which professional negligence claims may be asserted. South Carolina Code Section 15-36-100(B) provides that a plaintiff "must file as part of the complaint an affidavit of an expert witness which must specify at least one negligent act and the factual basis for each claim...." However, S.C. Code Section 15-36-100(C)(2) provides that no accompanying affidavit must be filed where, in a case such as this, the professional negligence is so obvious that it "lies within the ambit of common knowledge and experience, so that no special learning is needed to evaluate the conduct of the defendant." See S.C. Code § 15-36-100(C)(2). Plaintiff believes the sending of an inappropriate malicious subpoena to an inappropriate party; disclosing defamatory information requires no "expert affidavit" to be submitted. Plaintiff also believes that KORMYLO had an implied common law duty to his CHILD to not disburse or otherwise disseminate information of such a sensitive matter.

WHEREFORE, Plaintiff request judgement against KORMYLO for compensatory and punitive damages related to defamation, slander, and professional negligence together with any counsel fees now or in the future, costs of suit, and other relief as the court may deem proper.

COUNT 6
(DEFAMATION – LIBEL PER SE AGAINST ROBERT HENRY PURKERSON)

52. Each of the preceding paragraphs 1 through 51 are hereby incorporated herein by reference.

53. Defendant Robert Henry Purkerson resides at 6 Stillwood Drive, Greenville, SC 29607.

51. At all times relevant to this lawsuit, PURKERSON has been the maternal grandfather of PLAINTIFF's CHILD.

52. While at one time PURKERSON was supportive of Plaintiff, since family court action by Purkerson's daughter (mother of Plaintiff's CHILD), and his daughter's sixth marriage,

PURKERSON has engaged in constant and willful action aimed at parental alienation directly and by aiding and abetting MAPLES in his pursuit of parental substitution by making false and defamatory statements about Plaintiff in the presence of CHILD. Further, they have met together in Greenville, S.C. on many occasions (more than twelve (12) in twelve months.

53. PURKERSON has made false allegations and has encouraged CHILD to either exaggerate or make up stories defamatory of the PLAINTIFF, and to pass such on to other adults in an attempt to denigrate PLAINTIFF's reputation and standing as a person of good character in an attempt at parental substitution.

54. PURKERSON has encouraged CHILD to tell lies and stories about Plaintiff which led to an unfounded investigation by North Carolina DSS and the Greenville County Sheriff's Office. PURKERSON in fact called a Sargent Robert Perry with the Greenville County Sheriff's Office trying to have him re-open the "Investigation" and making defamatory statements in an effort to further denigrate the reputation of PLAINTIFF.

55. More specifically, and importantly, PURKERSON has disclosed the information of a sex crime investigation and made other derogatory comments to Dr. Ryland T. (Tony) Traynham who is an oral surgeon here in Greenville and also an acquaintance of Plaintiff. PURKERSON and Traynham have been close friends for over forty (40) years. Plaintiff and Dr. Traynham go to the same barber whose name is Amy Creamer. Ms. Creamer shared the derogatory communication told to her by Dr. Traynham and ask Plaintiff if "I was ok"? The work environment where Ms. Creamer works is an open environment where either other barbers (stylist) or clients in other chairs can easily overhear conversations. Dr. Traynham is known as being quite the talker. Ms. Creamer has heard these comments from other clients as well.

56. Dr. Traynham approached me to say hello at a local restaurant in 2019 and specifically ask

me why Purkerson and his daughter (Lyn Purkerson Maples) were saying "bad" things about me? Plaintiff doesn't recall his specific response, other than to change subjects.

57. PURKERSON has made false and defamatory statements to other mutual friends or acquaintances in Greenville, South Carolina that have been repeated to me in person and have been spread about the community that has been the home of the PLAINTIFF for over fifty (50) years. These statements, once made, cannot be undone and become even more exaggerated and inflammatory as they are spread from person to person in and around Greenville County, South Carolina and have been tortuous and injurious where PLAINTIFF had established an excellent reputation, now tainted by the acts of PURKERSON.

58. As a direct and proximate result of PURKERSON's conduct, Plaintiff has suffered and continues to suffer extreme mental anguish and distress. Further, the encouragement of parental alienation and parental substitution actions by PURKERSON and MAPLE's have caused substantial damage to PLAINTIFF's relationship with his CHILD, that has cause great loss of enjoyment and will require substantial time and costs associated with therapeutic assistance to heal the intentionally inflicted wounds by PURKERSON. PURKERSON'S discussion of derogatory information harmful to Plaintiff's reputation, character and standing in the community certainly is defamation per se.

WHEREFORE, Plaintiff request judgement against defendant PURKERSON for compensatory and punitive damages, together with any counsel fees now or in the future, costs of suit, and other relief as the court may deem proper.

PRAYER FOR RELIEF

Plaintiff is informed does believe he is entitled to judgement against the defendants, jointly and severally, for actual damages, punitive damages, together with any counsel fees now or in the future, costs of suit, and other relief as the court may deem proper; all as a direct and proximate result of defendants' negligence, recklessness, willfulness and wantonness, and any other relief to which Plaintiff may otherwise be entitled.

DEMAND FOR A JURY TRIAL

PLAINTIFF demands a trial by jury as to all issues in the above matter.

Dated: 4-6-2020



Michael Gene Putnam – Plaintiff
1108 S. Main St. Unit 355
Greenville, SC 29601-3377
Phone: 864-420-9624
Fax: 864-751-4365
Email: mputnam2006@gmail.com

Exhibit 2

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

MICHAEL GENE PUTNAM

Plaintiff,

vs.

ROBIN CARY MAPLES
3214 COTTONFIELD DRIVE
MT. PLEASANT, SC 29466

-and-

ROBERT HENRY PURKERSON
6 STILLWOOD DR.
GREENVILLE, SC 29607

Defendants.

DRAFT

**SECOND AMENDED
COMPLAINT**

C.A NO 2020 CP-23-01451

JURY TRIAL DEMANDED

COMPLAINT FOR DEFAMATION

COMES NOW, PLAINTIFF MICHAEL GENE PUTNAM, (hereinafter, "Plaintiff")
hereby files his Second Amended Complaint against DEFENDANTS, ROBIN CARY MAPLES,
(hereinafter "MAPLES") and ROBERT HENRY PURKERSON. (hereinafter, "PURKERSON")
for Defamation for making false damaging statements, (verbally and in writing), and other tortuous
actions and alleges as follows:

JURISDICTION AND PARTIES

1. This is an Action for Defamation (Libel Per Se), and damages in excess of forty thousand dollars (\$40,000), exclusive of interest, costs, and attorney fees.

2. PLAINTIFF MICHAEL GENE PUTNAM is an individual over the age of 18, a citizen of the United States and a resident of the city of Greenville, Greenville County, South Carolina.

3. DEFENDANT ROBIN CARY MAPLES is the step-father of Plaintiff's minor child, over the age of 18, and is a resident of Charleston County, South Carolina.

4. DEFENDANT ROBERT HENRY PURKERSON is an individual over the age of 18, a citizen of the United States and a resident of Greenville County, South Carolina.

5. This Court has jurisdiction over the parties and the subject matter of this complaint in accordance with the laws of the State of South Carolina. Venue is proper pursuant to South Carolina Code of Laws Title 15.

STATEMENT OF FACTS

6. The Defendants, individually, and together have willfully and with malice made false and defamatory statements to numerous third parties; including law enforcement agencies, their friends, Plaintiff's relatives, school teachers of Plaintiff's minor child, and the minor child herself. Certain of these statements led to a sex crime allegation and investigation directed at the Plaintiff. These actions have subjected the Plaintiff to loss of access to his minor child and enduring a criminal investigation in Greenville, South Carolina, that found the allegations of act(s) of moral turpitude stated by Maples and Purkerson to be "totally unfounded". Further, the intentional interference of Plaintiff's relationship with his child, public humiliation, intentional defamation of his character, and a public record of a "sex crime investigation"; has created extreme emotional distress, denial of visitation with his child, and irreparable damage to a well established reputation

of high regard in Plaintiff's home community; where he was born and has lived and worked a professional career as a Certified Public Accountant most of his life. The passing of false and misleading information to private citizens, relatives of Plaintiff, teachers and officials at Plaintiff's child's school. These verbal and written statements were made maliciously with the intent to create a criminal record, incarcerate Plaintiff, and destroy Plaintiff's professional and personal reputation which will deny or significantly diminish his ability to earn a future post-retirement income.

In as much as different people interpret the defamatory statements in different ways; the defendants knew it would reflect negatively on Plaintiff's character, morality, integrity and cause others to refrain from association with the Plaintiff.

7. The defendants have no conditional or qualified privilege as to their verbal or written statements for any time period, but more particularly, on or around October 2018 through the current day. In *Parrish v. Allison*, 376 S.C. 308, 320, 656 S.E.2d at 501. "If a defamatory meaning of a statement is obvious on the face of the statement, that statement is defamatory *per se*."

COUNT 1
(DEFAMATION – LIBEL PER SE AGAINST ROBIN CARY MAPLES)

8. Plaintiff re-alleges and incorporates the preceding paragraphs as if set forth fully herein.

9. At all times relevant to this lawsuit, MAPLES has been step-father of Plaintiff's CHILD.

10. In numerous emails or text messages Maples has referenced Plaintiff as:

- Mentally "Unstable"
- "A pathetic dirt bag"
- "A drug abusing alcoholic"
- "A drug attic"

- "Inappropriately touching" my child

Further, there are many more for review at trial, and the validated copies from independent parties will show that in many of these MAPLES has **copied other parties**, and HAS acknowledged that he **"had shared with Mr. Larry Hoxie"**, the principal at Plaintiff's daughter's school, certain emails or text messages that were defamatory on the face of the statement. [bold emphasis added]

11. MAPLES has made false allegations and has encouraged CHILD to either exaggerate or make up stories defamatory of the Plaintiff. Further, the discussion of a sex crime investigation to Jeff and Nikkee Fleming, who reside in Dorchester County, South Carolina is a denigration of Plaintiff's reputation and standing as a person of good character. Further, Jeff Fleming is the father of Plaintiff's CHILD's half-sister (Z), who communicates and has taken trips with my CHILD and shared hearsay that only further confuses and causes fear and anxiety with Plaintiff's CHILD. Plaintiff's CHILD has been on anti-depressant and anxiety medicine for over a year due to lies and exaggerations of MAPLES and other adults that have drank the poisonous message and reinforced these falsehoods to my CHILD.

12. In sworn affidavits of Child's teachers; DANA CORDELL and KELLIE AUERWECK, both indicate that much of their information was **obtained from MAPLES** or suggested for inclusion or submission to third-parties by MAPLES. MAPLES shared false and misleading information encouraging the initiation of a sex crime investigation in Greenville County, South Carolina of the Plaintiff. [bold emphasis added]

13. MAPLES has blocked communications between Plaintiff and CHILD and denied Plaintiff visitation with CHILD, even though he has no legal right to do so.

14. MAPLES has made "threats" of initiation of a criminal investigation of an act of moral turpitude and illegally used intrastate electronic means to communicate such threats and harassment. The use of such for his purposes is a criminal act in South Carolina.

15. As a direct and proximate result of defendant's MAPLES' malicious verbal or written false statements and destroy Plaintiff's professional and personal reputation which will deny or significantly diminish his ability to earn a future post-retirement income.

16. As a direct and proximate result of MAPLE's conduct, Plaintiff has suffered and continues to suffer extreme mental anguish and distress. Further, parental substitution actions by MAPLE's has caused substantial damage to Plaintiff's relationship with his CHILD. This loss of closeness between Plaintiff and his Child has caused substantial emotional stress and a great loss of enjoyment and that will require substantial time and costs associated with therapeutic assistance to, with hope, but no certainty, heal the intentionally inflicted wounds by MAPLES.

WHEREFORE, Plaintiff request judgement by a jury in Greenville, S.C against defendant MAPLE's for compensatory, incidental, special, and punitive damages; together with any counsel fees now or in the future, costs of suit, and other relief as the court may deem proper.

COUNT 2

(DEFAMATION – LIBEL PER SE AGAINST ROBERT HENRY PURKERSON)

17. Plaintiff re-alleges and incorporates the preceding paragraphs as if set forth fully herein.

18. Defendant ROBERT HENRY PURKERSON IS A RESIDENT OF Greenville County, South Carolina and resides at 6 Stillwood Dr., Greenville, SC 29607.

19. At all times relevant to this lawsuit, PURKERSON has been the maternal grandfather of PLAINTIFF's CHILD.

20. While at one time PURKERSON was supportive of Plaintiff, since family court action by

Purkerson's daughter (mother of Plaintiff's CHILD), and his daughter's sixth marriage, PURKERSON has engaged in constant and willful action aimed at parental alienation directly and by aiding and abetting MAPLES in his pursuit of parental substitution by making false and defamatory statements about Plaintiff in the presence of CHILD.

21. As a direct and proximate result of defendant PURKERSON'S malicious verbal or written false statements and destroy Plaintiff's professional and personal reputation which will deny or significantly diminish his ability to earn a future post-retirement income.

22. PURKERSON has made false allegations and has encouraged CHILD to either exaggerate or make up stories defamatory of the PLAINTIFF, and to pass such on to other adults in an attempt to denigrate PLAINTIFF's reputation and standing as a person of good character in an attempt at parental substitution.

23. PURKERSON has encouraged CHILD to tell lies and stories about Plaintiff which led to an unfounded investigation by North Carolina DSS and the Greenville County Sheriff's Office. PURKERSON in fact called a Sargent Robert Perry with the Greenville County Sheriff's Office trying to have him re-open the "Investigation" and making defamatory statements in an effort to further denigrate the reputation of PLAINTIFF.

24. PURKERSON has specifically disclosed PURKERSON has disclosed the information of a sex crime investigation and made other derogatory comments to Dr. Ryland T. (Tony) Traynham who is an oral surgeon here in Greenville and also an acquaintance of Plaintiff. PURKERSON and Traynham have been close friends for over forty (40) years. Plaintiff and Dr. Traynham go to the same barber whose name is Amy Creamer. Ms. Creamer shared the derogatory communication told to her by Dr. Traynham and ask Plaintiff if "I was ok"? The work environment where Ms. Creamer works is an open environment where either other barbers (stylist) or clients in other chairs

can easily overhear conversations. Dr. Traynham is known as being quite the talker. Ms. Creamer has heard these comments from other clients as well.

25. PURKERSON has made false and defamatory statements to other mutual friends or acquaintances in Greenville, South Carolina that have been repeated to me in person and have been spread about the community that has been the home of the PLAINTIFF for over fifty (50) years. These statements, once made, cannot be undone and become even more exaggerated and inflammatory as they are spread from person to person in and around Greenville County, South Carolina and have been tortuous and injurious where PLAINTIFF had established an excellent reputation, now tainted by the acts of PURKERSON.

26. As a direct and proximate result of PURKERSON's conduct Plaintiff has suffered and continues to suffer extreme mental anguish and distress. Further, the encouragement of parental alienation and parental substitution actions by PURKERSON and MAPLE's have caused substantial damage to PLAINTIFF's relationship with his CHILD, that has cause great loss of enjoyment and will require substantial time and costs associated with therapeutic assistance to heal the intentionally inflicted wounds by PURKERSON.

WHEREFORE, Plaintiff request judgement against defendant PURKERSON for compensatory, incidental, special, and punitive damages; together with any counsel fees now or in the future, costs of suit, and other relief as the court may deem proper.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendants' granting him with the following relief:

1. An award of actual damages incurred as a result of the Defendants' wrongful acts set forth hereinabove.

2. An award of future damages to be incurred as a result of the Defendants' wrongful acts.
3. An award of incidental and consequential damages incurred as a result of the Defendants' wrongful acts.
4. An award of special damages incurred as a result of the Defendants' wrongful acts.
5. An award of emotional distress damages incurred as a result of the Defendants' wrongful acts.
6. An award of punitive damages to punish the Defendants' and as a warning and example to deter the Defendants' and others from committing like offenses in the future.

DEMAND FOR A JURY TRIAL

PLAINTIFF demands a trial by jury as to all issues in the above matter.

Dated: _____

Michael Gene Putnam – Plaintiff – *Pro se*
1108 S. Main St. Unit 355
Greenville, SC 29601-3377
Phone: 864-420-9624
Fax: 864-751-4365
Email: mputnam2006@gmail.com

information in his possession, the Plaintiff shall provide answers alleging such to the Defendant and where such information may be obtained, if known to the Plaintiff.”

4. Judge Sprouse’s February 22, 2021, Order further stated, “The Court declines to order attorney’s fees or sanctions at this time. This is conditioned on strict compliance with this Order. If the Plaintiff does not strictly comply with this Order, Defense Counsel may requests a hearing to determine appropriate attorney’s fees, costs and sanctions.”

5. To date, Plaintiff has failed to complete his discovery responses or serve supplemental responses to Defendants’ Interrogatories or Requests to Produce.

This motion is based upon the pleadings filed in this matter, as well as the applicable written case law and/or statutes found under South Carolina law, discovery exchanged between the parties, and Defendant Purkerson’s supporting memorandum of law.

s/Wesley J. Shull.

Wesley J. Shull (S.C. Bar #71740)
Willson Jones Carter & Baxley
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**ATTORNEY FOR DEFENDANT
ROBERT HENRY PURKERSON**

Greenville, South Carolina
April 13, 2021

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

Michael Gene Putnam,

Plaintiff,

vs.

Robert Henry Purkerson,

Defendants.

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

Case No.: 2020-CP-23-01450

**DEFENDANT ROBERT PURKERSON'S
MOTION TO COMPEL DISCOVERY
RESPONSES AS TO PLAINTIFF
MICHAEL GENE PUTNAM**

TO: MICHAEL GENE PUTNAM, *PRO SE* PLAINTIFF

YOU WILL PLEASE TAKE NOTICE THAT Defendant Robert Purkerson ("Purkerson"), by and through his undersigned counsel, will move before the Presiding Judge of the Court of Common Pleas ten (1) days after the service of this Notice, or as such time as counsel may be heard, for an order compelling Plaintiff's full, complete, and sufficient responses to Defendant Purkerson's discovery requests propounded pursuant to Rule 33 and/or Rule 34 of the South Carolina Rules of Civil Procedure. Attached as Exhibit A are Plaintiff's discovery responses without attachments.

This Motion will be made on the grounds that Plaintiff has failed to provide full, complete, and sufficient responses to interrogatories and request for production from Purkerson. Subsequent to Purkerson filing his Motion to Compel Discovery Responses as to Plaintiff Michael Gene Putnam, the Plaintiff served Purkerson with incomplete and insufficient responses to the interrogatories and requests for production. Pursuant to Rule 11, SCRCP, counsel for Purkerson sent Plaintiff a letter outlining the deficiencies in Plaintiff's responses on December 9, 2021, attached as Exhibit B. The deficiencies outlined in the letter and still at issue today are as follows:

- Plaintiff's answers to interrogatories Nos. 5 and 6;

- Plaintiff's answers to requests for production Nos. 2, 8, 10, 11, and 12.

The information is necessary in order for Defendant Purkerson to properly prepare a defense to Plaintiff's Complaint, as injury in the form of actual or special damages is a required element of the cause-of-action of defamation. Therefore, Purkerson respectfully asks for an Order compelling Plaintiff to respond to said discovery with meaningful and complete answers, requiring Plaintiff to pay to Purkerson the amount of reasonable expenses incurred in obtaining the Order, including reasonable attorneys' fees, and setting forth sanctions if Plaintiff fails to comply with the Order, including dismissal of Plaintiff's pleadings.

Pursuant to Rule 11, SCRCF, counsel for Purkerson has communicated with the *pro se* Plaintiff in a good faith attempt to resolve the matter in this motion.

Respectfully submitted,

WILLSON JONES CARTER & BAXLEY, PA

s/Wesley J. Shull
Wesley Jackson Shull, SC Bar No. 71740
325 Rocky Slope Road, Suite 201
Greenville, SC 29607
(864) 272-2660 telephone
Attorney for Defendant Robert Henry Purkerson

December 22, 2022
Greenville, South Carolina

EXHIBIT A

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

MICHAEL GENE PUTNAM
Plaintiff,

C.A. No. 2020-CP-23-01450

vs.

PLAINTIFF MICHAEL GENE
PUTNAM'S RESPONSES TO
DEFENDANT ROBERT HENRY
PURKERSON'S FIRST SET OF
REQUESTS FOR PRODUCTION OF
DOCUMENTS

Robin Cary Maples, Robert Henry
Purkerson, (et al. - Inactive).
Defendants.

TO: CHACE CAMPBELL, COUNSEL FOR DEFENDANT ROBERT HENRY PURKERSON

Pursuant to Rule 34 of the South Carolina Rules of Civil Procedure, Plaintiff Michael Gene Putnam responds to Defendant Robert Henry Purkerson First Set of Requests for Production of Documents:

DOCUMENTS REQUESTED

Any and all documents related to or referred to in Plaintiff's answers to Interrogatories.

ANSWER:

Attached as available.

1. Any and all other documents of any type, nature or description, not produced in response to the preceding request, which you will rely upon in the proof of this case.

ANSWER:

This request for production is objected to on the grounds it is incomprehensible as the subject matter is overly broad and the production would be burdensome and oppressive, and pending additional discovery will require a supplemental request as to subject and

matters unknown to Plaintiff. Plaintiff will supplement after additional discovery.

2. Copies of all documents and tangible things, which Plaintiff might seek to introduce as exhibits, or for impeachment or demonstrative purposes, at the trial of this case.

ANSWER:

Plaintiff objects to Request # 2 on the grounds it is incomprehensible as overly broad, burdensome, and seeks discovery of things "which Plaintiff might seek to introduce", which requires speculation of discovery and is unknown at this time. As such, Plaintiff reserves the right to supplement this response at a later time as appropriate.

3. All photographs, plats, sketches and other prepared documents within Plaintiffs possession or control that relate in any way to this case.

ANSWER:

Plaintiff objects to Request # 3 as overly broad, burdensome as pre-trial discovery is ongoing. Plaintiff reserves the right to supplement this response at a later time as appropriate.

4. A copy of your current driver's license.

ANSWER:

Attached.

5. Copies of any and all subpoenas from which you received documents that support a claim or defense in this case.

ANSWER:

None other than the pending GOOGLE subpoena.

6. Copies of any and all subpoenas from which you received documents that support a claim or defense in this case.

ANSWER: See answer to Request # 5.

7. Copies of all documents received in response to the subpoenas referenced in Request #5.

ANSWER:

NONE

8. All of Plaintiff's personal tax returns filed since 2014 including any attachments, supplements, amendments, or corrections.

ANSWER:

Plaintiff objects to Request # 8 as overbroad, burdensome and seeks discovery of documents not reasonably calculated to lead to the discoverable evidence related to the Complaint. While Plaintiff is knowing and believes an objection based on privilege could be made, summary returns of years 2018 and 2019 are attached.

9. All tax returns filed since 2014 for any business in which Plaintiff owns a 30% or more interest.

ANSWER:

None.

10. Copies of all your bank statements for the past five years.

ANSWER:

Plaintiff objects to Request # 10 as the subject matter is not relevant to this litigation nor reasonably calculated to lead to the discovery of admissible evidence [and to the extent it seeks information which does not concern events, conditions, or matters relating to the alleged actionable conduct underlying this lawsuit] Further, it is overbroad, burdensome, and oppressive because it requires Plaintiff to prepare a compilation of data that is likely unavailable.

11. Copies of your medical records, including counseling and psychiatric records, for the past four years.

ANSWER:

Plaintiff objects to this discovery request seeking to discover plaintiff's medical history and/or treatment, which is completely unrelated to the issues in this litigation and in violation of plaintiff's constitutionally protected right to privacy and HIPAA. Further, it is not reasonably calculated to lead to the discovery of any admissible evidence.

12. A copy of your application, including any attachments, amendments, or documents referred to therein, to received Social Security Disability benefits.

ANSWER:

Plaintiff objects to this discovery request as it is completely unrelated to the issues in this litigation; and not reasonably calculated to lead to the discovery of any admissible evidence and all documents are retained and protected by the Social Security Administration.

13. Any and all documents you received from the Greenville County Sheriff's Office and its employees, agents, or representatives.

ANSWER:

Attached

14. Any and all documents you received from the North Carolina Department of Social Services related to or concerning the Investigation.

ANSWER:

Attached

15. Any and all documents you received from the South Carolina Department of Social Services related to or concerning the Investigation.

ANSWER:

None

16. Any and all documents you received from Wake Christian Academy.

ANSWER:

None – Grades were posted on-line.

Respectfully submitted,



Michael Gene Putnam – *Pro se* - Plaintiff
1108 S. Main St. Apt. 355
Greenville, SC 29601-1856
Phone: 864-420-9624
Fax: 864-751-4365
Email: mputnam2006@gmail.com

December 7, 2020
Greenville, South Carolina

Documents

South Carolina SC USA DRIVER'S LICENSE

44 DL#: 004788627
1 PUTNAM
2 MICHAEL GENE
3 1100 S MAIN ST UNIT 446
GREENVILLE SC 296013382
3 DOB: 01/11/1958
4a Issued: 10/30/2019
4b Expires: 01/11/2027
15 Sex: M Height: 5'11"
17 Wgt: 190 lb Eyes: BLU
9 Glasses: D End: None
12 Restrictions: None

01/11/1958

Michael G. Putnam

GOVERNOR

1 DO 2300230102269372032



**Human
Services**

Tel 919 212 7000

220 Swinburne Street
PO Box 46833
Raleigh, NC 27610
www.wakegov.com

02/13/2019

RE: Ella Putnam

Michael Putnam
101 Reedy View Dr. Apt 263
Greenville, SC 29601

Dear Michael Putnam:

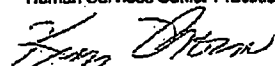
This letter is to serve as a follow up regarding the concerns addressed during the Investigative Assessment. A case decision was made on 02/13/2019. The findings of the assessment are as follows:

~~Unsubstantiated and Closed~~

If you have any questions, please do not hesitate to call me at 919-250-3083.

Sincerely,


A Wallace
Human Services Senior Practitioner


K Thomas
Human Services Supervisor II



HENRY McMASTER, GOVERNOR
JOAN E. MEACHAM, ACTING STATE DIRECTOR



February 16, 2019

To Whom It May Concern:

The Greenville County office of the South Carolina Department of Social Services received an assist request from Wake County North Carolina concerning Michael Putnam. A DSS caseworker went to Mr. Putnam's home at 101 Reedy View Dr, Apt 263 in Greenville SC on February 3, 2019 to assess his home and address the concerns from Wake County NC. Mr. Putnam's home was clean and neatly arranged with working utilities and no visible safety hazards. Ella has a room in the home with a bed and her own bathroom. The home is appropriate for the child.

Michael Putnam does not have an open DSS investigation or case with South Carolina DSS. The only contact we have had with him is in doing the assist for North Carolina.

Please contact me if more information is needed.

Susan Speed

Susan Speed
Program Coordinator, After Hours Unit
Greenville County Department of Social Services

Form 1040

Department of the Treasury—Internal Revenue Service

(99)

U.S. Individual Income Tax Return

2019

OMB No. 1545-0074

IRS Use Only—Do not write or staple in this space.

Filing Status ☒ Single ☐ Married filing jointly ☐ Married filing separately (MFS) ☐ Head of household (HOH) ☐ Qualifying widow(er) (QW)Check only one box.
If you checked the MFS box, enter the name of spouse. If you checked the HOH or QW box, enter the child's name if the qualifying person is a child but not your dependent. ▶

Your first name and middle initial Michael G	Last name Putnam	Your social security number 248-08-5402
If joint return, spouse's first name and middle initial	Last name	Spouse's social security number
Home address (number and street). If you have a P.O. box, see instructions. 1108 S. Main St.		Apt. no. 355
City, town or post office, state, and ZIP code. If you have a foreign address, also complete spaces below (see instructions). Greenville SC 29601-3377		Presidential Election Campaign Check here if you, or your spouse if filing jointly, want \$3 to go to this fund. Checking a box below will not change your tax or refund. ☐ You ☐ Spouse
Foreign country name	Foreign province/state/county	Foreign postal code
If more than four dependents, see instructions and ✓ here ▶ ☐		

Standard Deduction ☐ Someone can claim: ☐ You as a dependent ☐ Your spouse as a dependent☐ Spouse itemizes on a separate return or you were a dual-status alienAge/Blindness You: ☐ Were born before January 2, 1955 ☐ Are blind Spouse: ☐ Was born before January 2, 1955 ☐ Is blind

Dependents (see instructions):		(2) Social security number	(3) Relationship to you	(4) ✓ If qualifies for (see instructions):	
(1) First name	Last name			Child tax credit	Credit for other dependents
				☐	☐
				☐	☐
				☐	☐
				☐	☐

1	Wages, salaries, tips, etc. Attach Form(s) W-2	1	
2a	Tax-exempt interest	2b	5.
3a	Qualified dividends	3b	
4a	IRA distributions	4b	
c	Pensions and annuities	4d	
5a	Social security benefits	5b	0.
6	Capital gain or (loss). Attach Schedule D if required. If not required, check here ☐	6	-3,000.
7a	Other income from Schedule 1, line 9	7a	
b	Add lines 1, 2b, 3b, 4b, 4d, 5b, 6, and 7a. This is your total income	7b	-2,995.
8a	Adjustments to income from Schedule 1, line 22	8a	
b	Subtract line 8a from line 7b. This is your adjusted gross income	8b	-2,995.
9	Standard deduction or itemized deductions (from Schedule A)	9	12,200.
10	Qualified business income deduction. Attach Form 8995 or Form 8995-A	10	
11a	Add lines 9 and 10	11a	12,200.
b	Taxable income. Subtract line 11a from line 8b. If zero or less, enter -0-	11b	0.

Standard Deduction for—

- Single or Married (filing separately), \$12,200
- Married filing jointly or Qualifying widow(er), \$24,400
- Head of household, \$18,350
- If you checked any box under Standard Deduction, see instructions.

For Disclosure, Privacy Act, and Paperwork Reduction Act Notice, see separate instructions.

Form 1040 (2019)

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Form 1040 (2019)

Filing status: ☒ Single ☐ Married filing jointly ☐ Married filing separately ☐ Head of household ☐ Qualifying widow(er)					
Your first name and initial Michael G			Last name Putnam		Your social security number 248-08-5402
Your standard deduction: ☐ Someone can claim you as a dependent ☐ You were born before January 2, 1954 ☐ You are blind					
If joint return, spouse's first name and initial			Last name		Spouse's social security number
Spouse standard deduction: ☐ Someone can claim your spouse as a dependent ☐ Spouse was born before January 2, 1954					☒ Full-year health care coverage or exempt (see inst.)
☐ Spouse is blind ☐ Spouse itemizes on a separate return or you were dual-status alien					
Home address (number and street). If you have a P.O. box, see instructions. 101 Reedy View Drive				ApL no. 263	Presidential Election Campaign (see inst.) ☐ You ☐ Spouse
City, town or post office, state, and ZIP code. If you have a foreign address, attach Schedule B. Greenville SC 29601-1856					If more than four dependents, see inst. and ✓ here ▶ ☐
Dependents (see instructions):					
(1) First name		(2) Social security number		(3) Relationship to you	
Last name					
				(4) ✓ If qualifies for (see inst.): Child tax credit Credit for other dependents	
				☐ ☐	
				☐ ☐	
				☐ ☐	
				☐ ☐	
Sign Here Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief, they are true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.					
Your signature		Date		Your occupation Disabled	
Spouse's signature. If a joint return, both must sign.		Date		Spouse's occupation	
				If the IRS sent you an Identity Protection PIN, enter it here (see inst.)	
				If the IRS sent you an Identity Protection PIN, enter it here (see inst.)	
Preparer's name		Preparer's signature		PTIN	
Firm's name ▶ Self-Prepared		Phone no.		Firm's EIN	
Firm's address ▶				Check if: ☐ 3rd Party Designee ☐ Self-employed	

For Disclosure, Privacy Act, and Paperwork Reduction Act Notice, see separate instructions.

Form 1040 (2018)

Form 1040 (2018)

Page 2

		1				1	
1 Wages, salaries, tips, etc. Attach Form(s) W-2		2a		b Taxable interest	2b		7.
2a Tax-exempt interest		3a		b Ordinary dividends	3b		
3a Qualified dividends		4a		b Taxable amount	4b		
4a IRAs, pensions, and annuities		5a	33,264.	b Taxable amount	5b		0
5a Social security benefits				a			-2,993.
6 Total income. Add lines 1 through 5. Add any amount from Schedule 1, line 22		-3,000.		7			-2,993.
7 Adjusted gross income. If you have no adjustments to income, enter the amount from line 6; otherwise, subtract Schedule 1, line 36, from line 6				8			12,000.
8 Standard deduction or itemized deductions (from Schedule A)				9			
9 Qualified business income deduction (see instructions)				10			0.
10 Taxable income. Subtract lines 8 and 9 from line 7. If zero or less, enter -0-				11			0.
11 a Tax (see inst.) 0. (check if any form: 1 ☐ Form(s) 8814 2 ☐ Form 4972 3 ☐				12			0.
b Add any amount from Schedule 2 and check here ☐				13			0.
12 a Child tax credit (see inst.) for other dependents b Add any amount from Schedule 3 and check here ☐				14			0.
13 Subtract line 12 from line 11. If zero or less, enter -0-				15			0.
14 Other taxes. Attach Schedule 4				16			0.
15 Total tax. Add lines 13 and 14				17			
16 Federal income tax withheld from Forms W-2 and 1099				18			
17 Refundable credits: a EIC (see inst.) No b Sch. 8812 c Form 8863				19			
Add any amount from Schedule 6				20a			
18 Add lines 16 and 17. These are your total payments							
Refund							
19 If line 18 is more than line 15, subtract line 15 from line 18. This is the amount you overpaid							
20a Amount of line 19 you want refunded to you. If Form 8866 is attached, check here ☐							
b Routing number X X X X X X X X X X c Type: ☐ Checking ☐ Savings							
d Account number X X X X X X X X X X X X X X X X X X X X							
21 Amount of line 19 you want applied to your 2019 estimated tax		21					
Amount You Owe							
22 Amount you owe. Subtract line 18 from line 16. For details on how to pay, see instructions				22			0.
23 Estimated tax penalty (see instructions)		23					

Go to www.irs.gov/Form1040 for instructions and the latest information.

BAD

REV 07/19/20 TTW

Form 1040 (2018)

Ent: anyyoung 12/19/2018 20:07:42 GREENVILLE COUNTY SHERIFF'S OFFICE

EC5 12/19/2018-13:29:54

Incident Report

RECORDS
COPY

12/19/19

Agency I.D.
SC0230000

RTA

11DC,36CC,

Case Number

18000220548

Adult/Juv

EVENT	REQUEST TYPE		OFFENSE COMPLETED	FORCED ENTRY	FACILITY TYPE		(UNIT) ENTERED	TYPE VICTIM	
	Criminal Sexual Conduct/Minor		Y	N	20 - Residence/Home		0	☒ Individual ☐ Business ☐ Financial Inst. ☐ Government ☐ Religious Org. ☐ Sex / Public ☐ Other ☐ Unknown ☐ Police Officer	
	Incident Location (Subdivision, Unit Village, Apartment & Number, Street Name & Number)				Closest Intersection		Zip Code		
	Linkside Drive Taylors SC						29687		
VICTIM	Incident Date	Time	To	Date	Time	Weapon Type	Time Arrived	Time Completed	Patrol District
	01/14/2008	12:00		01/14/2018	12:00	40	12:00	13:00	02
	Complainant Name (Last, First, Middle)			Resident	Age	Sex	Height	Weight	Mobile Phone
				O	25 to 40	M			
SUBJECT	Victim's Name (Last, First, Middle)		Victim Relationship To Subject		Resident	Age	Sex	Height	Weight
			CH		O	12	W	F	
	Address		City		State	Zip Code	Patrol District		
							0J20		
NARRATIVE	Visible Injury (Vict 1) ☐ Yes ☒ No Explain: _____ Complaint of any Non-Visible Injuries ☐ Yes ☒ No								
	Victim (No.1) Using Alcohol ☐ Yes ☒ No ☐ Unk Drugs ☐ Yes ☒ No ☐ Unk Type: _____								
	Two-Man Veh ☐ One Man Veh ☐ Defect/Veh PLAS/AT ☐ Other ☐ ALONE ☐ ASSISTED ☐ Jurisdiction: _____								
	☒ Suspect ☐ Runaway ☐ Wanted ☐ Warrant ☐ Arrest ☐ Missing								
VEHICLE	Subject's Name (Last, First, Middle)		Address		City	State	Zip Code	Patrol District	
	Pulnam, Michael Geno		101 Roody View Dr. Apt #263		Greenville	SC	29601	0J11	
	Subject (No.1) Using Alcohol ☐ Yes ☒ No ☐ Unk		Arrested Near Offense Scene ☐ Yes ☒ No		Number of Offense		Date of Arrest		
	Arrestee Armed ☐ Yes ☒ No Weapon Type _____		Arrested on Current Offense ☐ Cleared By Arrest on Prior Offense ☐		On View Arrest ☐ Summoned ☐ Custody ☐				
PROPERTY	Juvenile Disposition ☐ Handled Released ☐ Referred To Other Authority ☐		Charge		Warrant Number		Ticket Number		
ADMIN	Arrest Location: _____ Gang Affiliation: NG - Not Gang Related								
	This case is in reference to a report received from the Department of Social Services.								
	Jurisdiction of Theft :				Jurisdiction of Recovery :				
	☐ Towed ☐ Stolen ☐ Recovered ☐ Suspect ☐ Victim				☐ Tag Only ☐				
ADMIN	Subject Identified		Subject Located		☒ Active ☐ Admin Closed ☐ Unfounded		☐ Arrested Under 18 ☐ Ex-Cleared Under 18		
	☒ Yes ☐ No		☒ Yes ☐ No				☐ Arrested 18 and Over ☐ Ex-Cleared 18 and Over		
	Reason For Exceptional Clearance		☐ Offender Death ☐ No Prosecution ☐ Victim Declines Cooperation ☐ Extradition Denied ☐ Juvenile No Arrest						
	Reporting Officer(s)		Date	Unit/State	Approving Officer	Date	Unit/State		
BIRCHY JOR		12/17/2018	T9 / CD040	PEEPLES, SHAWNNEE	12/18/2018	T07 / D2071			
				Follow Up Investigation ☒ Yes ☐ No	12/17/2018	# 66000			

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Agency I.D.
SC0230000

GREENVILLE COUNTY SHERIFF'S OFFICE
Supplemental Report

RECORDS
COPY

Case Number
18000220548

2-21-1954

☐ Original Report	☒ Status Change	☐ Additional Victims	☐ Additional Stolen Property	Incident Type	Criminal Sexual Conduct/Minor											
☒ Supplemental Report	☐ Other Report	☐ Additional Defendants	☐ Additional Recovered Property	Patrol District	02B	Page	1 of 2 Pages									
I.D. OVERFLOW	☐ Complainant	Subject's Name (Last, First, Middle)			Victim Relationship To Subject	Ethnicity	Resident	Race	Sex	Age	Date of Birth					
	☒ Victim #1	[REDACTED]			CH	N	O	W	F	12	[REDACTED]					
	☐ Subject	Address			City	State	Zip Code	Patrol District	Phone	Mobile Phone	Emergency Phone					
	☐ Runaway	Height			Weight	Hair	Eyes	Facial Hair, Scars, Tattoos, Glasses, Clothing, Physical, Perturbance, Etc.								
	☐ Wanted	Visible Injury			Complaint of any Non-Visible Injuries	Victim Using Alcohol	Drugs		Two-Man Veh							
	☐ Arrest	Victim No. 1			Yes	No	Unk	Yes	No	Unk	One Man Veh					
	☐ Missing	Explains:			Yes	No	Unk	Yes	No	Unk	ALONE					
	☐ Jail	Subject No.			Using Alcohol	No	Yes	Unk	Using Drugs	No	Yes					
	☐ Other	Type:			Unk	Cleared By Arrest on Prior Offense	Arrested on Current Offense									
	Arrested Armed				Yes	No	Weapon Type				On View Arrest	Summoned	Custody			
Juvenile Disposition				Handled Released	Referred To Other Authority	Gang Affiliation: NG - Not Gang Related										
Arrest Location																
NARRATIVE	Overflow: Show of Force: NO Terrorist Affiliation: Not Terrorist related Hate Group Affiliation: Not Hate Group related															
	Complainant 1 RACE: White, SEX: Male, RESIDENT: Outside of South Carolina, Primary: [REDACTED]															
	Victim 1 DL STATE/NUMBER: /N/A															
	Putnam, Michael Gene: Subject 1 Subject Types: Suspect ADDRESS: 101 Reedy View Dr. Greenville SC 29601 Apt #263 C311 (Greenville City), ETHNICITY: N, RESIDENT: J, RACE: W, SEX: M, AGE: 62, DOB: 01/11/1956, DL STATE/NUMBER: SC/4768627 Mobile: (864)420-9624, Physical Description HAIRCOLOR: White, EYES: Blue, HEIGHT: 510, WEIGHT: 185, VISIBLE INJURY: NO, NON-VISIBLE INJURY: NO, USING ALCOHOL: Unknown, USING DRUGS: Unknown															
	Narrative: Supplemental 3 **This case was a OSS referral stating that [REDACTED] was told someone that she was touched inappropriately by her father, Michael Putnam.															
	On Monday, January 28, 2019, I received the forensic interview from Detective Pena (Garner Police Department). I reviewed the video and [REDACTED] did not disclose any allegations of criminal sexual conduct. There were several incidents that [REDACTED] disclosed that were concerning but did not rise to the level of a criminal charge; many of these incidents occurred in Raleigh, NC.															
	PROPERTY															
	ADMIN															
	Subject Identified											Subject Located	☐ Active	☐ Admin Closed	☐ Arrested Under 18	☐ Ex-Cleared Under 18
	☒ Yes											☐ No	☒ Yes	☐ No	☒ Unfounded	☐ Arrested 18 and Over
Reason For Exceptional Clearance											☐ Offender Death	☐ No Prosecution	☐ Victim Declines Cooperation	☐ Extradition Denied	☐ Juvenile No Arrest	
Reporting Officer(s)											Date	Unit/Star#				
NUNEZ, CHYNA											01/30/2019	AS2101400	PERRY, ROBERT	01/30/2019	709 / D1039	
Follow Up Investigation											☐ Yes	☒ No (Note)				

6782/58/28 474/S

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2019 FEB -4 PM 4:57

Agency I.D.
SC0230000

GREENVILLE COUNTY SHERIFF'S OFFICE
Supplemental Report *2-21-19 SH*

RECORDS
COPY

Case Number
18000220548

☐ Original Report ☒ Status Change ☐ Additional Victims ☐ Additional Stolen Property		Incident Type <u>Criminal Sexual Conduct/Minor</u>																																										
☒ Supplemental Report ☐ Other Report ☐ Additional Defendants ☐ Additional Recovered Property		Patrol District <u>02B</u> Page <u>2</u> of <u>2</u> Pages																																										
I.D. OVERFLOW	☐ Complainant ☐ Victim ☐ Subject ☐ Runaway ☐ Wanted ☐ Arrest ☐ Missing ☐ Jail ☐ Other		Subject's Name (Last, First, Middle) _____ Victim Relationship To Subject _____																																									
	Address _____		City _____ State _____ Zip Code _____																																									
	Height _____ Weight _____ Hair _____ Eyes _____ Facial Hair, Scars, Tattoos, Glasses, Clothing, Physical, Foculation, Etc. _____		Race _____ Sex _____ Age _____ Date of Birth _____																																									
	☐ Victim No. _____ ☐ Victim Injury ☐ Yes ☐ No ☐ Complaint of any Non-Victim Injuries ☐ Yes ☐ No		Victim Using Alcohol ☐ Yes ☐ No ☐ Unk Two-Man Veh ☐ One Man Veh ☐ ALONE ☐ ASSISTED																																									
	Subject No. _____ Using Alcohol ☐ No ☐ Yes ☐ Unk Using Drugs ☐ No ☐ Yes Type: _____		Drugs ☐ No ☐ Yes Type: _____																																									
Arrested on Current Offense ☐ Unk ☐ Cleared By Arrest on Prior Offense																																												
Arrested Armed ☐ Yes ☒ No Weapon Type _____ On View Arrest ☐ Summoned ☐ Custody																																												
Juvenile Disposition ☐ Handled Released ☐ Referred To Other Authority																																												
Arrest Location _____		Gang Affiliation: NG - Not Gang Related																																										
NARRATIVE	DSS is already involved with this case. After I reviewed the video, I called Amanda Wallace with Wake County CPS (child protective services) and left her a voicemail, asking she give me a call back. Next, I called [redacted] and informed her that [redacted] did not disclose anything. She did not have any questions or concerns for me. Lastly, I called Michael. I advised him there would not be any criminal charges. He thanked me for my time and ended the phone conversation. All parties involved were informed of the status of the case including DSS worker Amanda Wallace and Guardian ad Litem [redacted] I wasn't able to speak with Amanda, so I left her two voicemails. This case is unfounded.																																											
PROPERTY	<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Status</th> <th>Property Type</th> <th>Quantity</th> <th>Property Make</th> <th>Color</th> <th>Description</th> <th>Serial # / OAN</th> <th>Value</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>				Status	Property Type	Quantity	Property Make	Color	Description	Serial # / OAN	Value																																
	Status	Property Type	Quantity	Property Make	Color	Description	Serial # / OAN	Value																																				
ADMIN	Subject Identified ☒ Yes ☐ No Subject Located ☒ Yes ☐ No		☒ Active ☐ Admin Closed ☐ Arrested Under 18 ☐ Ex-Cleared Under 18																																									
	☐ Unfounded ☐ Arrested 18 and Over ☐ Ex-Cleared 18 and Over																																											
	Reason For Exceptional Clearance ☐ Offender Death ☐ No Prosecution ☐ Victim Declines Cooperation ☐ Extradition Denied ☐ Juvenile No Arrest																																											
	Reporting Officer(s) _____ Date _____ Unit/Star# _____		Approving Officer _____ Date _____ Unit/Star# _____																																									
NUNEZ, CHYNA 01/30/2019 A32 / 01486		PERRY, ROBERT 01/30/2019 708 / 01039																																										
Follow Up Investigation ☐ Yes ☒ No (Esc)																																												

ELECTRONICALLY FILED - 2019 FEB 22 11:59 AM - GREENVILLE - COMMON PLEAS - CASE#2020CP2301750 2019 FEB - # 17 4:58

6182/58/28 DW/S

EXHIBIT B

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

MICHAEL GENE PUTNAM
Plaintiff,

C.A. No. 2020-CP-23-01450

vs.

PLAINTIFF MICHAEL GENE
PUTNAM'S RESPONSES TO
DEFENDANT ROBERT HENRY
PURKERSON'S FIRST SET OF
INTERROGATORIES

Robin Cary Maples, Robert Henry
Purkerson, (et al. - Inactive).
Defendants.

TO: CHACE CAMPBELL, COUNSEL FOR DEFENDANT ROBERT HENRY
PURKERSON

Pursuant to Rule 33 of the South Carolina Rules of Civil Procedure, Plaintiff Michael Gene Putnam responds to Defendant Robert Henry Purkerson's First Set of Interrogatories as follows:

INTERROGATORIES

1. Give the names and addresses of persons known to the parties or counsel to be witnesses concerning the facts of the case and indicate whether or not written or recorded statements have been taken from the witnesses and indicate who has possession of such statements.

ANSWER:

A. Lyn P. Maples
3214 Cottonfield Dr.
Mt. Pleasant, SC 29466

B. Nickie Fleming
208 Kilarney Rd
Summerville, SC 29483

C. Jeff Fleming
208 Kilarney Rd
Summerville, SC 29483

- D. Zoie Fleming**
208 Kilarney Rd
Summerville, SC 29483
- E. Bobby C. Maples**
101 Mayfield Ct
Jacksonville, NC 28540
- F. Kearson A. Maples**
101 Mayfield Ct
Jacksonville, NC 28540
- G. Chyna Nunez**
Greenville County Sheriff's Office
301 University Ridge
Greenville, SC 29601
- H. Amy Creamier**
637 Congaree Rd.
Greenville, SC 29607
- I. Ginger P. Pop**
47 Deer Moss Ct
Pawleys Island, SC 29585
- J. Ms. Elizabeth Martin-Young**
2435 E. North St. Box 135
Greenville, SC 29615
- K. Ms. Barbara D. Hawkins**
817 Wembley Road
Greenville, SC 29607
- L. Ms. Diane Jeter**
13 Parliament Road
Greenville, SC 29615
- M. Robin Cary Maples**
3214 Cottonfield Dr.
Mt. Pleasant, SC 29466

2. Set forth a list of photographs, plats, sketches or other prepared documents in possession of the party that relate to the claim or defense in the case and identify the same.

ANSWER:

- A. Emails from Defendant Maples**

- B. Text and email messages from Lyn P. Maples
- C. Text messages from the minor child E.
- D. Text and email messages from Nikkee Fleming
- E. Emails and text messages from Jeff Fleming

3. List the names and addresses of any expert witnesses whom the party proposes to use as a witness at the trial of the case.

ANSWER:

No expert witnesses have been identified at this time. Plaintiff reserves the right to supplement this response at a later date.

4. For each person known to the parties or counsel to be a witness concerning the facts of the case, set forth either a summary sufficient to inform the other party of the important facts known to or observed by such witness, or provide a copy of any written or recorded statements taken from such witnesses.

ANSWER:

No persons/parties have provided written or recorded statements at this stage of discovery.

5. Set forth the specific contents of any and all Statements you allege Purkerson made concerning you. For each Statement, identify the date of the Statement, the person(s) to whom the Statement was made and any other person(s) present when the Statement was made if the Statement was a verbal communication, or if the Statement was a written communication, identify the recipient of the Statement and all persons to whom Purkerson provided a copy of the Statement.

ANSWER:

Plaintiff objects to Interrogatory 5 on the grounds that it is overly broad, unduly burdensome, and at this early pretrial stage of discovery there has been insufficient time to document the precision and specificity requested in the Interrogatory, and the number of persons to elaborate on the specificity and precise timing of the defamatory communication are numerous. The requests of Interrogatory 5 border on falling in the category of a

"contention interrogatory" and there are no plausible grounds for securing early answers when there is an abundant amount of discovery to be done.

6. State with specificity what Purkerson encouraged the Child to exaggerate and/or the false statements Purkerson encouraged the Child to make. State what aspect of the Child's statements were exaggerated or false and the manner in which the statements were exaggerated or false.

ANSWER:

Plaintiff objects to Interrogatory 6 as premature at this early pretrial stage of an extremely sensitive subject for which Plaintiff is awaiting other requested discovery from non-parties. Additionally, Plaintiff believes it calls for material protected by one or more privilege doctrines. Further, there needs to be a Protected Order to secure any related information from reckless distribution or introduction to the extent it violates a privileged communication.

7. Set forth what evidence you intend to use to prove Purkerson made defamatory statements to Sargent Robert Perry related or in response to the Investigation.

ANSWER:

Upon information and belief, Sargent Perry will testify as to an initial meeting Plaintiff had with Sargent Perry in his office in late February 2019 where he went into substantial detail about the phone call he received from Defendant Purkerson.

8. Set forth the evidence you intend to use to prove Purkerson made Statements to Dr. Ryland T. (Tony) Traynham.

ANSWER:

Upon information and belief, Amy Creamer will testify to communication between her and Dr. Traynham that is defamatory as to Plaintiff.

9. Identify all counselors and/or psychiatrist from whom you have received counseling or treatment for the extreme mental anguish and distress you claim to have suffered as a result of Purkerson's alleged defamation.

ANSWER:

A. Dr. Jeffrey Smith, M.D., Greenville, SC

B. Mr. Rob Bolin – Pettigru Counseling Associates, Greenville, SC

Respectfully submitted,



Michael G. Putnam

Plaintiff – *Pro se*

1108 S. Main St #355

Greenville, South Carolina 29601-3377

864-420-9624 - Cell

864-751-4365 - Fax

mputnam2006@gmail.com

December 7, 2020

EXHIBIT C

WILLSON JONES CARTER & BAXLEY, P.A.

ATTORNEYS AT LAW

GREENVILLE CHARLESTON COLUMBIA CHARLOTTE RALEIGH ATLANTA MYRTLE BEACH

Wesley J. Shull
Direct (864) 272-2660
Fax (864) 235-6015
wjshull@wjcbllaw.com

325 Rocky Slope Road, Suite 201
Greenville, SC 29607
www.wjcbllaw.com

December 9, 2021

Michael Putnam
PO Box 76
Greenville, SC 29602

Re: Michael Gene Putnam v. Wake Christian Academy, Dana Graves Cordell, Kellie O'Neal
Auerweck, Robin Cary Maples, Vanessa Hartman Kormylo, P.A. Roert Henry Purkerson
C/A No.: 2020-CP-23-01450
WJC&B File No.: 0124.00439

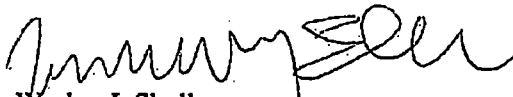
Dear Michael:

A review of the discovery responses that you sent on December 7, 2020, shows them to be incomplete. Specifically, you did not give complete responses to Interrogatories number Five and Six, and you did not provide complete responses to Requests to Produce number Two, Eight, Ten, Eleven, and Twelve.

Pursuant to Rule 11 of the South Carolina Rules of Civil Procedure, if I have not received your responses to my outstanding discovery requests. within the next fourteen (14) days, I will file a Motion to Compel to protect my client's interests.

With kindest regards,

WILLSON JONES CARTER & BAXLEY, P.A.



Wesley J. Shull

WJS

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS
C.A. No.: 2020-CP-23-01450

Michael Gene Putnam

Plaintiff

vs.

Wake Christian Academy, Dana Graves Cordell,
Kellie O'Neal Auerweck, Robin Cary Maples,
Vanessa Hartman Kormylo, P.A. Roert Henry
Purkerson

Defendant

MOTION TO COMPEL

To: **Michael Gene Putnam**

YOU WILL PLEASE TAKE NOTICE that the Defendant, Robert Purkerson, above named by his undersigned attorney, will move before the Presiding Judge of the Greenville County Court of Common Pleas at the County Courthouse at 10:00 a.m. on the tenth (10th) day after service hereof, or as soon thereafter as counsel may be heard for an Order compelling Plaintiffs to appear for depositions pursuant to Rule 30 and Rule 37 of the South Carolina Rules of Civil Procedure.

The said Motion is made on the following grounds:

1. To date, Plaintiff's deposition has been scheduled on two (2) separate occasions.
2. Plaintiff's deposition was scheduled for the first time on August 4, 2021, to occur at defense counsel's office. Plaintiff was properly served with notice of said deposition. At the time of the scheduled deposition, Plaintiff advised that he would be unable to attend the deposition due to a medical surgery. The parties agreed to reschedule the deposition.
3. Plaintiff's deposition was scheduled for the second time on January 11, 2022, to occur at our office. Plaintiff was properly served with notice of said deposition. At the time of the scheduled depositions, Plaintiff advised that he would be unable to attend the deposition

due to unreasonable requests.

4. Defense counsel has attempted several other times to schedule the Plaintiff's deposition on the same day as other witness's of the case were being deposed or a hearing in Greenville, but Plaintiff has refused due to not wanting two events to happen on the same day.
5. The information the Defendant expects to obtain from said deposition is necessary in order for the Defendant to properly prepare a defense to the Plaintiff's Complaint.
6. It is the Defendant's position that Plaintiff is being uncooperative and causing undue delay in resolving the claim.
7. The Defendant is entitled to a deposition of any party or witness without leave of court or good cause shown. "After commencement of an action, any party may take the testimony of any person, including a party, by deposition upon oral examination." Rule 30(a)(2), SCRPC.
8. "If a party or an officer...fails to (1) appear before the officer who is to take his deposition, after being served with proper notice...the court in which the action is pending on motion may make such orders in regard to the failures as are just, and among others it may take any actions authorized under [previous subsections to include sanctions and award of expenses of motion.] In lieu of any order or in addition thereto, the court shall require the party failing to act or the attorney advising him or both 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." Rules 37(d), SCRPC.
9. The Defendant, as is his right, and in accordance with the South Carolina Rules of Civil Procedure, requests that Plaintiff submit to a deposition.

10. The Defendant further requests that Plaintiff be responsible for costs associated with filing this Motion, pursuant to Rule 37 of the South Carolina Rules of Civil Procedure and referenced above.
11. For the foregoing reasons, the Defendant respectfully requests an Order of this Court compelling the Plaintiff to submit for a deposition and requiring the Plaintiff to be responsible for the costs associated with filing this Motion.
12. The Defendant also respectfully requests such further relief as this Court deems just and necessary.

I hereby certify that I have communicated with opposing counsel and attempted in good faith to resolve the matter contained in this motion.

WILLSON JONES CARTER & BAXLEY, P.A.

/s/ Wesley J. Shull

Wesley J. Shull
(S.C. Bar# 71740)
325 Rocky Slope Road, Suite 201
Greenville, SC 29607
(864) 272-2660
(864) 235-6015
wjshull@wjcblaw.com

Attorney for Defendant Robert Purkerson

Greenville, South Carolina
January 11, 2022

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ensher CDC SUL SC

C.A. No. 2020-CP-23-01450

MICHAEL GENE PUTNAM
Plaintiff,

vs.

Robin Cary Maples, Robert Henry
Purkerson, (et al. - Inactive).
Defendants.

**PLAINTIFF MICHAEL GENE
PUTNAM'S MOTION TO AMEND OR
CORRECT AN INTERLOCUTORY
ORDER OF THE COURT AND
PENDING LEAVE TO AMEND**

JURY TRIAL DEMANDED

**TO: THE HONORABLE JUDGE PERRY H. GRAVELY, AND
DOUGLAS A. CHURDAR, COUNSEL FOR DEFENDANT ROBIN C. MAPLES
AND WESELY SHULL, COUNSEL FOR DEFENDANT ROBERT PURKERSON**

HERE COMES Plaintiff Michael Gene Putnam (hereinafter as "Plaintiff") comes before the Court pursuant to Rules 15 and 54(b) of the South Carolina Rules of Civil Procedure (SCRCP) and common law, and hereby respectfully requesting that the Court amend or correct the Order of the Honorable Judge Perry H. Gravely (hereinafter "Gravely" (Exhibit 1) dated February 9, 2022, which denied in full any and all Motions filed by Plaintiff requesting the Court alter/amend/or reconsider previous interlocutory Orders related to the granting of Summary Judgement as to Defendant Robin C. Maples (hereinafter as "Maples") and an un-touched pending Motion for Leave to Amend Plaintiff's First Amended Complaint (pursuant to Rule 15, SCRCP) filed with Clerk on July 24, 2020. The Plaintiff has provided the Court prima facia evidence as to no discovery abuse, the submission of affidavits by Plaintiff in response to Motions by Maples, and the neglect by Maples to even acknowledge receipt of Certified Mailings by Plaintiff to Maples. The granting of Summary Judgement as a sanction when Maples has admitted in writing sharing with third parties defamatory

se Maples practically begging him to tell Plaintiff what specific discovery he believed had not been provided, and to stop filing these once-a-month Motions for Summary Judgement. Of course, there was no response by Maples to any correspondence. The un-opened packages to Maples were returned in mid-Fall of 2021 from the Mt. Pleasant, SC Post Office.

One little thing I would like to clear up, is a statement by the Court in the December 3, 2021 Order, top of page five (5), the Court seems to make an unknown point by stating as to Plaintiff that he "claimed that he did not know who Mr. Churdar was." What Plaintiff believes he said is that "he had never met Mr. Churdar". Mr. Churdar assumed representation of Maples on August 23, 2021, and the very next day sent an email to all parties that he would be completely "unavailable" until at least November 15, 2021. This resulted in cancelation of Plaintiff's deposition, and there were no hearings, virtual or otherwise, where Plaintiff would have "met" Mr. Churdar. The coincident hearing on November 15, 2021 was the first time I saw Mr. Churdar; and to this day he has not personally introduced himself. Back to business.

The latest subject Order issued February 9, 2022 (Exhibit 1) was mailed from the Clerk's office on February 14, 2022, and confirmed by USPS Informed delivery (Exhibit 2) indicating an anticipated Saturday delivery on February 19, 2022. The piece of mail from the Court did not appear in Plaintiff's mailbox until February 22, 2022, as the previous day was a Federal Holiday, (Presidents Day). Thus, this Motion is timely filed in spite of the convoluted processes of the USPS.

Included in Plaintiff's Motion denied by the Court, the Plaintiff additionally requested the Court address the Plaintiff's July 24, 2020 properly filed Motion pursuant to Rule 15 requesting this Court grant leave to amend his First Amended Complaint, and to file what would be Plaintiff's

Amended Complaint. Rather than attaching this large filing, it can all be found on the Public Index or Clerk's record dated July 24, 2020.

ARGUMENT

In the Court's Order of February 9, 2022, the Court states as a basis for denial of any requests of the Plaintiff as follows; that "Since Plaintiff's previous Motions to Amend have been denied without any amendment to the original judgement, this Motion to Reconsider is improper" Plaintiff asserts that this is not the case, in as much as the Original Order of December 6, 2021, and per the request of the Plaintiff, the December 6, 2021 Order was amended pursuant to an Order dated December 13, 2021, where the Court states "the Order (Original) failed to properly address issues relating to Plaintiff's Motion to Compel". We can call it a "Supplement" or "Amendment"; however, there was in fact a modification to the Original Order granting Maples Summary Judgement. Thus, the Plaintiff would respectfully ask the Court to reconsider the wording in the February 9, 2022 Order saying the Original Order was "without any amendment". The Plaintiff believes the record does not support such an assertion and the Court should proceed to review, alter or amend or reconsider the Order of February 9, 2022 in the context of Plaintiff's Motion which generated the Order referenced.

STANDARD OF REVIEW

As to the email discovery, the Plaintiff will not re-argue what he believes are all the reasons he is entitled to the discovery sought and the proper manner for obtaining same; as there was consent of the parties to use Legal-Eagle, and Judge Hocker's Law Clerk, Madison Hoffman had emailed all parties that Judge Hocker's position was to deny the Motion to Quash and that he had in fact

Defendants, especially in light of Judge Rockett's communication through his law clerk that he had "effectively denied" the Motion to Quash."

Although the Fourth Circuit Court of Appeals has not specifically articulated the standard for evaluating a motion for reconsideration filed under Rule 54(b), the Court has held motions under Rule 54(b) are "not to be subject to the strict standards applicable to motions for reconsideration of a final judgment." *Am. Canoe Ass'n*, 326 F.3d at 514. District Courts in the Fourth Circuit look to the standards of motions under *Fed. R. Civ. P. 59* for guidance. *R.E. Goodson Constr. Co., Inc. v. Int'l Paper Co.*, C/A No. 4:02-4184-RBH, 2006 WL 1677136, at *1 (D.S.C. June 14, 2006); *Akeva L.L.C. v. Adidas Am., Inc.*, 385 F.Supp.2d 559, 565-66 (M.D.N.C.2005). Plaintiff asserts that South Carolina Rules of Civil Procedure 54(b) governs the Court's (and Plaintiff assumes this Court's) reconsideration of interlocutory orders such as the one issued on February 9, 2022 in this case to which this Motion seeks relief. See *Am. Canoe Ass'n v. Murphy Farms, Inc.*, 326 F.3d 505, 515 (4th Cir. 2003).

Rule 54(b) permits a court to revise "any order or other decision . . . that adjudicates fewer than all the claims or the rights and liabilities of fewer than all the parties . . . at any time before the entry of a judgment adjudicating all the claims and all the parties' rights and liabilities." *Fed. R. Civ. P. 54(b)*. Thus, "a district court retains the power to reconsider and modify its interlocutory judgments . . . at any time prior to final judgment when such is warranted." *Am. Canoe Ass'n*, 326 F.3d at 514-15. A district court's discretion to modify an interlocutory order under Rule 54(b) is broader than "the strict standards applicable to motions to alter or amend a final judgment under Rule 59(e) or for relief from judgment under Rule 60(b). The decision whether to reconsider a prior ruling is, instead, 'committed to the discretion of the district court.'" *AMCOL Sys., Inc. v. Lemberg Law, LLC*, No. CV

an interlocutory order. See *Paychex Inc. v. Commercial Builders, Inc.*, 750 F.2d 1402, 1470 (4th Cir. 1991). See also *United States v. Duke Energy Corp.*, 218 F.R.D. 468, 473-74 (M.D.N.C. 2003) ("A court may revisit interlocutory orders at **any time** prior to final judgment under Fed. R. Civ. P. 54(b) or its inherent authority."). A denial to allow Plaintiff to amend his complaint as stated in the July 24, 2020 would represent a manifest injustice. [bold for emphasis]

OTHER ISSUES

A. Rule 15(a) SCRCP

Rule 15(a) SCRCP provides that when a party asks to amend his pleading, "leave shall be freely given when justice so requires and does not prejudice any other party." Rule 15(a), SCRCP. "This rule strongly favors amendments and the court is encouraged to freely grant leave to amend." *Parker v. Spartanburg Sanitary Sewer Dist.*, 362 S.C. 276, 286, 607 S.E.2d 711, 717 (Ct. App. 2005) (citing [804 S.E.2d 262] *Jarrell v. Seaboard Sys. R.R., Inc.*, 294 S.C. 183, 186, 363 S.E.2d 398, 399 (Ct. App. 1987))." Rule 15(a) is substantially the same as the Federal Rule," Rule 15(a), SCRCP notes, and the Supreme Court of the United States has referred to the Rule's "freely given" provision as a "mandate" that "is to be heeded," *Foman v. Davis*, 371 U.S. 178, 182, 83 S. Ct. 227, 230, 9 L.Ed.2d 222, 226 (1962). [bold for emphasis]

The Foman Court continued:

If the underlying facts or circumstances relied upon by a plaintiff may be a proper subject of relief, he ought to be afforded an opportunity to test his claim on the merits. In the absence of any apparent or declared reason—such as undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, futility of amendment, etc.—the leave sought should, as the rules require, be "freely given." *Id.* (citing Fed. R. Civ. P.

a Rule 15 motion to amend is within its discretion, **a court's failure to exercise its discretion is itself an abuse of discretion.** Angela Patton, Alexia L. v. Gregory A. Miller, M.D., Rock Hill Gynecological & Obstetrical Assocs., P.A., 804 S.E.2d 252 (S.C., 2017) State v. Hawes, 411 S.C. 188, 191, 767 S.E.2d 707, 708 (2015) (quoting Samples v. Mitchell, 329 S.C. 105, 114, 495 S.E.2d 213, 218 (Ct. App. 1997)). [bold for emphasis]

Under Rule 15(a), the circuit court must consider whether the defendants are prejudiced by the amendment, or whether there was some other substantial reason to deny it. The Circuit Court cannot deny a motion to amend based upon merit-based arguments concerning the amended complaint. Angela Patton, Alexia L. v. Gregory A. Miller, M.D., Rock Hill Gynecological & Obstetrical Assocs., P.A., 804 S.E.2d 252 (S.C., 2017) See Tanner v. Florence Cty. Treasurer, 336 S.C. 552, 558-60, 521 S.E.2d 153, 156-57 (1999).

While permitting the amendment would cause the defendants to face the merits of the amended complaint, the defendants' opportunity to defend the claim on the merits is no different than it would have been if Plaintiff had originally brought the same claims against both of them. There was no new issues presented by Plaintiff's proposed amendment that would have caused the defendants any disadvantage as to the merits they did not already face, and therefore, there is no prejudice.

While Rule 15 grants Plaintiff no special standing to compel the Court to grant Plaintiff's Leave to Amend, but after almost eighteen (18) months, and having read the South Carolina Supreme Court's assertion that **"a court's failure to exercise its discretion is itself an abuse of discretion"** Plaintiff is compelled to bring to the Court's attention as to why, for whatever reason, addressed pro se Plaintiff's Motion has not been addressed in any manner. Additionally, as there is no scheduling

Second Amended Complaint. Lastly, but importantly, Defendants have not at any time objected to Plaintiff's Motion for Leave to Amend since its filing in July 2020. To do so now would be disingenuous gamesmanship by Defendants and only for purposes of delay. [bold for emphasis]

CONCLUSIONS AND REQUESTS OF THE COURT

Wherefore, based on the clarifications, pleadings, hearings, Orders and case law; Plaintiff respectfully requests pursuant to SCRCR Rule 54(b) that the Court alter/amend or reconsider the Order of February 9, 2022 as to Summary Judgement as to Maples and email discovery; and secondly, grant Plaintiff's Pending Motion for Leave to Amend his First Amended Complaint pursuant to SCRCR Rules 15 and 15(a) filed July 24, 2020, and give Plaintiff no less than twenty (20) days to file his Second Amended Complaint.

Respectfully submitted,

March 1, 2022



Michael Gene Putnam
1108 S. Main St., Unit 355
Greenville, SC 29601-3377
Phone: 864-420-9624
Fax: 864-751-4365
Email: mputnam2006@gmail.com

EXHIBIT 1

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j), SCRCP; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other
- ☐ **STAYED DUE TO BANKRUPTCY**
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☒ Statement of Judgment by the Court:

SEE PAGE 2

ORDER INFORMATION

This order ☐ ends ☒ does not end the case.

☒ See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 02/09/2022 .

Michael Gene Putnam for Michael Gene Putnam
Michael Gene Putnam for Michael Gene Putnam

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

This matter comes before the Court on Plaintiff's Motion to Amend or Alter or Reconsider filed on January 19, 2022 and relates to Orders to the initial hearing on November 15, 2021. On December 6, 2021, the Court issued an Order granting Summary Judgment to Defendant Maples and sanctions against Plaintiff. As pointed out by the Plaintiff in an email to the Court, the Order failed to properly address issues relating to Plaintiff's Motion to Compel and a supplemental Order denying this Motion was issued on December 13, 2021. On December 20, 2021, Plaintiff filed a Motion to Amend, Alter and Reconsider the December 6 Order and this Motion was denied by Order issued on December 27, 2021. On December 28, 2021, Plaintiff filed a Motion to Amend, Alter and Reconsider the December 13 Order and this Motion was denied by Order of January 3, 2022. Now, the Plaintiff has filed yet another Motion to Amend, alter and reconsider these same Orders.

Since Plaintiff's previous Motions to Amend have been denied without any amendment to the original judgment, this Motion to Reconsider is improper. See *Coward Hund Construction Co., Inc. v. Ball Corp.*, 336 S.C. 1 (Ct App 1999). Therefore, the Plaintiff's current Motion is denied.

It is so Ordered.



Greenville Common Pleas

Case Caption: Michael Gene Putnam vs. Wake Christian Academy , defendant, et al
Case Number: 2020CP2301450
Type: Order/Electronic Form 4

So Ordered

s/ Honorable Perry H. Gravely, #2755

Electronically signed on 2022-02-09 06:54:58 page 3 of 3

FILED - 2022 Feb 09 9:07 AM - GREENVILLE - COMMON PLEAS - CASE#2020CP2301450

EXHIBIT 2

EXHIBIT 3

Plaintiff,

FORM AND COVERSHEET

vs.

ROBIN CARY MAPLES *and*
ROBERT HENRY PURKERSON

Defendants.

Plaintiff's Attorney: Michael G. Putnam, Bar No. Pro se Address: 1108 S. Main St. Apt. 355 Greenville, SC 29601 Phone: 864-420-9624 Fax 864-751-4365 E-mail: mputnam2006@gmail.com Other:	Defendant's Attorney: Chace Campbell, Bar No. _____ Address: 12 East Stone Ave. Greenville, SC 29609 Phone: 864-268-8244 Fax 864-239-3815 E-mail: chace@chacelaw.com Other: _____
☐ MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) ☒ FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) ☐ PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)	
SECTION I: Hearing Information Nature of Motion: Motion for Leave to Amend Complaint Estimated Time Needed: _____ Court Reporter Needed: ☐ YES / ☒ NO	
SECTION II: Motion/Order Type ☒ Written motion attached ☐ Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order. Signature of Attorney for ☒ Plaintiff / ☐ Defendant 7-24-20 Date submitted	
SECTION III: Motion Fee ☒ PAID - AMOUNT: \$ <u>25.00</u> ☐ EXEMPT: (check reason) ☐ Rule to Show Cause in Child or Spousal Support ☐ Domestic Abuse or Abuse and Neglect ☐ Indigent Status ☐ State Agency v. Indigent Party ☐ Sexually Violent Predator Act ☐ Post-Conviction Relief ☐ Motion for Stay in Bankruptcy ☐ Motion for Publication ☐ Motion for Execution (Rule 69, SCRPC) ☐ Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions Name of Court Reporter: _____ ☐ Other: _____	
JUDGE'S SECTION ☐ Motion Fee to be paid upon filing of the attached order. ☐ Other: _____ JUDGE CODE _____ Date: _____	
CLERK'S VERIFICATION Collected by: <u>LA</u> Date Filed: _____ ☒ MOTION FEE COLLECTED: \$ <u>25.00</u> (CASH) / Michael G. Putnam ☐ CONTESTED - AMOUNT DUE: \$ _____	

FILED 24 PM 01:07
JAN 24 2021
CLERK OF COURT
JAN 24 2021

MICHAEL GENE PUTNAM

Plaintiff,

vs.

Wake Christian Academy, (Inactive)
Dana Graves Cordell, (Inactive)
Kellie O'Neal Auerweck, (Inactive)
Robin Cary Maples,
Vanessa H. Kormylo, P.A., (Inactive)
and Robert Henry
Purkerson,

Defendants.

C.A. No. 2020-CP-23-01450

**NOTICE OF MOTION AND
MOTION FOR LEAVE TO AMEND
PLAINTIFF'S FIRST AMENDED
COMPLAINT**

JURY TRIAL DEMANDED

To: DEFENDANTS ROBERT HENRY PURKERSON AND ROBIN CARY MAPLES BY
AND THROUGH THEIR ATTORNEY CHACE D. CAMPBELL:

YOU WILL PLEASE TAKE NOTICE that the Plaintiff Michael Gene Putnam, hereby
moves this Court for an Order pursuant to Rule 15 of the South Carolina Rules of Civil
Procedures ("SCRCP") giving Plaintiff leave to amend his First Amended Complaint (Exhibit
1). A copy of the proposed non-final draft of the Second Amended Complaint is attached hereto
as (Exhibit 2). The Plaintiff further moves that pursuant to Rule 15(c) SCRCP said amendments
relate back to the original filing and service of the Summons and Complaint.

FILED
JUL 24 2020
CLERK OF COURT
GREENVILLE, SC

MICHAEL GENE PUTNAM

C.A. No. 2020-CP-23-01450

Plaintiff,

vs.

CERTIFICATE OF MAILING

Wake Christian Academy, (Inactive)
Dana Graves Cordell, (Inactive)
Kellie O'Neal Auerweck, (Inactive)
Robin Cary Maples,
Vanessa Hartman Kormylo, P.A., (Inactive))
and Robert Henry
Purkerson,

Defendants.

JURY TRIAL DEMANDED

Personally, appeared and duly sworn, Plaintiff Michael Gene Putnam, hereby states and affirms that Plaintiff's Notice of Motion and Motion to Amend Plaintiff's First Amended Complaint has been filed by Plaintiff with the Greenville County Clerk of Court this 24th day of July 2020.

I further certify that a copy of the Plaintiff's Notice of Motion and Motion to Amend Plaintiff's First Amended Complaint will be sent by USPS Certified mail to counsel for Defendants; being Chace D. Campbell at 12 E. Stone Ave., Greenville, SC 29609.

Additionally, a copy of this Certificate of Mailing will be provided in the same mailings as the documents referenced above.

(Signature page follows)

Date: July 24, 2020

Michael G. Putnam
Michael G. Putnam
Pro se - Plaintiff

Sworn to before me this 24th day of July, 2020.

Christy K. [Signature]
NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission expires: 1-18-29

FORM AND COVERSHEET

MAR 2 PM 4:52
Kensler DCC SCL SC

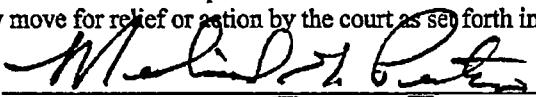
Plaintiff,

vs.

ROBIN CARY MAPLES

ROBERT HENRY PURKERSON, et al.

Defendants.

Plaintiff's Attorney: Michael G. Putnam, Bar No. <i>Pro se</i> Address: 1108 S. Main St. Apt. 355 greenville, SC 29601 Phone: 864-420-9624 Fax 864-751-4365 E-mail: mputnam2006@gmail.com Other:	Defendant's Attorney: Wesley Shull, for Purkerson, Doug Churdar for Maples Address: 325 Rocky Slope Rd, Ste. 201 Greenville, SC 29607 314 Pettigru St. Greenville, SC 29601 Phone: (864) 527-3280 - Shull E-mail: wjshull@wjchlaw.com Other: _____ Churdar - dachurdar@churdarlaw.com
☐ MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) ☒ FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) ☐ PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)	
SECTION I: Hearing Information Nature of Motion: <u>Motion to Amend or Correct and grant leave to amend per Motion dated July 24, 2020</u> Estimated Time Needed: No hearing requested Court Reporter Needed: ☐ YES / ☒ NO	
SECTION II: Motion/Order Type ☒ Written motion attached <u>Motion to Amend or Correct grant leave to amend per Motion dated July 24, 2020</u> ☐ Form Motion/Order - Partial Proposed Order included. I hereby move for relief or action by the court as set forth in the attached proposed order.  Signature of Attorney for ☒ Plaintiff / ☐ Defendant Date submitted <u>03-01-2022</u>	
SECTION III: Motion Fee ☒ PAID - AMOUNT: \$ <u>25.00</u> ☐ EXEMPT: (check reason) ☐ Rule to Show Cause in Child or Spousal Support ☐ Domestic Abuse or Abuse and Neglect ☐ Indigent Status ☐ State Agency v. Indigent Party ☐ Sexually Violent Predator Act ☐ Post-Conviction Relief ☐ Motion for Stay in Bankruptcy ☐ Motion for Publication ☐ Motion for Execution (Rule 69, SCRCP) ☐ Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions Name of Court Reporter: _____ ☐ Other: _____	
JUDGE'S SECTION ☐ Motion Fee to be paid upon filing of the attached order. ☐ Other: _____	JUDGE CODE _____ Date: _____
CLERK'S VERIFICATION Collected by: _____ Date Filed: _____ ☐ MOTION FEE COLLECTED: \$ _____ ☐ CONTESTED - AMOUNT DUE: \$ _____	

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
)
COUNTY OF GREENVILLE) C.A. No.: 2020-CP-23-01450
)
)
Michael Gene Putnam,)
)
Plaintiff)
vs.) DEFENDANT ROBERT HENRY
) PURKERSON'S MOTION FOR
Robert Henry Purkerson,) RENEWAL OF DEFENDANT'S MOTION
) FOR SUMMARY JUDGMENT
Defendants)
)

TO: MICHAEL GENE PUTNAM, *PRO SE*:

Defendant Robert Henry Purkerson (“Purkerson”) will move the Court, pursuant to Rule 56 of the South Carolina Rules of Civil Procedure, for an order of summary judgment on the grounds that:

There is no genuine issue of material fact which establishes Plaintiff's alleged causes of action for defamation. Purkerson previously filed a Motion for Summary Judgment on November 2, 2021. This Motion was heard on April 21, 2021, by Hon. Letitia H. Verdin. On April 27, 2021, Judge Verdin issued a Form 4 Order denying Purkerson's Motion "at this time" but, in her Order, Judge Verdin also ordered Plaintiff to "provide with specificity the names of 'mutual friends or acquaintances in Greenville, SC' referred to in Paragraph 57 of Plaintiff's First Amended Complaint. Plaintiff shall provide this information to all Defendants within 14 days of the date of this order. Failure to provide this information to Defendants will result in this Court granting Defendant Purkerson's Motion for Summary Judgment." Plaintiff subsequently provided a list of names;

Since Judge Verdin's Order, Purkerson was required to file a Motion to Compel Discovery Responses on December 22, 2021. This issue was heard by Hon. Cordell Maddox on January 20, 2022, who issued a February 1, 2022, Order Granting Defendant's Motion to Compel. Plaintiff complied with this Order by serving Supplemental Interrogatory Responses and Supplemental Production of Documents on February 21, 2022;

Purkerson was also required to file a Motion to Compel Plaintiff's Deposition on January 11, 2022. This issue was heard by Hon. Edward W. Miller on March 23, 2022, who issued a March 24, 2022, Form 4 Order that ordered Plaintiff to attend his deposition that had been scheduled for April 12, 2022. This deposition took place on April 12, 2022;

Purkerson was originally added as a defendant to this case on August 26, 2019, when Plaintiff filed his Amended Complaint adding Purkerson as a Defendant in order to attempt to defeat diversity of citizenship, alleging the same allegations against Defendant Purkerson as he is making in this case. (That case was removed to the United States District Court and dismissed without prejudice) Plaintiff filed his original Summons in this second case on March 6, 2020;

Plaintiff alleges that Defendant Purkerson defamed him and has had over 2 years since he filed this case to obtain and provide evidence that supports his allegations; however, Plaintiff has no evidence to support his allegations, including no statements, affidavits, or other admissible evidence as required by Rule 56;

Defendant Purkerson, on the other hand, denies Plaintiff's allegations both in his Answer and in the attached affidavits. (Exhibits 1-3) In Plaintiff's February 21, 2022, supplemental discovery responses, he provided no evidence to support his allegations;

In his deposition testimony of April 12, 2022, Plaintiff initially named 8 witnesses who had described to him Purkerson's defamatory statements: his daughter, Larry Hoxie, Nikki Fleming, Jeff Fleming, Zoie Fleming, Dana Cordell (former co-defendant in this suit), and Kellie Auerwick (former co-defendant in this suit); however, Plaintiff later admitted in his testimony that he could not recall when he was first told about Purkerson's allegedly defamatory statements, the specifics of what he was told, who the person was who first told him about the alleged defamatory statements, or where he was when he was first told. Plaintiff admitted in his deposition testimony that he had no affidavits signed by any witnesses and no other evidence of defamatory statements made by Defendant Purkerson, other than what he had already produced, except for the possibility of some emails that could be contained on a computer tower he had placed in a storage unit and the possibility of emails that could be obtained via a subpoena he has been attempting to serve on Google for several months. Because there is no issue of material fact to establish Plaintiff's causes of action for defamation, this Motion should be granted.

This motion is based upon the pleadings filed in this matter, as well as the applicable written case law and/or statutes found under South Carolina law, discovery exchanged between the parties, the transcript of Plaintiff's deposition testimony, the attached affidavits and Defendant Purkerson's supporting memorandum of law.

s/Wesley J. Shull.
Wesley J. Shull (S.C. Bar #71740)
Willson Jones Carter & Baxley
325 Rocky Slope Road, Suite 201
Greenville, SC 29607
wjshull@wilaw.net
P: (864) 272-2660
F: (864) 373-7055

**ATTORNEY FOR DEFENDANT
ROBERT HENRY PURKERSON**

Greenville, South Carolina
April 19, 2022

EXHIBIT 1

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF GREENVILLE	)	C.A. No.: 2020-CP-23-01450
Michael Gene Putnam,	)	
	)	
	)	
	)	
	)	
Plaintiff	)	AFFIDAVIT OF ROBERT PURKERSON
vs.	)	
	)	
Robert Henry Purkerson, et al.	)	
	)	
Defendants	)	

PERSONALLY APPEARED BEFORE ME, Robert Henry Purkerson, who first being duly sworn stated the following upon personal knowledge or information and belief:

1. I did not have anything to do with the report by granddaughter made to her teachers or her principal or anyone else at Wake Christian Academy regarding inappropriate touching of her by Michael Gene Putnam. I did not encourage her to make the report. Specifically, I have not encouraged her to exaggerate or make up stories defamatory to Michael Gene Putnam.

2. I have not made any false statements about Michael Gene Putnam or made statements concerning any sex crime investigation to anyone, including any counselors in Greenville, Jeff Fleming, Nikki Fleming, Zoie Fleming, Larry Hoxie, Dana Cordell, Kellie Auerweck, or Elizabeth Martin-Young.

Further Affiant sayeth not.

Robert Henry Purkerson
Robert H. Purkerson
 Robert Henry Purkerson

SWORN to before me this 18 day
 of April, 2022

Janell Alexander
 Notary Public for South Carolina
 My Commission Expires: 08-16-2027

EXHIBIT 2

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

Michael Gene Putnam,

Plaintiff,

vs.

Wake Christian Academy, Dana Graves
Cordell, Kellie O'Neal Auerweck, Robin
Cary Maples, Vanessa Hartman Kormylo,
P.A., and Robert Henry Purkerson,

Defendants.

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

Case No.: 2020-CP-23-01450

**AFFIDAVIT OF DR. RYLAND
TYRONE TRAYNHAM**

Under penalty of perjury, I, Dr. Ryland Tyrone Traynham, having first been duly sworn,
swear and affirm as follows:

1. I am formally known as Dr. Ryland T. Traynham. I am also known as Tony Traynham.
2. I am over eighteen years of age and of sound mind to give this affidavit.
3. I give this affidavit of my own free will.
4. I have personal knowledge and am competent to swear to the facts stated in this affidavit and do so knowing it will be submitted to the Court in connection with the above-referenced matter.
5. I am a resident of Greenville County, South Carolina.
6. I have known Robert (who I call "Bobby") Purkerson since the 1960s.
7. My family and Bobby's families lived near each other, and our children went to high school together.
8. The last time I saw or spoke to Bobby was prior to my wedding in June of 2015.

9. I met Michael Putnam in 2012 when I was recovering from surgery and Mr. Putnam was visiting his father across the hall. We made the connection of Lyn Maples, Bobby's daughter.
10. I have become aware that Mr. Putnam has alleged that Bobby told me about a criminal investigation involving him and that I conveyed derogatory information about him to Amy Creamer. This is false.
11. I never heard Bobby to say anything negative about Mr. Putnam.
12. I do go to Amy Creamer to have my hair cut, and I have seen Mr. Putnam at The Barber Centre in passing over the years.
13. The extent of my conversation with Amy Creamer concerning Mr. Putnam was to ask Amy how Mr. Putnam was doing after seeing him leaving as I was entering. Amy's response was that she didn't think he was doing well as he informed her his daughter would not speak to him and he had lost job. This was the extent of my conversation with Amy concerning Mr. Putnam.
14. As to seeing Mr. Putnam in a restaurant in 2019, I do recall seeing Mr. Putnam and his daughter at Outback, but I believe it was before 2019. His daughter was playing with some sort of electronic device. I did not ask him why Bobby or Lyn were saying bad things about him. Any claim otherwise is untrue. I have never known Bobby to say anything bad about Mr. Putnam.

[INTENTIONALLY LEFT BLANK]

[Signature Block on Following Page]

I declare under penalty of perjury that the foregoing is true and correct.

FURTHER AFFIANT SAYETH NOT.

This 21 day of October, 2020.


Ryland Tyrone Traynham

Sworn to and Subscribed before me
this 21st day of October, 2020.

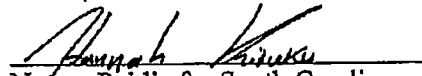

Notary Public for South Carolina
My Commission Expires: 07/01/2029

EXHIBIT 3

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

Michael Gene Putnam,

Plaintiff,

vs.

Wake Christian Academy, Dana Graves
Cordell, Kellie O'Neal Auerweck, Robin
Cary Maples, Vanessa Hartman Kormylo,
P.A., and Robert Henry Purkerson,

Defendants.

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

Case No.: 2020-CP-23-01450

**AFFIDAVIT OF SERGEANT ROBERT
PERRY**

Under penalty of perjury, I, Sergeant Robert Perry, having first been duly sworn, swear and affirm as follows:

1. I am known as Sergeant Robert Perry.
2. I am over eighteen years of age and of sound mind to give this affidavit.
3. I give this affidavit of my own free will.
4. I have personal knowledge and am competent to swear to the facts stated in this affidavit and do so knowing it will be submitted to the Court in connection with the above referenced matter.
5. I am a resident of Greenville County, South Carolina.
6. I am a Sergeant with the Greenville County Sheriff's Office.
7. I have been with the Greenville County Sheriff's Office since 2006.
8. I was the approving officer that signed off on reporting Officer Chyna Nunez's report involving the investigation of a report of possible criminal conduct by Michael Putnam.

9. The report was investigated and ultimately no charges were filed against Michael Putnam because even though the incidents disclosed were concerning, they did not rise to the level of criminal conduct based on the information reviewed during the investigation.

10. The report concluded by stating that, "[t]his case is unfounded." This statement should have been changed before the report was finalized as "unfounded" was not the proper term. The report should have concluded by stating the matter was "exceptionally cleared", meaning something may have happened, but there was no proof uncovered during the investigation. Therefore, the Sheriff's Office did not proceed with criminal charges.

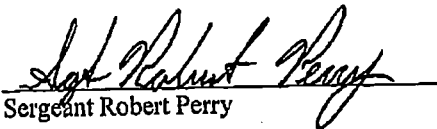
11. My interaction with Robert Purkerson was limited to one phone call. During the call, I explained to Mr. Purkerson the reason that the Greenville County Sheriff's Office was not moving forward with criminal charges against Michael Putnam.

12. During the call with Mr. Purkerson, he never asked that the investigation into Mr. Putnam be re-opened. He did not make any allegations or claims about Mr. Putnam during our call.

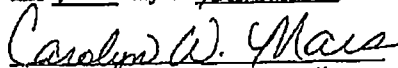
I declare under penalty of perjury that the foregoing is true and correct.

FURTHER AFFIANT SAYETH NOT.

This 9 day of November, 2020.


Sergeant Robert Perry

Sworn to and Subscribed before me
this 9th day of November, 2020.


Carolyn W. Mays
Notary Public for South Carolina
My Commission Expires: 10/17/2026

~~STATE OF SOUTH CAROLINA~~	)	~~IN THE COURT OF COMMON PLEAS~~
	)	
COUNTY OF GREENVILLE	)	C.A. No.: 2020-CP-23-01450
	)	
Michael Gene Putnam,	)	
	)	
	)	
	)	
	)	
Plaintiff	)	
vs.	)	DEFENDANT ROBERT HENRY
	)	PURKERSON'S MEMORANDUM IN
Robert Henry Purkerson,	)	SUPPORT OF HIS RENEWED MOTION
	)	FOR SUMMARY JUDGMENT
	)	
Defendants	)	
	)	
	)	

Defendant Robert Henry Purkerson ("Purkerson") offers the following Memorandum of Law in support of his Renewed Motion for Summary Judgment pursuant to Rule 56 of the South Carolina Rules of Civil Procedure.

INTRODUCTION

Plaintiff brought claims against Defendant Robert Henry Purkerson for defamation *per se* (Am. Compl. ¶¶ 52-58) and conspiracy to defame (Am. Compl. ¶¶ 51-53). The parties have conducted discovery in this matter. Specifically, the parties have exchanged written discovery and Plaintiff's deposition was taken by Purkerson's attorney on April 12, 2022. (Ex. H, I, J and K) In addition, defense counsel has procured affidavits from Defendant Robert Purkerson, Dr. Ryland Tyrone Traynham, Sergeant Robert Perry, Jeffrey Fleming, and Nicole Fleming. (Ex. E, F, L and M)

Plaintiff's ex-wife, Lyn Maples, is married to Robin Maples, a former co-defendant of Purkerson's in this law suit. There was one child born of Plaintiff and ex-wife's marriage ("Child"). This Child is still a minor. Until recently, Defendant Maples, his wife, and Child lived

in North Carolina. While living in North Carolina, Child attended Wake Christian Academy ("Wake Christian") who was formerly a defendant in this case, but was dismissed. (Am. Compl. ¶ 11) Other former defendants included employees of Wake Christian, Dana Lynn Cordell, Kellie O'Neal Auerweck ("School Defendants") The School Defendants have also been dismissed from this case. Defendant Robert Henry Purkerson is Lyn Maples' father and is; therefore, the father-in-law of Defendant Robin Maples and the maternal grandfather of Child. (Am. Compl. ¶ 51)

Lyn Maples was also previously married to Jeff Fleming, with whom she had one child, Zoie Fleming. Jeff Fleming is currently married to Nikkee Fleming.

During the Summer of 2016, an investigation was conducted by law enforcement and the local authorities in Greenville, South Carolina into alleged criminal conduct by Plaintiff based on information that Child conveyed to her teacher and counselor at Wake Christian. (Am. Compl. ¶¶ 9-11 & Ex. #1-3 to Am. Compl.) This investigation is the basis for this lawsuit.

Plaintiff initially began this civil action against Maples and School Defendants when he filed a complaint in Greenville County Court of Common Pleas on June 21, 2019, Case No. 2019-CP-23-03584 ("2019 Complaint"), asserting causes of action of libel per se and conspiracy to defame against Maples. Plaintiff also asserted libel per se and conspiracy to defame causes of action against the School Defendants

School Defendants removed the case to federal court based on diversity, Case No. 6:19-cv-2136-TMC. Maples consented and joined in their removal. Plaintiff filed an amended complaint ("2019 Amended Complaint") asserting claims of libel per se and conspiracy to defame against Purkerson in an attempt to defeat diversity. (Am. Compl., August 26, 2019, attached as Ex. A)

The federal magistrate filed his report ("Report") on November 25, 2019. (Report of Magistrate Judge, p. 6, November 25, 2019, attached as Ex. B) The Report was adopted and

~~—incorporated in the Hon. Timothy M. Gain's Order of February 6, 2020, holding that Purkerson—~~
 was fraudulently added to defeat diversity and denying Plaintiff's request to amend a second time.
 (Order, February 6, 2020, attached as Ex. C)

After Plaintiff's time for appeal of the federal court's order expired, Plaintiff re-filed his claims in the present action in state court via a March 6, 2020, Complaint ("2020 Complaint") and also filed an April 6, 2020, Amended Complaint ("Amended Complaint") A Motion to Dismiss was filed by Defendant Purkerson and this issue was heard by the Hon. Edward W. Miller on June 25, 2020. Judge Miller issued an Order on June 25, 2020, stating, "After liberally construing the pleadings due to the Plaintiff's position as a pro se litigant, the Court respectfully denies both Defendant's Motions to Dismiss, at this time." (June 25, 2020, Order, attached as Ex. D)

Defendant Purkerson filed a Motion for Summary Judgment on April 13, 2021. Oral argument was held before Judge Letitia Verdin on April 21, 2021. In an April 27, 2021, Form 4 Order, Judge Verdin ruled, "After careful review of the pleadings and other filings in this case, this Court denies Defendant Puerkson's Motion for Summary Judgment at this time. However, Plaintiff is ordered to provide with specificity the names of 'mutual friends or acquaintances in Greenville, SC' referred to in Paragraph 57 of Plaintiff's First Amended Complaint. Plaintiff shall provide this information to all Defendants within 14 days of the date of this Order. Failure to provide this information to Defendants will result in this Court granting Defendant Purkerson's Motion for Summary Judgment."

On May 7, 2021, Plaintiff sent defense counsel a letter with an attachment listing 14 potential witnesses, including Gail Purkerson (Defendant Purkerson's wife), Tony Traynham, Jeff Fleming, Nikkee Fleming, and Zoie Fleming (Defendant Purkerson's granddaughter). (May 7, 2021, letter, attached as Ex. G)

~~On December 22, 2021, Defendant Purkerson filed a Motion to Compel Discovery~~ responses, resulting in a February 1, 2022, Order of Judge Cordell Maddox compelling Plaintiff to provide additional discovery. Specifically, this Order compelled Plaintiff to provide complete answers to Interrogatories Numbers 5 and 6. In response to this, Plaintiff provided a February 21, 2022, letter with 5 Exhibits attached. (Ex. I, with only attachments Ex. 2 and Ex. 3 from Plaintiff's responses) Also, in response to an email exchange between defense counsel and Plaintiff (Ex. J), Plaintiff sent a February 22, 2022, letter explaining his discovery responses. (Ex. K)

On January 11, 2022, Defendant Purkerson filed a Motion to Compel Plaintiff's Deposition, resulting in a March 24, 2022, Form 4 Order from Hon. Edward W. Miller that ordered Plaintiff to appear at defense counsel's office on April 12, 2022, at 10:00 AM. The deposition took place on April 12, 2022. (Partial Transcript of Plaintiff's Depo. at Ex. H)

FACTS

In his Amended Complaint, Plaintiff alleges that Purkerson has "engaged in constant and willful action aimed at parental alienation directly and by aiding and abetting MAPLES in his pursuit of parental substitution by making false and defamatory statement about Plaintiff in the presence of CHILD." (Am. Compl. ¶ 52) Plaintiff further alleged that Purkerson "made false allegations and has encouraged CHILD to either exaggerate or make up stories defamatory of the PLAINTIFF, and to pass such on to other adults in an attempt to denigrate PLAINTIFF'S reputation and standing as a person of good character in an attempt at parental substitution." (Id., ¶ 53)

Plaintiff further alleged that Purkerson encouraged CHILD to lie to the North Carolina DSS and the Greenville County Sherriff's Office and that "PURKERSON in fact called a Sargent Robert Perry with the Greenville County Sherriff's Office trying to have him re-open the

Investigation' and making defamatory statements in an effort to further denigrate the reputation of PLAINTIFF." (Id., ¶ 54)

Plaintiff further alleges that Purkerson, "... disclosed the information of a sex crime investigation and made other derogatory comments to Dr. Ryland T. (Tony) Traynham who is an oral surgeon here in Greenville ..." (Id., ¶ 55)

On October 21, 2020, Dr. Ryland Tyrone Traynham executed an affidavit ("Affidavit of Traynham") in which he testified, among other things, "I have never heard [Purkerson] say anything negative about Mr. Putnum." (Aff. of Traynham, attached as Ex. E)

On November 9, 2020, Sargeant Robert Perry, of the Greenville County Sheriff's office, executed an affidavit ("Affidavit of Perry"). In said affidavit, Sargeant Perry testified, among other things, "My interaction with Robert Purkerson was limited to one phone call. During the call, I explained to Mr. Purkerson the reason that the Greenville County's Sheriff's Office was not moving forward with the criminal charges against Michael Putnam." (Aff. of Perry attached as Ex. F) Sargeant Perry further testified in his affidavit, "During the call with Mr. Purkerson, he never asked that the investigation into Mr. Putnam be re-opened. He did not make any allegations or claims about Mr. Putnam during our call." (Id.)

Plaintiff's February 21, 2022, letter was supposed to answer, completely, Defendant Purkerson's Interrogatories #5 and #6, which said:

5. Set forth the specific contents of any and all Statements you allege Purkerson made concerning you. For each Statement, identify the date of the Statement, the person(s) to whom the Statement was made and any other person(s) present when the Statement was made if the Statement was a verbal communication, of if the Statement was a written communication, identify the recipient of the Statement and all persons to whom Purkerson provided a copy of the Statement.

6. State with specificity what Purkerson encouraged the Child to exaggerate and/or the false statements Purkerson encouraged the Child to make. State what aspect of the Child's statements were exaggerated or false and the manner in which the statements were exaggerated or false.

Plaintiff's response to Interrogatory #5 can be found on pages 4-44 of Exhibit I to this Memorandum. The Court will see that this response contains text message exchanges between Plaintiff and Nikkee Fleming. Nikkee Fleming is the current wife of Jeff Fleming, who was previously married to Purkerson's daughter, Lyn Maples. Also included in Plaintiff's responses was a transcript from a telephone conversation between Plaintiff and Purkerson in which Purkerson allegedly told Plaintiff, "You're going to get yours; cause I'm going to give it to you bigtime!" This response also included an email with a redacted date from Bob Purkerson to Jeff Fleming in which Purkerson stated, "Michael is a sick and desperate man and is manipulating you big time. What Michael is doing and saying is not true. We are so thankful Zoie is safe and happy with you and is getting the help that she needs. You are doing a fine job with her and we thank you for it. We wish we could help." Plaintiff also emailed defense counsel audio recordings, none of which contain a recording of Purkerson defaming Plaintiff to any third-party.

Plaintiff's response to Interrogatory #6 can be found on the last page of Exhibit I to this Memorandum.

Plaintiff's deposition revealed the following pertinent information:

- When asked when he first found out about Purkerson's allegedly defamatory statements, Plaintiff answered that he found out about them in 2018; (Tr. pg. 50)
- Plaintiff admitted that he had given to defense counsel all of the text messages and phone call recordings that he had in his possession; (Tr. pg. 50)
- When asked if there was anything in the information provided through discovery that would help Plaintiff recall when he first found out about Purkerson's alleged defamation, Plaintiff admitted that this information contained nothing that would help him answer this question precisely; (Tr. pg. 51)

- ~~Plaintiff admitted that he could not state when Purkerson first made a defamatory~~
statement about Plaintiff; (Tr. pg. 53-54)
- Plaintiff admitted that he could not recall when he first learned of Purkerson's defamatory statements, but testified that he was first told about them by his daughter, Jeff Fleming and Nikkee Fleming; (Tr. pg. 56)
- When asked who he could name that had told him of Purkerson's alleged defamatory statements, Plaintiff listed his daughter, Larry Hoxie, Nikkee Fleming, Jeff Fleming, Zoie Fleming, Tony Traynham, Dana Cordell and Kellie Auerweck; (Tr. pgs. 61-62)
- Plaintiff later admitted that he could not recall Larry Hoxie telling Plaintiff about any statements made by Purkerson to Mr. Hoxie about Plaintiff; (Tr. pgs. 65-55)
- Plaintiff was read his response to Purkerson's Interrogatory #5, and admitted that he had nothing to add to his response; (Tr. pgs. 78-80)
- Plaintiff was asked during his deposition to show defense counsel where in the text messages between himself and Nikkee Fleming there was evidence of any defamatory statements made by Purkerson, but could only refer to some audio recordings from another supposed witness, Kearson, that have not been produced; (Tr. pg. 82-83)
- Plaintiff admitted that his other witnesses he listed in either his May 7, 2021, letter, or in his discovery responses, namely Gail Purkerson, Amy Creamer, Barbara Hawkins, Diane Jeter, Carol Morgan, Taylor Wilson Tucker, Robbie Purkerson and Gloria Walker never directly told Plaintiff about any alleged defamatory statements made by Purkerson about Plaintiff; (Tr. pg. 89-93)

- Plaintiff admitted that he could not recall if Ghyna Nunez or Ginger Pop had ever told him about any defamatory statements made about him by Purkerson; (Tr. pgs. 95-97)
- Plaintiff testified that the Guardian ad Litem appointed to the family court case, Elizabeth Martin-Young, discussed with him that Purkerson had defamed Plaintiff, but could not recall the specifics of what she told him; (Tr. pg. 97-98)
- Plaintiff admitted that he cannot prove any financial damages due to Purkerson's alleged defamation; (Tr. pgs. 101-102)
- Plaintiff admitted that the transcribed recording of an alleged audio recording of Purkerson that he had submitted in his discovery responses did not contain any defamatory statements; (107-108)
- When asked why he had not obtained affidavits of any witnesses regarding defamatory statements made by Purkerson, Plaintiff admitted that he had not asked any witnesses for affidavits, rather stating that he was "fine with just turning them loose, which is why I decided not to depose them. That's just not necessary." (Tr. pgs. 115-117)

On June 13, 2022, both Nicole Fleming and Jeff Fleming executed affidavits stating that Purkerson never discussed any investigation by legal authorities into Plaintiff, never "made any negative factual statements" about Plaintiff to either of them, and stated that they have no personal knowledge of any defamatory statements made by Purkerson about Plaintiff. (Ex. L and M)

On April 18, 2022, Robert Purkerson executed an affidavit denying that he ever encouraged his granddaughter to exaggerate or make up stories defamatory to Plaintiff and also denied that ever made false statement about Plaintiff concerning any sex crime investigation to anyone,

~~including counselors in Greenville, Jeff Fleming, Nikkee Fleming, Zoie Fleming, Larry Hoxie,~~
 Dana Cordell, Kellie Auerweck, or Elizabeth Martin-Young. This affidavit was attached to
 Purkerson's Renewed Motion for Summary Judgment.

STANDARD OF REVIEW

Under Rule 56 of the South Carolina Rules of Civil Procedure, "[s]ummary judgment is appropriate when the pleadings, depositions, answers to interrogatories, and admissions on file, together with 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." Nelson v. Piggly Wiggly Cent., Inc., 390 S.C. 382, 388, 701 S.E.2d 776, 779 (Ct. App. 2010). "In determining whether any triable issues of fact exist, the evidence and all reasonable inferences therefrom must be viewed in the light most favorable to the non-moving party." Id.

"The purpose of summary judgment is to expedite the disposition of cases which do not require the services of a fact finder." Englert, Inc. v. LeafGuard USA, Inc., 377 S.C. 129, 134, 659 S.E.2d 496, 498 (2008). "A conclusory statement as to the ultimate issue in a case is not sufficient to create a genuine issue of fact for purposes of resisting summary judgment." Shupe v. Settle, 315 S.C. 510, 516-17, 445 S.E.2d 651, 655 (Ct. App. 1994). "As Rule 56(e), SCRPC, states, a party may not rest upon the mere allegations or denials of his pleading[s]." Nelson, 390 S.C. at 389.

Per S.C.R.C.P. 56(e), "Supporting and opposing affidavits shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein. Sworn or certified copies of all papers or parts thereof referred to in an affidavit shall be attached thereto or served therewith. The court may permit affidavits to be supplemented or opposed by depositions, answers to interrogatories, or further affidavits. When a motion for summary judgment is made and

...supported as provided in this rule, an adverse party may not rest upon the mere allegations or denials of his pleading, but his response, by affidavits or as otherwise provided in this rule, must set forth specific facts showing that there is a genuine issue for trial. If he does not so respond, summary judgment, if appropriate, shall be entered against him."

ARGUMENT

Plaintiff has not submitted any evidence to support his claim of defamation.

A person makes a defamatory statement if the statement "tends to harm the reputation of another as to lower him in the estimation of the community or deter third persons from associating or dealing with him." Fleming v. Rose, 350 S.C. at 494, 567 S.E.2d at 860 (2002).

Under South Carolina law, to state a cause of action for defamation, [a plaintiff] must allege the existence of some message that (1) is defamatory, (2) is published with actual or implied malice, (3) is false, (4) is published by the defendant, (5) concerned the plaintiff, and (6) resulted in legally presumed or in special damages. Richardson v. State-Record Co., 330 S.C. 562, 565, 499 S.E.2d 822, 824 (Ct. App. 1998).

In cases in which the non-moving party bears the burden of proof at trial, a movant properly makes and supports a motion for summary judgement by pointing out to the court the absence of proof for one or more elements of the non-moving party's claim. See Lanham v. Blue Cross Blue Shield of S.C. Inc., 349 S.C. 356, 361, 563 S.E.2d 331, 333 (2002) (citation omitted). When such a motion is made, the non-moving party cannot rest on allegations alone, but "by affidavits or as otherwise provided in this rule, must set forth specific facts showing that there is a genuine issue for trial." SCRCP 56(d) (emphasis added).

Plaintiff has presented one voice message that Purkerson allegedly left on Plaintiff's mobile device and three emails to support his case. Out of these 3 emails, 2 of them were from

Purkerson directly to Plaintiff. One of these 2 emails was between Defendant and Plaintiff solely, with another being the same, save for third-parties, Maggie Nowell and Lyn Purkerson, who were copied on the email chain. This email simply states, "All communication with Gail and me must come to me at my e-mail address or home phone. Do not continue texting and calling Gail. I am your only contact starting now." Per Richardson and Rose, publication to a third party is a necessary element to this cause-of-action. The one email that Plaintiff submitted whereby Defendant sent it to a third-party is an undated email that was sent to Jeff Fleming. In this email, Purkerson referred to Plaintiff as being a "sick and desperate man" and stated Purkerson's opinion that Plaintiff was manipulating Mr. Fleming.

Plaintiff is trying to support his claim by resting upon mere allegations. He has yet to produce a single affidavit from anyone but himself which would set forth specific facts showing that there is a genuine issue for trial. Plaintiff first made Purkerson a defendant in this case when he amended his complaint on August 26, 2019. Plaintiff has had well over 2.5 years to obtain at least one affidavit and has yet to be able to do so.

Over a year has passed since Defendant's original Rule 56 Motion was denied. Since that time, Plaintiff's deposition has been taken, over a year of discovery has taken place, and Plaintiff still does not have a single affidavit from anyone other than himself to support his case. In fact, the only evidence that has been produced shows that Purkerson did not defame Plaintiff. This evidence includes the affidavits attached to Defendant's Motion for Renewal of Summary Judgment, the affidavits attached to this Memorandum, and the excerpts of Plaintiff's deposition transcript also submitted as an attachment to this Memorandum. Specifically, Purkerson, Nikkee Fleming, Jeff Fleming, Dr. Traynham, and Sergeant Robert Perry have all executed affidavits denying any knowledge of Plaintiff is required, per Rule 56, to rebut this testimony.

~~Plaintiff has not made any admissible factual showing in opposition to Defendant's~~
properly supported Renewed Motion for Summary Judgment as required by the Rules, and the
Renewed Motion for Summary Judgment should be granted. See Dawkins v. Fields, 354 S.C. 58,
70, 580 S.E.2d 433, 439 (2003) (“[w]here a plaintiff relies solely upon the pleadings, files no
counter-affidavits, and makes no factual showing in opposition to a motion for summary judgment,
the lower court is required under Rule 56, to grant summary judgment if, under the facts presented
by the defendant, he was entitled to judgment as a matter of law.”) (quoting Humana-Hosp.-
Bayside v. Lightle, 305 S.C. 214, 216, 407 S.E.2d 637, 638 (1991)).

CONCLUSION

For the reasons set forth above, Defendant Robert Henry Purkerson is entitled to summary
judgment as a matter of law.

s/Wesley J. Shull
Wesley J. Shull (S.C. Bar #71740)
Willson Jones Carter & Baxley
325 Rocky Slope Road
Greenville, SC 29607
wishull@wjlaw.net
P: (864) 527-3280
F: (864) 373-7055

**ATTORNEY FOR DEFENDANT
ROBERT HENRY PURKERSON**

Greenville, South Carolina
June 14, 2022

EXHIBIT A

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GREENVILLE COUNTY
SHERIFF'S OFFICE
CIVIL DIVISION
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

GREENVILLE DIVISION

MICHAEL GENE PUTNAM

Plaintiff,

vs.

ROBERT HENRY PURKERSON, WAKE
CHRISTIAN ACADEMY, DANA LYNN
CORDELL, KELLIE O'NEAL
AUERWECK AND
ROBIN CARY MAPLES

Defendants.

SUMMONS TO AMENDED
COMPLAINT

C/A: 6:19-cv-02136-TMC-KFM

TO ROBERT HENRY PURKERSON:

YOU ARE HEREBY SUMMONED and required to answer the AMENDED COMPLAINT herein, a copy of which is hereby served upon you, and to serve a copy of your answer to this complaint upon the Plaintiff, 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, judgement by default will be rendered against you for the relief demanded in the complaint.

Date: August 26, 2019



Michael Gene Putnam - Pro se - Plaintiff
P.O. Box 76
Greenville, SC 29602-0076
Phone: 864-420-9624
Email: mputnam2006@gmail.com

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

GREENVILLE DIVISION

MICHAEL GENE PUTNAM)

Plaintiff,)

vs.)

ROBERT HENRY PURKERSON, WAKE)
CHRISTIAN ACADEMY, DANA LYNN)
CORDELL, KELLIE O'NEAL)
AUERWECK AND)
ROBIN CARY MAPLES)

Defendants.)

AMENDED COMPLAINT

C/A: 6:19-cv-02136-TMC-KFM

JURY TRIAL DEMANDED

WHEREFORE, the Plaintiff hereby moves to amend his complaint to name Robert Henry Purkerson as a defendant in this action, as allowed under Rule 15(a) of the Federal Rules of Civil Procedure which provides a party the ability to amend a complaint as a matter of course within 21 days after service of a responsive pleading. Defendants filed a responsive motion as a Motion to Dismiss with this Court on August 6, 2019 and service was accepted by Plaintiff on August 10, 2019. Except for the addition of Defendant Purkerson, a resident of Greenville County, South Carolina, the Amended Complaint is in all other respects identical to the original complaint which was filed in State Court and subsequently removed to the U.S. District Court under the above referenced case number. The addition of Robert Henry Purkerson is based on information and evidence obtained subsequent to the original filing and is in good faith, is not prejudicial to any defendant, and is not futile.

AMENDED COMPLAINT FOR DEFAMATION

COMES NOW, PLAINTIFF MICHAEL GENE PUTNAM, (hereinafter, "PUTNAM") hereby files his amended complaint against DEFENDANTS, WAKE CHRISTIAN ACADEMY (hereinafter "WAKE"); DANA LYNN CORDELL (hereinafter, "CORDELL"); KELLIE O'NEAL AUERWECK (hereinafter, "AUERWECK"); ROBIN CARY MAPLES, (hereinafter "MAPLES"); and ROBERT HENRY PURKERSON (hereinafter, "PURKERSON") for defamation, for making false damaging statements, and other tortious actions and alleges as follows:

1. PARTIES

1. This is an Action for Defamation (Libel Per Se) and damages in excess of \$20,000, exclusive of interest, costs, and attorney fees.
2. PLAINTIFF MICHAEL GENE PUTNAM is an individual over the age of 18, a citizen of the United States and a resident of the city of Greenville, Greenville County, South Carolina.
3. DEFENDANT WAKE CHRISTIAN ACADEMY is a Private School operating in Wake County, North Carolina.
4. DEFENDANT DANA LYNN CORDELL is a teacher over the age of 18, who is employed by Wake Christian Academy, and is a resident of Wake County, North Carolina.
5. DEFENDANT KELLIE O'NEAL AUERWECK is a teacher over the age of 18, who is employed by Wake Christian Academy, and is a resident of Wake County, North Carolina.
6. DEFENDANT ROBIN CARY MAPLES is an employee of GlaxoSmithKline, over the age of 18, and is a resident of Wake County, North Carolina.

7. DEFENDANT ROBERT HENRY PURKERSON is over the age of 18, and is a resident of Greenville County, South Carolina.

2. JURISDICTION AND VENUE

8. This Court has subject matter jurisdiction pursuant to South Carolina Code of Laws, Title 15, Section 7 and other rules pursuant to SCRPC as to acts of torts.

9. This Court has personal jurisdiction over the parties, and more particularly, the Defendants pursuant to S.C. Statute 36-2-803, 1(c) "commission of a tortious act in whole or in part in this State"

10. Venue is proper in this circuit under South Carolina Code 15-7-30 because the Plaintiff resides in Greenville, South Carolina and the tortious injuries and damages occurred in Greenville, County of Greenville, South Carolina.

STATEMENT OF FACTS

11. Since the summer of 2016 when the Plaintiff's child was enrolled in Wake Christian Academy without his involvement and against his strongest desires, the Defendants, individually, and as a group, sought to willfully make false statements, submit false notarized affidavits to a court(s), made untrue and non-factual statements to numerous third parties, including law enforcement agencies and other state agencies. These actions have subjected the Plaintiff to loss of access to his minor child. Further, the intentional interference and alienation of Plaintiff's relationship with his child, public humiliation, intentional defamation of his character, and a public record of a "sex crime investigation"; which upon conclusion of such investigation, was found to be "Totally Unfounded", has created substantial irreparable damage to a well established

reputation of high regard in Plaintiff's home community, where he was born and has lived and worked most of his life.

COUNT 1
(DEFAMATION – LIBEL PER SE AGAINST DANA LYNN CORDELL)

12. Each of the preceding paragraphs 1 through 11 are hereby incorporated herein by reference.
13. Defendant Dana Lynn Cordell resides at 2009 Muddy Creek Court, Raleigh, NC 27610.
14. At all times relevant to this lawsuit, CORDELL has been an employee of WAKE.
15. In a notarized affidavit dated April 4, 2018, CORDELL made numerous false and defamatory statements about Plaintiff causing significant injury and damage to Plaintiff.
16. Example statements from the affidavit include hearsay statements from the Plaintiff's minor child, whose name will not be referenced in this complaint as a matter of protection for the minor child, hereinafter referred to as (CHILD):
 - A. CHILD "also mentioned that her father has an alcohol problem."
 - B. CHILD "also claims that at times when he calls her on the phone he is at bars."
 - C. CHILD "said he stays so late they ask him to leave."
 - D. CHILD "said he is depressed because he is unemployed and on workers comp."
 - E. CHILD "expressed that he is looking for women on dating websites and is wanting women a lot younger than him"
- F. CORDELL states in the affidavit that "I have had no personal interactions with her father"
17. The false and defamatory statements made by CORDELL were malicious and with intent to destroy the reputation and character of Plaintiff and to separate him from his CHILD.
18. The statements made by CORDELL clearly denigrate Plaintiff's reputation and accuse Plaintiff of engaging in conduct and having traits adverse to the role of a parent, and are thus defamatory per se under South Carolina law.

19. As a direct and proximate result of CORDELL's conduct, Plaintiff has suffered and continues to suffer extreme mental anguish and distress. Further, these statements were verbally referenced in a public forum and are now and forever more available for public review and dissemination.

WHEREFORE, Plaintiff request judgement against defendant CORDELL for compensatory and punitive damages, together with any counsel fees now or in the future, costs of suit, and other relief as the court may deem proper.

COUNT 2
(DEFAMATION – LIBEL PER SE AGAINST KELLIE O'NEAL AUERWECK)

20. Each of the preceding paragraphs 1 through 19 are hereby incorporated herein by reference.

21. Defendant Kellie O'Neal Auerweck resides at 117 Bells Walk Court, Holly Springs, NC 27540.

22. At all times relevant to this lawsuit, AUERWECK has been an employee of WAKE.

23. In a notarized affidavit dated April 9, 2018, AUERWECK made numerous false and defamatory statements about Plaintiff causing significant injury and damage to Plaintiff.

24. Example statements from the affidavit include hearsay statements from the Plaintiff's minor child, whose name will not be referenced in this complaint as a matter of protection for the minor child, hereinafter referred to as (CHILD):

G. CHILD "I really don't want to go to dinner with my dad because all he does is drink and I either have to go to a table while he's at the bar or I'm in the lobby."

H. CHILD "is fearful to stay with him drinking and not feeling safe."

I. CHILD "has mentioned several times throughout the year that they argue a lot."

J. AUERWECK states in affidavit as regards to Plaintiff taking a tour of the school that "It's

my understanding that he set up a couple of earlier appointments to do so and did not show up."

K. AUERWECK states in affidavit in referring to a meeting with Plaintiff that "He was pleasant during the meeting although I did notice that his speech was a little slow...." and "I also understand that he has had a stroke and that this may be an effect of that."

L. AUERWECK states in the affidavit her conclusion "I do worry about her safety when she is in his care"

M. As to knowing anything about Plaintiff AUERWECK states in affidavit that "I've only been contacted by CHILD's father ... via email twice and I've met him once."

25. The false and defamatory statements made by AUERWECK were malicious and with intent to destroy the reputation and character of Plaintiff and to separate him from his CHILD.

26. The statements made by AUERWECK clearly denigrate Plaintiff's reputation and accuse Plaintiff of engaging in conduct and having traits adverse to the role of a parent, and are thus defamatory per se under South Carolina law.

27. As a direct and proximate result of AUERWECK's conduct, Plaintiff has suffered and continues to suffer extreme mental anguish and distress. Further, these statements were verbally referenced in a public forum and are now and forever more available for public review and dissemination.

WHEREFORE, Plaintiff request judgement against defendant AUERWECK for compensatory and punitive damages, together with any counsel fees now or in the future, costs of suit, and other relief as the court may deem proper.

COUNT 3
(DEFAMATION - LIBEL PER SE AGAINST ROBIN CARY MAPLES)

28. Each of the preceding paragraphs 1 through 27 are hereby incorporated herein by reference.

29. Defendant Robin Cary Maples resides at 1653 Tunnel Road, Wendell, NC 27951.

30. At all times relevant to this lawsuit, MAPLES has been step-father of PLAINTIFF's CHILD.

31. Since the very first time of being involved in CHILD's life, MAPLES has engaged in constant and willful action aimed at parental alienation and parental substitution by making false and defamatory statements about Plaintiff in the presence of CHILD.

32. MAPLES has made false allegations and has encouraged CHILD to either exaggerate or make up stories defamatory of the PLAINTIFF, and to pass such on to other adults in an attempt to denigrate PLAINTIFF's reputation and standing as a person of good character in an attempt at parental substitution.

33. In the sworn affidavits of co-defendants CORDELL and AUERWECK, both state that much of their information was obtained from MAPLES.

34. MAPLES has blocked communications between Plaintiff and CHILD and denied PLAINTIFF visitation with CHILD even though he has no legal right to do so.

35. The denigration and numerous false and defamatory statements to CHILD's teachers' have further encouraged parental alienation and resulted in false allegations against PLAINTIFF resulting in a Law Enforcement Investigation of PLAINTIFF in Greenville County, South Carolina. Although the false allegations were eventually determined in a Final Report by Law Enforcement and the Department of Social Services (DSS) to be "Totally Unfounded", there is now a public report of such available for anyone to review and to disseminate in any manner

information, which, by its very nature, is defamatory and ruinous to PLAINTIFF's reputation and good standing in his home community of Greenville. Further, MAPLES has communicated defamatory and false statements to his wife's father, Robert H. Purkerson, who resides in Greenville, South Carolina. The results of MAPLES defamatory and false statements have directly caused tortuous harm to the PLAINTIFF in the County of Greenville, South Carolina.

36. As a direct and proximate result of MAPLE's conduct, Plaintiff has suffered and continues to suffer extreme mental anguish and distress. Further, the parental alienation and parental substitution actions by MAPLE's have caused substantial damage to PLAINTIFF's relationship with his CHILD, that has cause great loss of enjoyment and will require substantial time and costs associated with therapeutic assistance to heal the intentionally inflicted wounds by MAPLES.

WHEREFORE, Plaintiff request judgement against defendant MAPLE's for compensatory and punitive damages, together with any counsel fees now or in the future, costs of suit, and other relief as the court may deem proper.

COUNT 4
(DEFAMATION – LIBEL PER SE AGAINST WAKE CHRISTIAN ACADEMY)

37. Each of the preceding paragraphs 1 through 36 are hereby incorporated herein by reference.

38. Defendant WAKE CHRISTIAN ACADEMY is a private school located at 5500 Wake Academy Drive, Raleigh, North Carolina 27603.

39. At all times relevant to this lawsuit, CHILD has been enrolled in WAKE.

40. Defendants CORDELL and AUERWBECK are employees of WAKE, and as such, WAKE has responsibility for their actions in their official capacities as teachers for which the care of minor children is entrusted.

41. PLAINTIFF is knowing and believes that Larry Hoxie, Principle, aided and abetted

CORDELL and AUERWECK and was knowing that their malicious actions would be defamatory and injurious to Plaintiff. Further, WAKE served as a conduit for such defamatory and denigrative statements as to give them great credibility to unknowing third parties receiving such false and egregious information as to the Plaintiff.

42. As a direct and proximate result of WAKE's conduct, Plaintiff has suffered and continues to suffer extreme mental anguish and distress. Further, these statements were verbally referenced in a public forum and are now and forever more available for public review and dissemination.

WHEREFORE, Plaintiff request judgement against defendant WAKE for compensatory and punitive damages, together with any counsel fees now or in the future, costs of suit, and other relief as the court may deem proper.

COUNT 5

(DEFAMATION – LIBEL PER SE AGAINST ROBERT HENRY PURKERSON)

43. Each of the preceding paragraphs 1 through 42 are hereby incorporated herein by reference.

44. Defendant Robert Henry Purkerson resides at 6 Stillwood Drive, Greenville, SC 29607.

45. At all times relevant to this lawsuit, PURKERSON has been the maternal grandfather of PLAINTIFF's CHILD.

46. While at one time PURKERSON was supportive of Plaintiff, since family court action by Purkerson's daughter (mother of Plaintiff's CHILD), and his daughter's sixth marriage, PURKERSON has engaged in constant and willful action aimed at parental alienation directly and by aiding and abetting MAPLES in his pursuit of parental substitution by making false and defamatory statements about Plaintiff in the presence of CHILD.

47. PURKERSON has made false allegations and has encouraged CHILD to either exaggerate or make up stories defamatory of the PLAINTIFF, and to pass such on to other adults in an attempt to denigrate PLAINTIFF's reputation and standing as a person of good character in an attempt at parental substitution.
48. PURKERSON has encouraged CHILD to tell lies and stories about Plaintiff which led to an unfounded investigation by North Carolina DSS and the Greenville County Sheriff's Office. PURKERSON in fact called a Sargent Robert Perry with the Greenville County Sheriff's Office trying to have him re-open the "Investigation" and making defamatory statements in an effort to further denigrate the reputation of PLAINTIFF.
49. PURKERSON has made false and defamatory statements to mutual friends or acquaintances in Greenville, South Carolina that have been repeated to me in person and have been spread about the community that has been the home of the PLAINTIFF for over fifty (50) years. These statements, once made, cannot be undone and become even more exaggerated and inflammatory as they are spread from person to person in and around Greenville County, South Carolina and have been tortuous and injurious where PLAINTIFF had established an excellent reputation, now tainted by the acts of PURKERSON.
50. As a direct and proximate result of PURKERSON's conduct, Plaintiff has suffered and continues to suffer extreme mental anguish and distress. Further, the encouragement of parental alienation and parental substitution actions by PURKERSON and MAPLE's have caused substantial damage to PLAINTIFF's relationship with his CHILD, that has cause great loss of enjoyment and will require substantial time and costs associated with therapeutic assistance to heal the intentionally inflicted wounds by PURKERSON.

WHEREFORE, Plaintiff request judgement against defendant PURKERSON for compensatory and punitive damages, together with any counsel fees now or in the future, costs of suit, and other relief as the court may deem proper.

COUNT 6
(CONSPIRACY TO DEFAME - ALL DEFENDANTS)

51. Each of the preceding paragraphs 1 through 50 are hereby incorporated herein by reference.

52. Defendants WAKE CHRISTIAN ACADEMY, DANA LYNN CORDELL, KELLIE ONEAL AUERWECK, AND ROBIN CARY MAPLES, AND ROBERT HENRY PURKERSON conspired and acted in concert with each other, as well as other unnamed individuals to defame Plaintiff by making false and defamatory statements about Plaintiff knowing they would be extremely damaging and injurious to Plaintiff. These statements and actions have been set forth in COUNT 1, COUNT 2, COUNT 3 AND COUNT 4 AND COUNT 5 herein, as well as other defamatory statements.

53. The conspiracy to defame makes all defendants joint and severally liable for any actual or punitive damages, costs or fees which the court may deem proper.

WHEREFORE, Plaintiff request judgement against all defendants for compensatory and punitive damages, together with any counsel fees now or in the future, costs of suit, and other relief as the court may deem proper.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that this Court assume jurisdiction of this Action, and after trial by jury, award Plaintiff the relief and damages sought.

DEMAND FOR A JURY TRIAL

PLAINTIFF demands a trial by jury as to all issues in the above matter.

THIS IS AN AMENDED COMPLAINT

Dated: August 26, 2019



Michael Gene Putnam - Plaintiff - *Pro se*
PO Box 76
Greenville, SC 29602-0076
Phone: 864-420-9624
Email: mputnam2006@gmail.com

EXHIBIT B

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Michael Gene Putnam,

Plaintiff,

vs.

Wake Christian Academy, Dana
Graves Cordell, Kellie Oneal Auwerck,
Robin Cary Maples, and Robert Henry
Purkeson,

Defendants.

C/A No. 6:19-2136-TMC-KFM

REPORT OF MAGISTRATE JUDGE

This matter is before the court on pending motions filed by the parties (docs. 8; 19; 29; 35; 36). Pursuant to the provisions of 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2)(e) (D.S.C.), this magistrate judge is authorized to review all pretrial matters in this case and submit findings and recommendations to the district court.

BACKGROUND

Parties

The plaintiff resides in South Carolina and is the biological father of a minor child living in North Carolina with her mother and stepfather, Mr. Maples. The child attends school at Wake Christian Academy ("the Academy"), where Ms. Cordell and Ms. Auerweck are teachers. Mr. Purkeson is the child's maternal grandfather and resides in South Carolina.

Removal/Remand

The plaintiff filed his initial complaint alleging defamation and conspiracy claims in a South Carolina state court in June 2019. The defendants named therein – the Academy, Cordell, Auerweck, and Maples, all citizens of North Carolina, removed the case

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to this court in July 2019 based on diversity jurisdiction (doc. 1). The plaintiff then filed an amended complaint (doc. 13), adding South Carolina resident, Mr. Purkeson, as a defendant, and then filed a motion to remand the case back to state court, since complete diversity no longer existed (doc. 19).

Allegations

In his amended complaint, the plaintiff contends that the Academy and teachers Cordell and Auerweck (the "school defendants") defamed him by providing false information to law enforcement investigators and in court via affidavits with statements made by the child about him that were used against him (doc. 13 at 3–6, 8–9). The plaintiff asserts that the investigation found the allegations to be unfounded, but the public nature of the investigation has damaged his reputation in the community (*id.* at 3–4).

The plaintiff further contends that the child's stepfather Mr. Maples provided the school defendants with the information used in the false affidavits, and that Mr. Maples has blocked the plaintiff's access to the minor child (*id.* at 7–8). The plaintiff alleges that Mr. Purkeson (the child's maternal grandfather) also damaged his relationship with the child, that Mr. Purkeson is preventing the plaintiff from a relationship with the minor child in favor of Mr. Maples, and that Mr. Purkeson has been making false and defamatory statements about the plaintiff in the minor child's presence (*id.* at 9–11). The plaintiff also alleges that all of the defendants have conspired together to defame him (*id.* at 11). For relief, the plaintiff seeks money damages.

PROCEDURAL HISTORY

As noted above, all of the North Carolina defendants removed the instant action on July 30, 2019, asserting jurisdiction based upon diversity of citizenship (doc. 1). On August 6, 2019, the school defendants filed a motion to dismiss based upon Federal Rule of Civil Procedure 12(b)(2) and 12(b)(6) (doc. 8). On August 26, 2019, pursuant to Federal Rule of Civil Procedure 15(a), the plaintiff filed an amended complaint (doc. 13).

As the amended complaint added a new defendant, the undersigned issued an order to the plaintiff, instructing him to provide a proposed summons for issuance by the court (doc. 16). Nevertheless, the plaintiff filed a certificate of service indicating that he served the amended pleading on Mr. Purkeson, even though the court had not issued a summons (see doc. 18).¹ On September 3, 2019, in light of the non-diverse defendant he added to the amended complaint, the plaintiff filed a motion seeking remand of the instant action to the Greenville County Court of Common Pleas (doc. 19). Six days later, he filed a response in opposition to the motion to dismiss filed by the school defendants, asserting that their motion was mooted by his amended complaint (doc. 26). The school defendants responded by renewing their motion to dismiss with respect to the plaintiff's amended complaint on September 9, 2019 (doc. 29). The plaintiff responded to their renewed motion on September 13, 2019 (doc. 33). On September 17, 2019, the school defendants responded to the plaintiff's motion to remand (doc. 34), to which the plaintiff replied on September 27, 2019 (doc. 43). Defendant Maples filed a motion to dismiss on September 17, 2019 (doc. 35), to which the plaintiff responded on October 2, 2019 (doc. 45). During this same time, Mr. Purkeson filed a motion for a more definite statement (doc. 36), to which the plaintiff responded on October 2, 2019 (doc. 44). Accordingly, the motions are now ripe for review.²

APPLICABLE LAW AND ANALYSIS

As an initial matter, the plaintiff is a *pro se* litigant, and his pleadings are accorded liberal construction. See *Erickson v. Pardus*, 551 U.S. 89 (2007) (*per curiam*). The requirement of liberal construction, however, does not mean that the court can ignore

¹ As noted herein, no summons was appropriately issued by the Clerk of Court for service upon Mr. Purkeson. For purposes of this report and recommendation only, the court will consider Mr. Purkeson as a party.

² Because the motions are interrelated, the undersigned has made a recommendation for the disposition of all the motions herein rather than separately ruling on the nondispositive motions.

a clear failure in the pleading to allege facts which set forth a claim cognizable in a federal district court. See *Weller v. Dep't of Soc. Servs.*, 901 F.2d 387, 391 (4th Cir. 1990).

Subject Matter Jurisdiction

After the initial complaint was filed in state court, the North Carolina defendants removed the case to this court based on complete diversity, then filed a motion to dismiss based on this court's lack of personal jurisdiction against them, and his failure to state a claim pursuant to Fed. R. Civ. P. 12(b)(6) (doc. 8). In response, the plaintiff filed an amended complaint (doc. 13) adding South Carolina resident Mr. Purkeson, and a motion to remand the case to state court, since complete diversity was destroyed with the addition of this defendant, and this court no longer has subject matter jurisdiction (doc. 19). "The Federal Rules of Civil Procedure recognize that courts must have the authority to control litigation before them." *Ballard v. Carlson*, 882 F.2d 93, 95 (4th Cir. 1989) (citing Fed. R. Civ. P. 41(b)). Federal courts are courts of limited jurisdiction, "constrained to exercise only the authority conferred by Article III of the Constitution and affirmatively granted by federal statute." *In re Bulldog Trucking, Inc.*, 147 F.3d 347, 352 (4th Cir. 1998). Since federal courts have limited subject matter jurisdiction, there is no presumption that the court has jurisdiction. *Pinkley, Inc. v. City of Frederick*, 191 F.3d 394, 399 (4th Cir. 1999) (citing *Lehigh Mining & Mfg. Co. v. Kelly*, 160 U.S. 337 (1895)). Accordingly, a federal court is required, *sua sponte*, to determine if a valid basis for its jurisdiction exists, "and to dismiss the action if no such ground appears." *Bulldog Trucking*, 147 F.3d at 352; see also Fed. R. Civ. P. 12(h)(3) ("If the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action.").

Remand of a case to state court following removal is governed by 28 U.S.C. § 1447. "If at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded." 28 U.S.C. § 1447(c). As set forth above, the school defendants and Mr. Maples (collectively, "the removing defendants") removed

this action based upon diversity jurisdiction (doc. 1). Diversity jurisdiction is conferred upon the court when a suit is between citizens of different states and the amount in controversy exceeds \$75,000.00. 28 U.S.C. § 1332(a).

Citizenship of the Defendants

The plaintiff seeks remand of the instant action, arguing first that there is not complete diversity of citizenship of the parties because Mr. Purkeson is a citizen and resident of the state of South Carolina (doc. 19). The school defendants, on the other hand, argue that the plaintiff's motion to remand should be denied and that Mr. Purkeson should be dismissed from this action based upon fraudulent joinder (doc. 34 at 2–4). The doctrine of fraudulent joinder allows a court to disregard the citizenship of and dismiss certain non-diverse defendants and maintain jurisdiction over an action. *Johnson v. Am. Towers, LLC*, 781 F.3d 693, 704 (4th Cir. 2015); *Barlow v. Colgate Palmolive Co.*, 772 F.3d 1001, 1004 n.2 (4th Cir. 2014); *Mayes v. Rapoport*, 198 F.3d 457, 461 (4th Cir. 1999). To establish fraudulent joinder, the removing party must establish either (1) that there is no possibility that the plaintiff can establish a cause of action against the non-diverse defendant or (2) that there has been outright fraud in the plaintiff's pleading with respect to jurisdiction. *Barlow*, 772 F.3d at 1004 n.2 (internal citation omitted). Here, the school defendants argue that joinder of Mr. Purkeson in the instant matter would be fraudulent because there is no possibility that the plaintiff can establish a cause of action against Mr. Purkeson (doc. 34 at 2–4).

To show that there is no possibility that the plaintiff could establish a cause of action against Mr. Purkeson, the removing defendants "must show that the plaintiff cannot establish a claim against the [non-diverse] defendant even after resolving all issues of fact and law in the plaintiff's favor." *Flores v. Ethicon, Inc.*, 563 F. App'x 266, 269 (4th Cir. 2014) (unpublished per curiam opinion) (quoting *Marshall v. Manville Sales Corp.*, 6 F.3d 229, 232–33 (4th Cir. 1993)); see *Mayes*, 198 F.3d at 466 (noting that "there need be

only a slight possibility of a right to relief to defeat a claim of fraudulent joinder" (internal citation and quotation marks omitted)). Nevertheless, in assessing whether Mr. Purkeson has been fraudulently joined, the court looks at the causes of action alleged: defamation and civil conspiracy.

As an initial matter, the undersigned notes that the plaintiff's allegations with respect to Mr. Purkeson are vague and conclusory in nature—and thus fail to state a plausible claim for relief. See *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (noting that "a claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.") (citing *Twombly v. Bell Atl. Corp.*, 550 U.S. 544, 556–57 (2007)). As recognized by the Supreme Court, "[a] pleading that offers 'labels and conclusions' or 'a formulaic recitation of the elements of a cause of action will not do.'" *Id.* Indeed, the plaintiff's allegations with respect to Mr. Purkeson appear to rely on the plaintiff's assumption that Mr. Purkeson has been defaming him—without indication of the contents of the statements, the timing of the statements, or the location of the statements (see doc. 13 at 9–11). As such, the plaintiff's allegations with respect to Mr. Purkeson stop "short of the line between possibility and plausibility of entitlement to relief." *Iqbal*, 556 U.S. at 678 (internal quotation marks omitted) (noting that it is not enough to plead facts that are "merely consistent" with a defendant's liability). Nevertheless, in light of the deferential standard when reviewing fraudulent joinder, the court individually addresses defamation and conspiracy to defame below.

Defamation claims can be brought for libel or slander. *Parrish v. Allison*, 656 S.E.2d 382, 388 (S.C. Ct. App. 2007). "Libel is the publication of defamatory material by written or printed words," while slander is "spoken defamation." *Id.* To assert a defamation claim, a plaintiff must prove: (1) a false and defamatory statement was made; (2) the unprivileged publication of the statement to a third party; (3) the publisher was at fault; and (4) "either actionability of the statement regardless of special harm or the existence of

special harm to the plaintiff caused by the publication." *Id.* As noted, the amended complaint contains no information about Mr. Purkeson's alleged defamatory statements, including what defamatory statement was made, when it was made, or to which third party the statement was published (beyond its use, if at all, in judicial or law enforcement matters) (see doc. 13 at 9–11). Additionally, the court finds unsupported and unpersuasive the plaintiff's assertion that Mr. Purkeson "is well aware of his actions individually, and in complicity with other [d]efendants is fully aware of the tortuous actions by [Mr. Purkeson] and others" (doc. 44 at 3). As such, the court finds no "glimmer of hope" for the plaintiff's defamation claim against Mr. Purkeson and assesses whether the plaintiff's civil conspiracy claim against Mr. Purkeson provides a basis to deny dismissal of Mr. Purkeson for fraudulent joinder.

"The elements of a civil conspiracy in South Carolina are (1) the combination of two or more people, (2) for the purpose of injuring the plaintiff, (3) which causes special damages." *Pye v. Estate of Fox*, 633 S.E.2d 505, 511 (S.C. 2006) (internal citations omitted). Here, as an initial matter, the plaintiff's conspiracy claim fails because he has not alleged special damages. See *id.* ("Because the quiddity of a civil conspiracy claim is the damage resulting to the plaintiff, the damages alleged must go beyond the damages alleged in other causes of action."); see also *Hackworth v. Greywood at Hammett, LLC*, 682 S.E.2d 871, 875 (S.C. Ct. App. 2009) (affirming dismissal when the plaintiff "repeated verbatim the same damages in its civil conspiracy claim as are alleged in its claim for breach of contract . . ."). Additionally, the court finds support for finding fraudulent joinder in that the plaintiff has failed to allege any "additional facts in furtherance of the conspiracy." *State Farm Life Ins. Co. v. Murphy*, 260 F. Supp. 3d 497, 504 (D.S.C. 2017) (citing *Hackworth*, 682 S.E.2d at 874). As noted, the allegations in the plaintiff's complaint (as well as the assertions in his briefs) all focus on alleged defamatory statements made by the defendants in connection with affidavits that were presented in family court proceedings

(see doc. 13). While relevant to the instant action, these allegations are inseparable from the plaintiff's defamation claims. Indeed, the plaintiff's conspiracy claim is but another vehicle for litigating the same facts that underlie his defamation claims. See *State Farm Life Ins. Co.*, 260 F. Supp. 3d at 504 (noting that a party "cannot plead the same set of facts for the actionable wrong and the civil conspiracy, then expect to recover damages for both."). Accordingly, in light of the foregoing, the removing defendants have demonstrated that the plaintiff cannot recover on his civil conspiracy claim involving Mr. Purkeson.

As such, the court finds that Mr. Purkeson was fraudulently joined here and should be dismissed. As such, his citizenship is disregarded for diversity jurisdiction purposes. Thus, the court finds that the remaining parties are completely diverse: the plaintiff is a citizen and resident of South Carolina (doc. 1-1 at 5), the school defendants are citizens and residents of North Carolina (*id.*), and Mr. Maples is a citizen and resident of North Carolina (*id.*).

Amount in Controversy

The plaintiff's second challenge to diversity jurisdiction in his motion to remand is that the amount in controversy has not been met (doc. 19 at 2). A defendant's notice of removal based on diversity jurisdiction must include a "plausible allegation" that the amount in controversy exceeds the jurisdictional threshold. *Dart Cherokee Basin Operating Co., LLC v. Owens*, 135 S.Ct. 547, 554 (2014). "[T]he defendant's amount-in-controversy allegation should be accepted when not contested by the plaintiff or questioned by the court." *Id.* When a defendant's amount-in-controversy allegation is challenged, 28 U.S.C. § 1446(c)(2)(B) provides that the court can decide by a preponderance of the evidence whether the amount-in-controversy requirement has been satisfied. *Dart Cherokee Basin*

Operating Co., 135 S.Ct. at 554.³ Generally, "the jurisdictional requirements for diversity jurisdiction [must be met] at both the time of commencement [of the action in state court] and the time of removal." *Sayers v. Sears, Roebuck and Co.*, 732 F. Supp. 654, 656 (W.D. Va. 1990); *Griffin v. Holmes*, 843 F. Supp. 81, 87 (E.D.N.C. 1993). "A corollary of this rule is that [the p]laintiff in such an action may not defeat diversity jurisdiction by filing a post-removal amendment of the complaint which reduces the amount of damages requested by the complaint below the amount in controversy required by 28 U.S.C. § 1332(a)." *Ferguson v. Wal-Mart Stores, Inc.*, C/A No. 4:94-2696-CMC, 1994 WL 653479, at *1 (D.S.C. Nov.15, 1994) (citing *St. Paul Mercury Indem. Co. v. Red Cab Co.*, 303 U.S. 283, 292 (1938)). Nevertheless, when a complaint is ambiguous with respect to damages, a post-removal declaration or stipulation regarding damages may be considered as clarification of the ambiguous complaint (instead of as an amendment prohibited by *St. Paul*). See *Clifton v. Aiken*, C/A No. 9:17-2920-DCN, 2018 WL 3095026, at *2 (D.S.C. June 22, 2018).

Here, the defendants' notice of removal alleges that the amount in controversy is met as the plaintiff's complaint seeks "compensatory and punitive damages for his personal injury claims against each of the four [d]efendants" (doc. 1 at 2). The plaintiff challenges this assertion regarding damages, arguing that his damages do not exceed the jurisdictional limit (docs. 19 at 2; 43 at 2–3). Nevertheless, the undersigned agrees with the removing defendants that the amount in controversy has been met.

As an initial matter, the *pro se* plaintiff's complaint does not specify an amount of damages (except to indicate that they are in excess of \$20,000); instead, his complaint (and amended complaint) lists the various categories of damages (as to each defendant),

³ In some circumstances, it is appropriate to order additional briefing on this matter, so that evidence regarding the amount in controversy can be submitted to the court. *Dart Cherokee Basin Operating Co.*, 135 S. Ct. at 554. However, in light of the record before the court, the undersigned finds additional briefing unnecessary.

including compensatory and punitive damages (along with attorney's fees, costs and any other relief deemed proper) (see generally doc. 1-1 at 4-14).⁴ In challenging the amount in controversy alleged by the removing defendants in their notice of removal, however, the plaintiff appears to conflate the two aspects of diversity jurisdiction, arguing that the amount in controversy has not been met because there is a non-diverse defendant (doc. 19 at 2). However, this argument fails to provide a factual basis for the plaintiff's damages calculation (beyond conclusorily asserting that it is not above \$75,000). Indeed, the timing of this assertion by the plaintiff, in seeking remand after the filing of a motion to dismiss instead of in response to the notice of removal, calls into question the plaintiff's assertion. As such, the court finds the plaintiff's assertions regarding damages are prohibited by *St. Paul* for the purposes of determining diversity jurisdiction. *Thompson v. Victoria Fire & Cas. Co.*, 32 F. Supp. 2d 847, 849 (D.S.C. 1999) (noting that "post-removal events, such as amending a complaint in order to reduce the amount in controversy below the jurisdictional limit, do not deprive a federal court of diversity jurisdiction") (citing *St. Paul*, 303 U.S. at 294)). As such, in light of the foregoing, the undersigned recommends dismissing Mr. Purkeson from this action and denying the plaintiff's motion to remand (doc. 19).

Personal Jurisdiction

As noted, the removing defendants assert that this court does not have personal jurisdiction over them. The undersigned agrees. When personal jurisdiction is challenged by a defendant, the plaintiff has the burden of showing that jurisdiction exists. See *In re Celotex Corp.*, 124 F.3d 619, 628 (4th Cir. 1997). "[T]o validly assert personal jurisdiction over a non-resident defendant, two conditions must be satisfied." *Christian Sci. Bd. of Dirs. of the First Church of Christ v. Nolan*, 259 F.3d 209, 215 (4th Cir. 2001). First, the exercise of jurisdiction must be authorized by the long-arm statute of the forum state,

⁴ The plaintiff is reminded that although he filed an amended complaint, as noted, the amount in controversy analysis focuses on the case at the time of removal. See *Sayers*, 732 F. Supp. at 656.

and second, the exercise of personal jurisdiction must not "overstep the bounds" of the Fourteenth Amendment's Due Process Clause. *Anita's N.M. Style Mexican Food, Inc. v. Anita's Mexican Foods Corp.*, 201 F.3d 314, 317 (4th Cir. 2000). South Carolina's long-arm statute has been construed to extend to the outer limits allowed by the Due Process Clause. *Foster v. Arletty 3 Sarl*, 278 F.3d 409, 414 (4th Cir. 2002). "Because South Carolina treats its long-arm statute as coextensive with the due process clause, the sole question becomes whether the exercise of personal jurisdiction would violate due process." *Cockrell v. Hillerich & Bradsby Co.*, 611 S.E.2d 505, 508 (S.C. 2005) (internal citation omitted).

Due process requires the existence of minimum contacts between the defendant and the forum state such that maintenance of the suit does not offend traditional notions of "fair play and substantial justice." *Burger King Corp. v. Rudzewicz*, 471 U.S. 462, 464 (1985); see also *Int'l Shoe Co. v. Washington*, 326 U.S. 310, 316 (1945). A defendant has minimum contacts with a state when "the defendant's conduct and connection with the forum State are such that he should reasonably anticipate being haled into court there." *World-Wide Volkswagen Corp. v. Woodson*, 444 U.S. 286, 297 (1980) (internal citation omitted). Under this standard, "it is essential in each case that there be some act by which the defendant purposefully avails itself of the privilege of conducting activities within the forum State, thus invoking the benefits and protections of its laws." *Hanson v. Denckla*, 357 U.S. 235, 253 (1958) (citing *Int'l Shoe Co.*, 326 U.S. at 319).

There are two categories of personal jurisdiction: (1) general wherein a cause of action is unrelated to a defendant's contacts with the forum but the party's activities in the forum state have been found to be "continuous and systematic"; and (2) specific, wherein the cause of action arises out of a party's contacts with the forum state. See generally *ESAB Group, Inc. v. Centricut, Inc.*, 126 F.3d 617, 623-24 (4th Cir. 1997). Here, the plaintiff asserts specific personal jurisdiction. The Fourth Circuit applies a three-part

test when evaluating the propriety of exercising specific jurisdiction: (1) whether and to what extent the defendant purposely availed itself of the privileges of conducting activities in the forum state, and thus invoked the benefits and protections of its laws; (2) whether the plaintiff's claims arise out of those forum-related activities; and (3) whether the exercise of jurisdiction is constitutionally "reasonable." *Nolan*, 259 F.3d at 215–16 (citing *Helicopteros Nacionales de Colombia, S.A. v. Hall*, 466 U.S. 408, 414–16 (1984)); *Burger King*, 471 U.S. at 472, 476–77).

The removing defendants argue that the court does not have specific personal jurisdiction because the plaintiff has failed to show that the removing defendants had minimum contacts with the forum state (South Carolina) (docs. 8-1 at 2–4; 29; 35-1 at 2–4). The court agrees. With respect to the school defendants, the alleged contacts between them and South Carolina (the forum state) are two affidavits that were presumably prepared, signed, and notarized in North Carolina—but were used in a South Carolina state court proceeding by a third party, who is not a defendant in this action. See *Walden v. Fiore*, 571 U.S. 277, 284 (2014) (noting that a defendant's "relationship" with the forum state "must arise out of contacts that the 'defendant *himself*' creates with the forum state" (emphasis in original)). Indeed, the plaintiff's assertion that the affidavits were created prior to a "pending judicial proceeding" appears to concede this point—the school defendants had no direct connection to the judicial proceedings taking place in South Carolina and thus no minimum contacts with the forum state (see doc. 26 at 2; 33 at 3).

Mr. Maples likewise asserts that he does not have minimum contacts with South Carolina (doc. 35-1 at 1, 4). In response to Mr. Maples' motion, the plaintiff asserts that Mr. Maples visited the forum state "numerous times" to meet with Mr. Purkeson and strategize harming the plaintiff's reputation (doc. 45 at 3). The plaintiff's amended complaint, however, alleges communication between the parties – *not* physical travel (see doc. 13 at 7–8). Additionally, as noted by Mr. Maples, the remaining alleged defamatory

actions by Mr. Maples were in allegedly providing false information to the school defendants for use in the affidavits—and that action has been alleged as occurring in North Carolina (see doc. 13 at 7; see *also* doc. 35-1 at 1–2).

Moreover, the plaintiff's assertion that the removing defendants conspired with Mr. Purkeson (with Mr. Purkeson's alleged forum state activities providing the minimum contacts) also fails to provide a basis for the court to exercise personal jurisdiction over the removing defendants. As an initial matter, as outlined above, the plaintiff's amended complaint (even liberally construed and ignoring the fraudulent joinder of Mr. Purkeson) fails to state a plausible conspiracy claim. See *supra* pp. 7–8.⁵ Indeed, to exercise personal jurisdiction based upon a conspiracy requires that the plaintiff "make a plausible claim" (1) that a conspiracy existed; (2) that the school defendants participated in the conspiracy; and (3) a co-conspirator's activities in furtherance of the conspiracy had sufficient contacts with South Carolina to subject that conspirator to jurisdiction in South Carolina. *Unspam Techs., Inc. v. Chernuk*, 716 F.3d 322, 329 (4th Cir. 2013). The plaintiff must offer more than "bare allegations" to satisfy these requirements and must "plead with particularity the conspiracy as well as the overt acts within the forum taken in furtherance of the conspiracy." *Id.* (internal quotation marks omitted) (citing *Jungquist v. Sheikh Sultan Bin Khalifa Al Nahyan*, 115 F.3d 1020, 1031 (D.C. Cir. 1997)). As noted above, the plaintiff's amended complaint relies on vague and conclusory allegations that the defendants engaged in a conspiracy to defame him without any factual allegations with respect to their alleged communications or acts taken in furtherance of the conspiracy—beyond those asserted as part of the plaintiff's defamation claims. See *Griffith v. State Farm Fire and Cas. Co.*, C/A No. 2:12-239-DCN, 2012 WL 2048200, at *1 (D.S.C. June 6, 2012) (finding that the plausibility standard

⁵ In light of the recommended dismissal of Mr. Purkeson, even assuming a properly alleged conspiracy, the plaintiff has not established personal jurisdiction over the removing defendants because any conspiracy would involve actions only undertaken in North Carolina.

requires more than "an unadorned, the-defendant-unlawfully-harmed-me accusation" (quoting *Iqbal*, 556 U.S. at 678)). As such, the plaintiff has not manufactured personal jurisdiction of this court over the removing defendants by alleging a conspiracy.

In light of the foregoing, the undersigned finds that the exercise of personal jurisdiction over the removing defendants in South Carolina would not be "reasonable" under the Constitution. See *Int'l Shoe*, 326 U.S. at 320. Accordingly, the undersigned recommends that the motions to dismiss for lack of personal jurisdiction by the removing defendants (docs. 8; 29; 35) be granted.

RECOMMENDATION

Now, therefore, based upon the foregoing

IT IS RECOMMENDED that the plaintiff's motion to remand (doc. 19) be **denied**. Additionally, IT IS FURTHER RECOMMENDED that Mr. Purkeson be dismissed as a fraudulently joined party. IT IS FURTHER RECOMMENDED that the removing defendants' motions to dismiss (docs. 8; 29; 35) be **granted**. In light of the foregoing, IT IS FURTHER RECOMMENDED that Mr. Purkerson's motion for a more definite statement (doc. 36) be **found as moot**.

Further, because the plaintiff has already filed an amended pleading, the undersigned recommends that the court decline to grant the plaintiff further leave to amend his complaint. See *Goode v. Cent. Va. Legal Aid Soc'y*, 807 F.3d 619, 623 (4th Cir. 2015). As such, adoption of this recommendation by the district court would end this action.

The attention of the parties is directed to the important notice on the next page.

IT IS SO RECOMMENDED.

s/Kevin F. McDonald
United States Magistrate Judge

November 25, 2019
Greenville, South Carolina

Notice of Right to File Objections to Report and Recommendation

The parties are advised that they may file specific written objections to this Report and Recommendation with the District Judge. Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections. "[I]n the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note).

Specific written objections must be filed within fourteen (14) days of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); see Fed. R. Civ. P. 6(a), (d). Filing by mail pursuant to Federal Rule of Civil Procedure 5 may be accomplished by mailing objections to:

Robin L. Blume, Clerk
United States District Court
300 East Washington Street, Room 239
Greenville, South Carolina 29601

Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).

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EXHIBIT C

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Michael Gene Putnam,

Plaintiff,

vs.

Wake Christian Academy, Dana Graves
Cordell, Kellie O'Neal Auerweck, Robin
Cary Maples, and Robert Henry Purkerson,

Defendants.

Civil Action No. 6:19-cv-2136-TMC

ORDER

Plaintiff Michael Gene Putnam ("Plaintiff") originally filed this action on June 21, 2019, in the Court of Common Pleas for Greenville County, South Carolina, against Wake Christian Academy, Dana Graves Cordell, Kellie O'Neal Auerweck (the "School Defendants"), and Robin Cary Maples (collectively, the "Removing Defendants") alleging defamation and conspiracy to defame. *See* (ECF No. 1-1). On July 30, the Removing Defendants filed a timely notice of removal, removing the case to this court on the basis of diversity jurisdiction. (ECF No. 1). On August 26, Plaintiff filed an amended complaint naming Robert H. Purkerson as an additional defendant. (ECF No. 13). This matter is before the court on Plaintiff's motion to remand (ECF No. 19), Removing Defendants' motions to dismiss (ECF Nos. 8, 29, 35), and Defendant Robert H. Purkerson's motion for a more definite statement (ECF No. 36). All defendants are represented by counsel while the Plaintiff proceeds *pro se*. In accordance with 28 U.S.C. § 636(b)(1)(A) and Local Civil Rule 73.02(B)(2)(e), D.S.C., this matter was referred to a magistrate judge for pretrial handling. Before the court is the magistrate judge's Report and Recommendation ("Report"),

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which recommends that the court deny Plaintiff's motion to remand, grant Removing Defendants' motions to dismiss, and dismiss as moot Defendant Purkerson's motion for a more definite statement. (ECF No. 49 at 14). The parties were advised of their right to file objections to the Report. (ECF No. 49 at 15). Plaintiff timely filed objections to the Report, (ECF No. 53), and each of the Defendants filed a reply to Plaintiff's objections, (ECF Nos. 57, 58, 60). Accordingly, the matter is now ripe for review.

The recommendations set forth in the Report have no presumptive weight, and this court remains responsible for making a final determination in this matter. *See Matthews v. Weber*, 423 U.S. 261, 270–71 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which a specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the magistrate judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1). However, the court need only review for clear error “those portions which are not objected to—including those portions to which only ‘general and conclusory’ objections have been made[.]” *Dunlap v. TM Trucking of the Carolinas, LLC*, 288 F. Supp. 3d 654, 662 (D.S.C. 2017). “An objection is specific if it ‘enables the district judge to focus attention on those issues—factual and legal—that are at the heart of the parties’ dispute.’” *Id.* at 662 n.6 (quoting *United States v. One Parcel of Real Prop., With Bldgs., Appurtenances, Improvements, & Contents, Known As: 2121 E. 30th St., Tulsa, Okla.*, 73 F.3d 1057, 1059 (10th Cir. 1996)).

In addition, the plaintiff is proceeding *pro se*. A pleading filed *pro se* is “to be liberally construed,” and “held to less stringent standards than formal pleadings drafted by lawyers.” *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (citation omitted). However, a district court may not construe the plaintiff's legal arguments for him and is not required to recognize “obscure or

extravagant claims defying the most concerted efforts to unravel them.” *Weller v. Dep’t of Soc. Servs. for City of Baltimore*, 901 F.2d 387, 391 (4th Cir. 1990) (citation omitted). “Only those questions which are squarely presented to a court may properly be addressed.” *Id.*

Upon review, the court finds that Plaintiff’s objections are non-specific, unrelated to the dispositive portions of the magistrate judge’s Report, or merely restate his claims. *See* (ECF No. 53). However, liberally construing the objections, Plaintiff asserts the magistrate judge was incorrect in finding complete diversity of citizenship between the parties. In his objections, Plaintiff argues that he has not been able to conduct the discovery necessary to establish his claims against Defendant Purkerson. However, no discovery is needed to defend against a Motion to Dismiss, as such a motion is based solely on the face of the pleadings and whether or not the Plaintiff has stated a claim upon which relief can be granted. *See Ashcroft v. Iqbal*, 556 U.S. 662 (2009). Moreover, the court agrees with the magistrate judge’s conclusion that Defendant Purkerson was fraudulently joined to defeat diversity. As the magistrate judge noted (ECF No. 49 at 7), Plaintiff’s pleadings fail to allege a cause of action against Defendant Purkerson. Accordingly, this objection is without merit. Next, Plaintiff objects to the Report’s finding that the amount in controversy was satisfied. (ECF No. 53 at 5). However, Plaintiff fails to set forth any factual basis for his objection and merely repeats conclusory statements that the amount is not met. Therefore, this objection is also without merit.

Finally, Plaintiff objects to the Report’s conclusion that the court lacks personal jurisdiction over the Removing Defendants. (ECF No. 53 at 6). However, Plaintiff again fails to provide any basis for the court to exercise personal jurisdiction over the Removing Defendants. Plaintiff merely restates the vague, conclusory assertions made in his Amended Complaint, including that Defendant Maples often travels to South Carolina for reasons unrelated to the claims, and School

Defendants "communicated things" in North Carolina to his daughter which caused "anger management issues" in South Carolina. *Id.* Even assuming Plaintiff's assertions are true, they are insufficient to establish the requisite minimum contacts required to support the existence of specific personal jurisdiction over the Removing Defendants. Accordingly, this objection has no merit.

After a thorough review of the Report and the record in this case, the court adopts the Report (ECF No. 49) and incorporates it herein. Accordingly, the court finds that Defendant Purkerson was fraudulently joined for purposes of defeating diversity jurisdiction and is, therefore, **DISMISSED** as a party to this action. Plaintiff's motion to remand (ECF No. 19) is **DENIED**. Removing Defendants' motions to dismiss (ECF Nos. 8, 29, 35) are **GRANTED**. In light of the foregoing, Defendant Purkerson's motion for a more definite statement (ECF No. 36) is **DENIED** as **MOOT**.

Further, because Plaintiff has already filed an amended pleading, this court **DECLINES** to grant Plaintiff further leave to amend his complaint. (ECF 53 at 3). *See Goode v. Cent. Va. Legal Aid Soc'y*, 807 F.3d 619, 623 (4th Cir. 2015).

IT IS SO ORDERED.

s/Timothy M. Cain
United States District Judge

February 6, 2020
Anderson, South Carolina

Notice of right to Appeal

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure, to the extent permitted by applicable law.

EXHIBIT D

FORM 4

STATE OF SOUTH CAROLINA
 COUNTY OF Greenville
 IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2020CP2301450

Michael Gene Putnam
 PLAINTIFF(S)

Wake Christian Academy et al
 DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- ☐ JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ ACTION DISMISSED (*CHECK REASON*): ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled); ☐ Other
- ☐ ACTION STRICKEN (*CHECK REASON*): ☐ Rule 40(j), SCRPC; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other
- ☐ STAYED DUE TO BANKRUPTCY
- ☐ DISPOSITION OF APPEAL TO THE CIRCUIT COURT (*CHECK APPLICABLE BOX*): ☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☒ Statement of Judgment by the Court:

This matter came before the Court on June 25, 2020, for a hearing on Defendant Robert Henry Purkerson and Defendant Robin Cary Maples's Motions to Dismiss. Both Defendants appeared through counsel, Marion Michelle Jones. Plaintiff appeared pro se. After liberally construing the pleadings due to Plaintiff's position as a pro se litigant, the Court respectfully denies both Defendant's Motions to Dismiss, at this time.

ORDER INFORMATION

This order ☐ ends ☒ does not end the case.

☐ See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 06/25/2020 .

Michael Gene Putnam for Michael Gene Putnam
 Michael Gene Putnam for Michael Gene Putnam

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRPC.

ELECTRONICALLY FILED - 2022 Jun 14 5:13 PM - GREENVILLE - COMMON PLEAS - CASE#2020CP2301450
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Greenville Common Pleas

Case Caption: Michael Gene Putnam vs. Wake Christian Academy , defendant, et al
Case Number: 2020CP2301450
Type: Order/Electronic Form 4

So Ordered

s/ Edward W. Miller

Electronically signed on 2020-06-25 13:05:30 page 3 of 3

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ELECTRONICALLY FILED - 2020 Jun 25 2:35 PM - GREENVILLE - COMMON PLEAS - CASE#2020CP2301450

EXHIBIT E

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

Michael Gene Putnam,

Plaintiff,

vs.

Wake Christian Academy, Dana Graves
Cordell, Kellie O'Neal Auerweck, Robin
Cary Maples, Vanessa Hartman Kormylo,
P.A., and Robert Henry Purkerson,

Defendants.

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

Case No.: 2020-CP-23-01450

**AFFIDAVIT OF DR. RYLAND
TYRONE TRAYNHAM**

Under penalty of perjury, I, Dr. Ryland Tyrone Traynham, having first been duly sworn,
swear and affirm as follows:

1. I am formally known as Dr. Ryland T. Traynham. I am also known as Tony Traynham.
2. I am over eighteen years of age and of sound mind to give this affidavit.
3. I give this affidavit of my own free will.
4. I have personal knowledge and am competent to swear to the facts stated in this affidavit and do so knowing it will be submitted to the Court in connection with the above-referenced matter.
5. I am a resident of Greenville County, South Carolina.
6. I have known Robert (who I call "Bobby") Purkerson since the 1960s.
7. My family and Bobby's families lived near each other, and our children went to high school together.
8. The last time I saw or spoke to Bobby was prior to my wedding in June of 2015.

9. I met Michael Putnam in 2012 when I was recovering from surgery and Mr. Putnam was visiting his father across the hall. We made the connection of Lyn Maples, Bobby's daughter.
10. I have become aware that Mr. Putnam has alleged that Bobby told me about a criminal investigation involving him and that I conveyed derogatory information about him to Amy Creamer. This is false.
11. I never heard Bobby to say anything negative about Mr. Putnam.
12. I do go to Amy Creamer to have my hair cut, and I have seen Mr. Putnam at The Barber Centre in passing over the years.
13. The extent of my conversation with Amy Creamer concerning Mr. Putnam was to ask Amy how Mr. Putnam was doing after seeing him leaving as I was entering. Amy's response was that she didn't think he was doing well as he informed her his daughter would not speak to him and he had lost job. This was the extent of my conversation with Amy concerning Mr. Putnam.
14. As to seeing Mr. Putnam in a restaurant in 2019, I do recall seeing Mr. Putnam and his daughter at Outback, but I believe it was before 2019. His daughter was playing with some sort of electronic device. I did not ask him why Bobby or Lyn were saying bad things about him. Any claim otherwise is untrue. I have never known Bobby to say anything bad about Mr. Putnam.

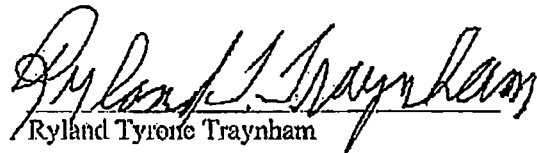
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[Signature Block on Following Page]

I declare under penalty of perjury that the foregoing is true and correct.

FURTHER AFFIANT SAYETH NOT.

This 21 day of October, 2020.


Ryland Tyrone Traynham

Sworn to and Subscribed before me
this 21st day of October, 2020.

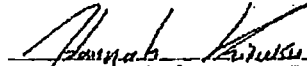

Notary Public for South Carolina
My Commission Expires: 07/01/2029

EXHIBIT F

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

Michael Gene Putnam,

Plaintiff,

vs.

Wake Christian Academy, Dana Graves
Cordell, Kellie O'Neal Auerweck, Robin
Cary Maples, Vanessa Hartman Kormylo,
P.A., and Robert Henry Purkerson,

Defendants.

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

Case No.: 2020-CP-23-01450

AFFIDAVIT OF SERGEANT ROBERT
PERRY

Under penalty of perjury, I, Sergeant Robert Perry, having first been duly sworn, swear and affirm as follows:

1. I am known as Sergeant Robert Perry.
2. I am over eighteen years of age and of sound mind to give this affidavit.
3. I give this affidavit of my own free will.
4. I have personal knowledge and am competent to swear to the facts stated in this affidavit and do so knowing it will be submitted to the Court in connection with the above referenced matter.
5. I am a resident of Greenville County, South Carolina.
6. I am a Sergeant with the Greenville County Sheriff's Office.
7. I have been with the Greenville County Sheriff's Office since 2006.
8. I was the approving officer that signed off on reporting Officer Chyna Nunez's report involving the investigation of a report of possible criminal conduct by Michael Putnam.

9. The report was investigated and ultimately no charges were filed against Michael Putnam because even though the incidents disclosed were concerning, they did not rise to the level of criminal conduct based on the information reviewed during the investigation.

10. The report concluded by stating that, "[t]his case is unfounded." This statement should have been changed before the report was finalized as "unfounded" was not the proper term. The report should have concluded by stating the matter was "exceptionally cleared", meaning something may have happened, but there was no proof uncovered during the investigation. Therefore, the Sheriff's Office did not proceed with criminal charges.

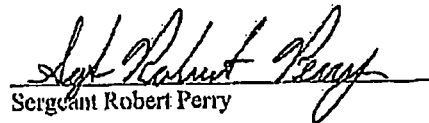
11. My interaction with Robert Purkerson was limited to one phone call. During the call, I explained to Mr. Purkerson the reason that the Greenville County Sheriff's Office was not moving forward with criminal charges against Michael Putnam.

12. During the call with Mr. Purkerson, he never asked that the investigation into Mr. Putnam be re-opened. He did not make any allegations or claims about Mr. Putnam during our call.

I declare under penalty of perjury that the foregoing is true and correct.

FURTHER AFFIANT SAYETH NOT.

This 9 day of November, 2020.


Sergeant Robert Perry

Sworn to and Subscribed before me
this 9th day of November, 2020.

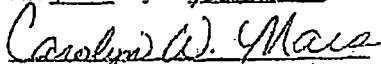

Carolyn W. Maise
Notary Public for South Carolina
My Commission Expires: 10/17/2026

EXHIBIT G

May 7, 2021

By FedEx and Email

Mr. Wesley J. Shull
872 S. Pleasantburg Drive
Greenville, SC 29607

And

Mr. Robin C. Maples
3214 Cottonfield Dr.
Mt. Pleasant, SC 29466

Re: 2020-CP-23-01450 – Reply to Form 4 Order of April 27, 2021

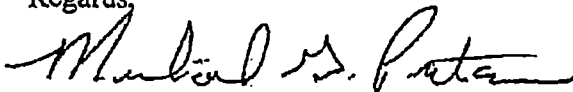
Dear Gentlemen:

Please find enclosed Plaintiff's answers and responses to the Form 4 Order issued by the Honorable Letitia H. Verdin on April 27, 2021. In a note of clarification from Judge Verdin's Law Clerk, Patrick Fant, dated May 5, 2021, Mr. Fant stated the following which I used as guidelines in preparing the attached schedule of names, *"The Court only included 'mutual friends or acquaintances in Greenville, SC' 'because of how it was pled in the Plaintiff's Complaint. If there are other individuals in addition to these individuals in Greenville, the names should be stated in specificity who they are and where they live.'"*

Of course, people do move, and the information as to a person's city or state is based on my knowledge or other available resources.

The Certificates/Affidavits of Service will be filed and sent Monday with a redaction of private information not appropriate for the Public Index.

Regards,



Michael G. Putnam – Plaintiff *Pro se*

Michael Gene Putnam – *Pro se* - Plaintiff

~~Greenville, SC 29601-3377~~
Greenville, SC 29601-3377

Phone: - Cell

Fax:

Email:

CC by email: Patrick Fant, Law Clerk to Judge Latitia H. Verdin

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF GREENVILLE

THIRTEENTH JUDICIAL CIRCUIT

Case No.: 2020-CP-23-01450

Reply to Form 4 Order of April 27, 2021

Clarification and Disclosure as to Paragraph 57 of Plaintiff's First Amended ComplaintIn or around Greenville, South Carolina

	<u>Name</u>	<u>City and State</u>
1	Gail Purkerson	Greenville, SC
2	Amy Creamer	Greenville, SC
3	Barbara Hawkins	Greenville, SC
4	Diane Jeter	Greenville, SC
5	Tony Traynam	Greenville, SC
6	Carol Morgan	Greenville, SC

Outside of Greenville, South Carolina with probable connections/friends/family in Greenville, South Carolina

7	Gloria Walker	Texas
8	Taylor Wilson Tucker	Greenwood, SC
9	Jeff Fleming	Summerville, SC
10	Nikkee Fleming	Summerville, SC
11	Zoie Fleming	Summerville, SC

12 Robbie Purkerson
13 Carol Purkerson
14 Bobby Maples and wife

Virginia Beach, VA

Virginia beach

Jacksonville, NC

Respectfully submitted,

May 7, 2021

Greenville, South Carolina



Michael G. Putnam

~~1108 S. Main St., Greenville, SC 29601-3377~~

Greenville, SC 29601-3377

~~Cell~~

~~Cell~~

EXHIBIT H

IN THE COURT OF COMMON PLEAS
FOR THE STATE OF SOUTH CAROLINA
GREENVILLE COUNTY

DEPOSITION OF MICHAEL G. PUTNAM

MICHAEL GENE PUTNAM,

Plaintiff,

vs.

CASE NO. 2020-CP-23-01450

WAKE CHRISTIAN ACADEMY, DANA GRAVES CORDELL,
KELLIE O'NEAL AUERWECK, ROBIN CARY MAPLES,
VANESSA HARTMAN KORMYLO, P.A., ROBERT HENRY
PURKERSON,

Defendants.

DEPONENT: MICHAEL G. PUTNAM

DATE: APRIL 12, 2022

TIME: 10:22 AM

LOCATION: WILLSON JONES CARTER & BAXLEY
GREENVILLE, SOUTH CAROLINA

REPORTED BY: VALERIE G. MELKUS, RPR
NCRA REGISTERED PROFESSIONAL
REPORTER
AdvancedOne Legal

**CERTIFIED
TRANSCRIPT**



AdvancedONE
LEGAL

(866) 715-7770
advancedONE.com

Page 50 1 fee waived. 2 Q. Okay. Those damages associated with the 3 lawsuit itself, do you have any idea what that 4 equates to? 5 A. I don't. I have the information. I've 6 not added it up. 7 Q. Do you have a ballpark? 8 A. No, sir. 9 Q. And I believe you just testified that 10 you found out about the alleged defamatory 11 statements made by Bob Purkerson sometime in 12 2018? 13 A. That's my recollection. I would have to 14 look at the history of text messages or phone 15 calls from others to validate that precisely. 16 Q. Well, have you not provided me with the 17 text messages and the phone calls? 18 A. Well, I don't -- I haven't -- I've given 19 you what I have that would have been on my 20 computer or on a recording, but I certainly have 21 been informed of things, and I've also -- I've 22 given you everything that I have to the best of 23 my knowledge. But a significant amount of the 24 affirmation of the poisonous mix will come from 25 the testimony of others.	Page 52 1 an old Windows-based system that's no longer 2 supported. I'm going to need to find some 3 technical assistance to see if there's anything 4 additional in there. 5 Q. What would be on there? 6 A. Possibly e-mails, text messages. 7 Q. You would have text messages on your 8 computer? 9 A. Well, if someone sends you a screenshot 10 of something and attaches it to an e-mail, that's 11 a text message as far as I'm concerned, even 12 though it didn't come to my phone. You may have 13 a different assertion or way to describe that. 14 But if I -- someone sends me a picture of the 15 text message from their phone, I call it a text 16 message. I don't know what you call it. 17 Q. Can you tell me if you first found out 18 about the alleged defamatory statements that Mr. 19 Purkerson made about you before or after you fell 20 off the ladder on July 26, 2018? 21 A. Well, I -- you've listened to and seen a 22 copy of the transcript of his assault in his 23 driveway. 24 Q. I'm not asking about an assault. I'm 25 asking about defamatory statements.
Page 51 1 Q. So I asked you if you could recall when 2 in 2018 you first found out about the allegedly 3 defamatory statements, and you said you would 4 have to look at text messages and phone calls. 5 A. Well -- 6 Q. Is there something in what you have 7 provided me that would help you come up with that 8 answer? 9 A. Probably not. Not precisely. 10 Q. All right. Can you give me an estimate 11 as to when in 2018 you first found out about the 12 alleged defamatory statements? 13 A. Well, understand that it was July 14 the 26th that I fell off the ladder, and so until 15 I got over the acute phase of my injury, I 16 wasn't -- again, I was still a defendant in a 17 family court case which took a significant amount 18 of time, and so I'm not going to try to sort out 19 the two different matters without going back 20 through whatever information I have or can find. 21 But I've provided you what I believe I have. 22 I will say that I had another computer 23 at that time that was -- I guess they used to 24 call them -- not laptops, but more like just a 25 box that's in my storage, and I've not -- it's in	Page 53 1 A. Well, he's making defamatory 2 statements -- there were defamatory statements 3 made that -- the recorder simply wasn't on, so -- 4 Q. He made defamatory statements about you 5 to you? 6 A. And in the presence of my child and 7 maybe the presence of the police. I don't -- 8 certainly his wife. 9 Q. All right. When do you claim that Bob's 10 defamatory statements about you were made? 11 A. Well, it's been continuous since 12 probably 2015 or 2016. But I didn't have 13 knowledge of them, and because they've been 14 continuous -- you know, you seem to be -- wanted 15 me to take a timeline and take a slice out of it. 16 When the defamatory information is continuous and 17 you think the snake is only this long but the 18 snake runs all the way out the window on the 19 other side and you don't find that out until 20 later, it's hard to sit here in this conference 21 room table and discern that. 22 Q. Can you tell me when Mr. Purkerson first 23 made a defamatory statement about you? 24 A. No. 25 Q. Can you tell me when the first

Page 54 1 defamatory statement that he made about you that 2 you know of occurred? 3 A. I don't have a precise recollection of 4 that. 5 Q. And you first found out about them in 6 2018, correct? 7 A. I'm not going to say that that's the 8 first time that I was aware of the defamatory 9 statement. When you're -- 10 Q. Well, you've already said that, haven't 11 you? 12 A. Well, I'm modifying that to say, you 13 know, I know that there are messages and writings 14 of Mr. Purkerson in 2018, but I can't say -- 15 Q. When did you first find out about them? 16 A. -- I can't say that that was the very 17 beginning of when he started making them. 18 Q. I'm asking you when you found out about 19 them. You said that was in 2018, I think, right? 20 A. I said it may have been 2018, but it -- 21 when we started having the family court 22 litigation and Mr. Purkerson changed his tone and 23 attitude toward me. I know there were the 24 defamatory assertions, but I don't recall the 25 exact date of when I learned of them. Page 55 1 Q. You don't recall the exact date of when 2 you learned of it, but I think you testified that 3 you learned about them in 2018? 4 A. At least in 2018, because I know that 5 when Mr. Purkerson said he was going to get me 6 and get me good and can't wait to get his hands 7 around my neck was in 2018. And it was only -- 8 and it was in October of 2018 that a sex crime 9 investigation was initiated which was subsequent 10 to his threats to get his hands around my neck. 11 So I -- and I know that was heard by others. So 12 I know -- I certainly know that was a date, but 13 I'd have to go through and see if there was 14 something. 15 But certainly they've been so continuous 16 in nature that -- if there was a track outside in 17 that green area and you ran that three times a 18 day for four years, could you tell me what day it 19 started raining during that four-year period of 20 time? You probably wouldn't. And this is -- 21 when the crap starts flowing, it gets a little 22 bit blended together. But it's been so 23 continuous, even up to today. You know, and when 24 I say today, you know -- 25 Q. What defamatory statements has Mr.	Page 56 1 Purkerson made about you today? 2 A. I said -- what I was trying to say was 3 I'm not saying today the 12th. Okay? I'm saying 4 up to the current period. Okay? 5 Q. When is the last defamatory statement 6 that you know of that Mr. Purkerson made about 7 you? 8 A. Well, that would have to come from the 9 testimony of other people. So that's the nature 10 of defamation is, one, that it's not true, and, 11 two, that it's shared with others. And others 12 don't call me every day that they may hear 13 something that they know is untrue because it 14 becomes monotonous, and it doesn't do me any good 15 to hear it. But so -- 16 Q. Do you remember the instance of when you 17 first were told by somebody else that Mr. 18 Purkerson had said something about you that 19 wasn't truthful? 20 A. Not sitting here today I don't, no. 21 Q. So you can't recall when that happened 22 or who it was who told you about it? 23 A. Well, one, my daughter told me about it. 24 Nikkee Fleming, Jeff Fleming. 25 Q. So all these people are the first people Page 57 1 who told you about it? 2 A. I'm just saying they are people that 3 have told me about it. But I'm saying -- 4 Q. I'm asking you the first time -- 5 A. -- I'm saying I cannot tell you 6 exactly -- you know, I couldn't tell you the 7 date of the first time I had a bad meal at a 8 restaurant. I just don't recall. 9 Q. Well, have you ever sued a restaurant 10 for a bad meal? 11 A. If you want to assert that defamatory 12 statements as to an act of moral turpitude is 13 equivalent to having a bad meal, I'll let you 14 make that assertion, but I don't make that 15 assertion. And I've been personally damaged by 16 the entire Purkerson-Maples gang, and -- 17 Q. Well, I'm not worried about the gang. 18 I'm worried about Bob. 19 A. Well, he's part of the gang. 20 Q. So you cannot tell me when anybody first 21 told you that Mr. Purkerson made an untruthful 22 defamatory statement about you? You can't tell 23 me when that happened or who it was who told you 24 about it the first time? 25 A. Not sitting here right now, huh-uh.

Page 58 1 Q. You think that maybe that was in 2018? 2 A. I know there were defamatory statements 3 made in 2018. I can't tell you that that was the 4 first time I became aware of it and who told me. 5 Q. Who has told you that Bob Purkerson made 6 untruthful statements about you? 7 A. Well, I would prefer to phrase that as 8 what the person considered as defamatory because 9 they would not perhaps know whether it was the 10 truth or not the truth. If you say -- I mean, 11 the U.S. Supreme Court says if you -- if I said 12 Mr. Purkerson is a thief, that's defined by the 13 U.S. Supreme Court as defamatory per se and 14 actionable per se. So we're trying to wordsmith 15 this thing. Different people -- 16 Q. No, we're not. 17 A. -- different people -- some people might 18 say, well, he's a thief is not defamatory. Some 19 people might say it is. Some people might say 20 inappropriately touching your child is defamatory 21 and some people might not. I don't know. But I 22 don't know -- but those things have been said, 23 and I guess it will be up to a jury to decide 24 whether they think it's defamatory or not when 25 people testify exactly what was said.	Page 60 1 A. He was. He's one of your witnesses. 2 I'm anxious for you to take his deposition. 3 Q. Do you know Mr. Hoxie's first name? 4 A. Larry. 5 Q. Do you how to spell it? Is it H-o-x -- 6 A. -i-e. 7 Q. All right. I have your daughter, Mr. 8 Hoxie. Who else? 9 A. Nikkee Fleming. Jeff Fleming, Zoie 10 Fleming. Tony Traynham. I'm told -- 11 Q. Told by whom? 12 A. Pardon me? 13 Q. You just said you were told. Told by 14 whom? 15 A. I was told that Bobby Maples is aware of 16 that. 17 Q. So I want to know people who have 18 communicated directly to you that they heard Mr. 19 Purkerson defaming you. 20 A. Okay. Well, I'll rest on the link, 21 because it's like a chain. Like if you -- if 22 you're sitting at a picnic table and somebody 23 walks up to the first person at the picnic table 24 and there's 10 of them in a row and you whisper 25 something defamatory about me, by the time it
Page 59 1 Q. You're going to testify in front of a 2 jury too, right? 3 A. Right. 4 Q. So has Mr. Purkerson ever called you a 5 thief that you know of? 6 A. Ever called me a thief? 7 Q. That's the example you just used, I 8 think. 9 A. I used that because that is a matter of 10 caselaw that's been cited for years and years. 11 Q. Okay. Well, I'm not asking for caselaw. 12 I'm trying to find facts. 13 A. Okay. 14 Q. What facts do you have -- and the first 15 fact I have tried to get to was when you first 16 found out about the defamatory statements. The 17 second fact I'm trying to get to is who has told 18 you about it, who were the third parties that he 19 made the statements to? 20 A. I told you that my daughter has told me 21 about it. Mr. Hoxie. 22 Q. Who is that? 23 A. He was the principal at Wake Christian 24 Academy. 25 Q. He was a defendant or no?	Page 61 1 gets to the end of the table, the guy is a 2 murderer. 3 So these people in between will be able 4 to complete the chain, and that's one of the 5 reasons why I've been fighting like hell to get 6 the e-mails. And I think that would be much more 7 definitive. 8 Q. All right. I asked you who had told you 9 that Mr. Purkerson had made untruthful statements 10 about you. 11 A. So do you not assert that -- 12 Q. I'm asking questions. 13 A. Okay. And I gave you a list of people. 14 And if I want to leave it at that, that's -- I'm 15 going to leave it at that. 16 Q. That's right. And I'm going to read 17 them out to you. When I asked you that question, 18 you said your daughter, right? Is that right? 19 A. Correct. 20 Q. You said Larry Hoxie, correct? 21 A. Correct. 22 Q. Okay. You said Nikkee Fleming, right? 23 A. Yep. 24 Q. You said Jeff Fleming? Sir? 25 A. Yep.

Page 62 1 Q. And you said Zoie Fleming? 2 A. Yes. 3 Q. And you said Tony Traynham? 4 A. And I would add Dana Cordell, Kellie 5 Auerweck. 6 Q. And that's A-u-a-r-w-a-c-k? 7 A. Uh-huh. 8 Q. And Kellie is with an i-e at the end, 9 right, sir? I'm just doing that for her benefit. 10 A. Okay. 11 Q. Anybody else? 12 A. So I'll leave it at that as to what I 13 can recall right now. 14 Q. Okay. What has your daughter told you 15 that Bob has told her that was untruthful about 16 you? And I'm just going to go through the list. 17 MR. PUTNAM: Well, I object to the 18 question. 19 MR. SHULL: What's the basis for 20 the objection? 21 MR. PUTNAM: Well, restate the 22 question. 23 Q. What has your daughter Ella told you 24 that Bob said about you that was defamatory or 25 untruthful?	Page 64 1 Q. Right. That's what I'm trying to get to 2 is -- one of the people you said he told is Ella, 3 so is there anything else that she's told you 4 that Bob said about you? 5 A. I'll have to reflect on that. 6 Q. Okay. The next person is Larry Hoxie. 7 (Off-the-record discussion.) 8 Q. Do you-all want to just break for lunch 9 and come back? It's 12:38. I'll leave it up to 10 you. 11 A. You said this was going to last an hour 12 and a half between you and Mr. Churdar, and I've 13 been limited on Mr. Maples' deposition. So, you 14 know, at some point it's going to be time for me 15 to roll, so if you -- 16 Q. You want to press on through? 17 A. If you have changed your mind about how 18 long you think it's going to take -- 19 Q. She needs to use the restroom, and then 20 if you want to break for lunch we can do that or 21 we can press on through. 22 A. Well, I'm not planning on spending the 23 whole afternoon here and -- 24 Q. I hope it won't take the whole 25 afternoon, but I have to -- the purpose is for me
Page 63 1 A. That your dad is a drug-abusing 2 alcoholic. 3 Q. Okay. Anything else that she's said to 4 you? 5 A. I'll have to look at my -- 6 Q. Look at what? 7 A. I've got -- you know, you didn't ask me 8 to bring documents today, but I've got -- you 9 know, like I'd call pretrial notes of -- and I'd 10 have to consult other counsel to find out if 11 that's -- has any privilege or not, but I didn't 12 bring that with me, so -- 13 Q. Okay. So Ella told you that Bob said, 14 quote, your dad is a drug-abusing alcoholic. Has 15 she said anything else that you can recall that 16 you believe is defamatory against you? 17 A. Well, she's -- it's been repeated to his 18 wife, Gail. 19 Q. Huh-uh. I'm asking you the specific 20 question, what has Ella told you, what are the 21 statements that she's repeated to you that Bob 22 made about you other than, your dad is a 23 drug-abusing alcoholic? 24 A. Well, the defamation occurs when he 25 tells others, not me.	Page 65 1 to have some understanding of what your testimony 2 could be at trial, right? 3 A. Do you want me to pull up your e-mail to 4 me in terms of what you said that you would need 5 of my time -- 6 Q. No. 7 A. -- and Mr. Churdar? 8 Q. No, I don't want you to do that. 9 A. Do you recall that? 10 Q. It doesn't matter what I recall and what 11 I don't recall. 12 A. Well, when -- I assume we're off the 13 record. 14 Q. No. We're still on the record. 15 A. Well, then, ask away. 16 (A recess was taken.) 17 Q. Back on. All right. Larry Hoxie, what 18 did he tell you that Bob Furkerson said about you 19 that was defamatory? 20 A. Well, he said that Mr. Maples had shown 21 him some information or communicated information 22 that he asserted came from Mr. Furkerson that led 23 him to file a report with the Wake County DSS. 24 Q. Did Mr. Hoxie ever tell you that Bob had 25 said something about you to him, to Mr. Hoxie?

Page 66 1 A. Not that I recall. 2 Q. All right. The next one is Nikkee 3 Fleming. What has Nikkee Fleming told you that 4 Bob said to her about you that was defamatory? 5 A. We'll just start with a list of words. 6 Drug-abusing alcoholic. Irresponsible parent. 7 Unfit to be a parent. Repeated the allegations 8 of the sex crime investigation. 9 Q. When did Nikkee tell you that Bob told 10 her this about you? 11 A. I'd have to look at -- I had a number of 12 conversations since this lawsuit was filed. 13 Q. Well, no, I'm talking about before the 14 lawsuit. You had grounds for filing the lawsuit, 15 right, or did you just file the lawsuit and then 16 go find the grounds? 17 A. The lawsuit has -- there are grounds for 18 the lawsuit, and -- but I don't know the exact 19 date or time that -- 20 Q. Can you estimate it? 21 A. Huh-uh. I've probably talked to -- over 22 the course of this since Bob, Mr. Purkerson's 23 daughter lost custody of her child -- 24 Q. I don't know when that was. You brought 25 this lawsuit in 2019.	Page 68 1 you these things that Mr. Purkerson allegedly 2 said about you? 3 A. I don't recall because Mr. Purkerson 4 wasn't named in the original case that was 5 removed to federal court. 6 Q. What about as of March of 2020, had she 7 told it to you by then? 8 A. Yeah. 9 Q. And she said that Bob said that you were 10 a drug-abusing alcoholic? 11 A. Among a whole list of things. 12 Q. Sure. No, I'm just repeating what you 13 just told me. The first thing you said was that 14 she told you that he said you were a drug-abusing 15 alcoholic, right? Isn't that what you just said? 16 A. Among others. 17 Q. You just told me -- I believe I wrote it 18 down -- that one of the things that Nikkee 19 Fleming said that Bob said about you was that you 20 were a drug-abusing alcoholic. 21 A. Well, I believe that's in one of the 22 text messages, but I can't sit here and affirm 23 the date. 24 Q. Then you also told me just now that he 25 said you were an irresponsible parent, correct?
Page 67 1 A. I know. I'm just trying to think about 2 the date of when that was and relate that to 3 another date. If you don't want me to process 4 that -- 5 Q. No, go ahead, but it might take longer 6 than until 2:00 if you're going to do that for 7 every one of these. And I'm fine with that, 8 but -- 9 A. Well, okay. Well, I'll just say I don't 10 recall the exact date. 11 Q. Had she told you that Bob had said those 12 things to her when you filed your original 13 complaint? And just to refresh your 14 recollection, the original complaint, I believe, 15 was filed -- bear with me. 16 A. Are you talking about the case that was 17 removed to federal court? 18 Q. This complaint that we're here about 19 today was originally filed in March of 2020, and 20 then you amended it in June of 2020. But you had 21 filed one that was removed to federal court, and 22 that was filed in 2019, right? 23 A. That's right. 24 Q. When you filed your original complaint 25 in 2019, at that point had Nikkee Fleming told	Page 69 1 That's what you just said. 2 A. Well, he sent me e-mails to that effect, 3 and the drug-abusing alcoholic. So it's not 4 surprising that it would be shared with others. 5 Q. But it doesn't matter what he told you. 6 I'm trying to figure out what he told Nikkee. 7 A. I know. 8 Q. So Nikkee told you also that he thought 9 you were unfit to be a parent. Isn't that what 10 you just said? 11 A. There's a lot of ways to say that a 12 person is unfit to be a parent without saying 13 those specific words. Okay? So I'm not saying, 14 quote, unquote, that. But if I said someone is 15 totally irresponsible in their parenting skills, 16 someone might interpret that as saying they're 17 unfit to be a parent. It could have been said in 18 a different way. How I processed it and remember 19 it could be different. 20 Q. All right. And then the last thing you 21 said was that she said that he repeated to her, 22 to Nikkee, the allegations of the sex crime 23 investigation, right? 24 A. Or parts of it. 25 Q. Okay. Anything else that Nikkee Fleming

Page 70 1 has told you that Bob Purkerson said about you 2 that you believe are grounds for a defamation 3 lawsuit? 4 A. I'll have to go through and look at the 5 notes and messages. 6 Q. As we sit here today, is there anything 7 else that you can recall? 8 A. Well, not that I can sitting here. 9 Q. Jeff Fleming was the next person you 10 named. What did Jeff Fleming say that Bob 11 Purkerson told him about you that was untruthful 12 and defamatory? 13 A. Well, Jeff and Nikkee are married, so 14 they likely heard the same thing at the same 15 time. 16 Q. So the same thing as what Nikkee Fleming 17 told you? 18 A. Among others. 19 Q. What are the others? 20 A. You know, I don't know without looking 21 at notes, without looking at letters from Bob to 22 Jeff. 23 Q. Where are those letters? 24 A. You've got a copy of that. 25 Q. I do? Of a letter from Bob to Jeff?	Page 72 1 texted you and said, Bob just said X, Y, Z about 2 you? 3 A. Well, I believe there was a call where 4 Zoie was talking to Nikkee, and I could hear her 5 in the background talking to Nikkee. Not me 6 directly, but I heard what she was saying. 7 Q. So you overheard Zoie talking to Nikkee, 8 and what did she say? 9 A. I don't know who else was in the room. 10 Q. What did you hear her say to Nikkee? 11 A. That she had spent the last hour and a 12 half in the car with her grandfather, one of her 13 grandfathers and -- 14 Q. Well, which one? 15 A. Well, Mr. Purkerson. 16 Q. You heard her say Mr. Purkerson or Bob? 17 A. Well, they had just gotten back from a 18 trip from Litchfield where Mr. Purkerson -- I 19 don't believe Mr. Fleming has a place at 20 Litchfield. 21 Q. And she said, I just spent the last hour 22 and a half in the car with my grandfather and -- 23 A. All they could do is trash Michael. 24 Q. Did she go into any more detail other 25 than to say, all they could do is trash Michael?
Page 71 1 A. An e-mail. 2 Q. Okay. Zoie Fleming. What has Zoie said 3 that Bob Purkerson said about you that was 4 untruthful and defamatory? 5 A. Well, Zoie told her stepmother, who then 6 told me. 7 Q. What did Zoie tell you? 8 A. She didn't tell me. 9 Q. She's never said anything to you? 10 A. I didn't say she's never said anything 11 to me. I said that during one of the visits, 12 Zoie couldn't wait to get away from all the -- 13 what she believed also, very untruthful things, 14 so -- but Zoie is willing to testify, so I'll let 15 her speak to the specifics. 16 Q. All right. I need you to just answer 17 the questions I'm asking. 18 A. Well, okay. I'm saying I don't know 19 the -- 20 Q. Let me repeat it. Zoie Fleming, has she 21 ever told you anything that Bob said about you to 22 her? And I'm not asking what she said to anybody 23 else, to her mother or her stepmother or 24 stepfather or father or whoever. Has she ever 25 called you up or has she ever e-mailed you or	Page 73 1 A. I don't recall. 2 Q. And who is they, do you know who they 3 were? 4 A. I wasn't in the room, so -- 5 Q. Well, you were listening? 6 A. Well, that could be -- Mr. Purkerson is 7 sitting in the room, but he's not saying 8 anything. So if I was just listening to this 9 room, I wouldn't know whether he was here or not. 10 So whether her dad, Jeff, was in the room, I 11 don't know. 12 Q. You just said, all they could do is 13 trash Michael, and I'm trying to figure out who 14 they is or who they were. You don't know? 15 A. No. I don't know who else might have 16 been in the car. 17 Q. All right. Tony Traynham, what has -- 18 and he's a doctor, right? 19 A. A dentist. 20 Q. What has he told you that he says Bob 21 told about you that was defamatory and 22 untruthful? 23 A. Well, he walked up to me at the 24 CityRange restaurant and asked me why Mr. 25 Purkerson was trashing me and why his daughter

Page 74 1 had asked him to provide an affidavit or 2 something to that effect saying, you're a bad 3 parent, that you are an abusive alcoholic, that 4 you bring your child in there for hours on end, 5 and he asked me why -- you know, why they would 6 want to say such bad things about me. 7 Q. Did he go into detail about what Bob was 8 saying about you? 9 A. I think -- you know, the best I can 10 recall is the word trashing, but that's just the 11 best of my recollection. 12 Q. So Dr. Traynham told you that Bob was 13 trashing you? 14 A. Well, he, in effect, asked why the whole 15 family, including Bob -- 16 Q. I'm not worried about the whole family. 17 I want to know what he told you that Bob said 18 about you. 19 A. Well, I assume what he was asking me 20 about was from Bob, but he had also gotten a call 21 from Lyn. 22 Q. But, see, I'm not here about -- 23 A. It's part of the whole -- it's part of 24 the conversation. That's what I'm saying. 25 Q. Right. But the question is what did he	Page 76 1 Q. Dana Cordell. What has Dana Cordell 2 told you that Bob said about you that was 3 untruthful or defamatory? 4 A. Dana Cordell wrote an affidavit that you 5 should have a copy of that describes that. 6 Q. All right. I've got a copy of an 7 affidavit from her. I think it's in this latest 8 packet of stuff you sent me in February, I think. 9 Maybe it's in this stuff that you sent me. Oh, 10 no. It's attached to one of these complaints. 11 A. And I -- 12 Q. Just one second, just so I don't lose 13 track of things. I'm sorry to cut you off, 14 but -- all right. So Exhibit 1 to your March 6, 15 2020, complaint is a signed affidavit or 16 statement by Dana Cordell. Is this what you're 17 talking about? Do you want to look at that? 18 A. Well, I believe she wrote two. 19 Q. Well, let's talk about -- 20 A. That was an initial -- 21 Q. Well, let's talk about this one. I'm 22 going to hand it to you, and you tell me what in 23 here you believe is a defamatory statement made 24 by Bob to her, please. 25 A. Well, I think it's consistent with Ella
Page 75 1 tell you that Bob said about you that was 2 untruthful or defamatory. He said that Bob was 3 trashing you. Did he say anything else? 4 A. Well, he generalized in just saying 5 that, you know -- I said, well, what did he say, 6 and he said, some really bad stuff. 7 Q. Did he elaborate? 8 A. And frankly in a place where there's a 9 lot of other people just hanging around, I didn't 10 want to -- and he didn't either want to further 11 define it. 12 Q. So you-all didn't discuss the details at 13 the CityRange? 14 A. Trashing me is enough for me. Okay? 15 However -- 16 Q. Did you ever talk to Mr. Traynham about 17 Bob after that day at CityRange? 18 A. I saw him after that, but we didn't 19 discuss that. 20 Q. Have you ever discussed Bob with Tony 21 Traynham since that day at CityRange when he said 22 that Bob was trashing you and saying really bad 23 stuff about you? 24 A. No, because that was kind of just 25 pre-COVID and nobody was out socializing.	Page 77 1 saying that her father has an alcohol problem 2 which was -- in bars and so forth, which was 3 reiterated to Ella by Bob. Well, I don't see a 4 direct reference to Bob. 5 Q. And you think there might be another 6 affidavit out there that Dana Cordell signed? 7 A. I'll have to look. 8 Q. Here's another. This one is signed 9 by -- let's go ahead and talk about her -- Kellie 10 Auerweck. What did she say to you that you 11 believe is untruthful and defamatory that she 12 said that Bob said about you? 13 A. Well, again, it's inference. 14 Q. And for the record, I've just handed you 15 Kellie Auerweck's statement, and you're reviewing 16 it, correct, sir? 17 A. One of them. Okay. Again, I don't see 18 a direct reference. 19 Q. Okay. You said there might be another 20 affidavit out there that references Bob and what 21 he was saying about you? 22 A. Well, I guess I would say I may have 23 been incorrect in saying that they had repeated 24 verbatim something that was told to them by Bob. 25 Q. All right. And then you also attached

Page 78 1 as exhibits to your March 6th complaint -- the 2 third exhibit is a Greenville County Sheriff's 3 Office incident report. Have you seen that, sir? 4 A. Yeah. I guess it's the same. 5 Q. Did you type Exhibit 4 down in the lower 6 right-hand corner? 7 A. This says Exhibit 3. 8 Q. Excuse me. Exhibit 3. 9 A. I don't know if I did or not. 10 Q. Don't know? 11 A. No. 12 Q. Did Kellie Auerweck ever directly 13 communicate with you that Bob had told her 14 something about you that was incorrect or 15 defamatory or false or untruthful? 16 A. I just a moment ago said as to both Dana 17 and Kellie that my -- what I asserted earlier 18 might have been hearsay. 19 Q. All right. Those are the last two 20 people that you named in this deposition today. 21 Now, in your discovery responses that I had you 22 compelled by court order to give me to 23 interrogatory number five -- I'm going to read 24 the interrogatory to you again. 25 Set forth the specific contents of any	Page 80 1 quote, on me, and he was going to give it to me, 2 quote, big time, end quote. 3 He also mentions DSS and the 4 investigation started shortly after this 5 confrontation where I was just trying to pick up 6 my child from Purkerson's house. I'm going to 7 e-mail the audio files because I need to change 8 the format from a WAV file to an MP file -- 9 that's supposed to be MP3 file, maybe -- much 10 more audio that I will supplement after I can get 11 some professional assistance to make them more 12 audibly clear. 13 Do you remember sending that to me, sir? 14 A. Yeah. Is there a date on it? 15 Q. It's February 21, 2022. 16 A. Okay. 17 Q. Is there anything that you would like to 18 add to that answer I just read to you to 19 interrogatory number five? 20 A. Well, pending getting the e-mail 21 communications, I think there will be a 22 significant supplement once those are received. 23 Q. Do you have anything else you'd like to 24 add to that currently? 25 A. No.
Page 79 1 and all statements you allege Purkerson made 2 concerning you. For each statement, identify the 3 date of the statement, the persons to whom the 4 statement was made and any other persons present 5 when the statement was made if the statement was 6 a verbal communication. Or if the statement was 7 a written communication, identify the recipient 8 of the statement and all persons to whom 9 Purkerson provided a copy of the statement. 10 And here was your response: Was, comma, 11 there are 36 pages of text messages regarding all 12 involved, including your client. I have not 13 deposed Nikkee Fleming, Jeff Fleming, Kearson 14 Maples and Zoie Fleming. All are able and 15 willing to testify as to defamatory statements by 16 Bob Purkerson. Depending on whether we have a 17 scheduling hearing and a discovery deadline will 18 determine who and when I am able to depose. 19 Additionally, separated by a piece of 20 colored paper in Exhibit -- this says T22. I 21 think maybe that was meant to be Exhibit 2 -- are 22 e-mails from Purkerson, and, of course, the one 23 where he was essentially assaulting me in his 24 driveway and indicates, quote, he can't wait to 25 get his hands on me, end quote -- hands, end	Page 81 1 Q. All right. Who are these text messages 2 from? These are from Nikkee Fleming? 3 A. I believe so. 4 Q. And these are part of Exhibit 2 to your 5 supplemental interrogatory responses of 6 February 21st? 7 A. Okay, yes. 8 Q. Correct? Go through these text 9 messages, if you don't mind, and show me the 10 defamation by Mr. Purkerson, please. 11 A. What was the request of the production? 12 How was the request worded? 13 Q. The request is interrogatory number 14 five, which I think you completely copied in your 15 response. Didn't you produce all that stuff? 16 A. This goes one, two, three, four, A, B, 17 C, D. I don't see the -- 18 Q. All right. Let me show you. Complete 19 answers to interrogatory number five. And I just 20 read interrogatory number -- 21 A. But are the text messages in response to 22 a production request? 23 Q. Did you provide me with this 24 information? 25 A. I did. But I'm asking is there a

Page 82 1 production request saying, please provide me all 2 relevant text messages or whatever? 3 Q. Here's my question to you. You sent 4 this to me, correct? 5 A. I did. 6 Q. Okay. And part of Exhibit 2 are text 7 messages, I think from somebody named Nikkee. 8 Yes? 9 A. There are text messages from Nikkee in 10 there, yeah. 11 Q. Okay. So can you go through the text 12 messages that you produced to me and show me the 13 defamation committed by Bob Purkerson? 14 A. Well, I think the purpose of providing 15 this are the statements related to Kearson's 16 assertion that she saved everything from then 17 that they've said. I've been verbally told what 18 they've said. 19 Jeff just had to tell Bob P. off today 20 via e-mail for dragging Zoie into their mess and 21 told him and Lyn via e-mail they are abusive. 22 And in conversations with Nikkee and Kearson, 23 they expand on that, so -- and apparently have 24 audio that I don't have. 25 Q. Why don't you have the audio?	Page 84 1 A. And I asked Mr. Maples to have it 2 redacted. I've asked the clerk of court to have 3 it removed. I asked you to have it removed, 4 which you refused to do. 5 Q. That's not true. 6 A. I asked you to remove it. In my request 7 for modification to the order, I said, remove 8 these pages and also remove the May 3rd filing of 9 an un-redacted copy of the sex crime -- 10 Q. How can I remove something that I didn't 11 file? 12 A. You can request it of the Court. 13 Q. How can I request somebody to redact 14 something that's not mine? 15 A. You can. Ask the Court. 16 Q. Okay. So the Court just does whatever I 17 ask them to do? 18 A. Well, the judge just said to make sure 19 that everything is redacted that -- 20 Q. You're talking about Judge Maddox? 21 A. Yeah. 22 Q. Okay. Well, here is my motion that I 23 did file on the public index to compel you to 24 produce those items that you're flipping through 25 right now.
Page 83 1 A. It's up to her to whether she provides 2 it to me or not. 3 Q. Have you tried to get it from her? 4 A. Well, I think some of it is -- well, a 5 decent amount of it is on Zoie's phone. But as 6 you know, Mr. Purkerson -- and I don't know why 7 he would do this to his grandchild -- published 8 on the public index a complete, un-redacted copy 9 of the sex crime investigation. 10 Q. When did he do that? 11 A. When he provided his discovery. 12 Q. He, Mr. Purkerson -- 13 A. Yes, sir. 14 Q. -- put a completely un-redacted copy of 15 the sex -- you're sure of that? 16 A. Well, it was provided to me as 17 discovery. 18 Q. Well, that doesn't matter? 19 A. Well, it's on the public index dated May 20 the 3rd. 21 Q. May the 3rd of what year? 22 A. 2020. 23 Q. And Purkerson put an un-redacted copy of 24 the sex crime investigation on the public index 25 on May the 3rd of 2020?	Page 85 1 A. And have you got Exhibit A there? 2 Q. There it is. 3 THE WITNESS: So, Bob, did you know 4 that your attorney put Ella C. Putnam on -- 5 MR. SHULL: You don't ask -- 6 THE WITNESS: -- the public index 7 with her date of birth so that she could be 8 mocked and harassed and discriminated against in 9 applying for jobs and going to college, and this 10 sat out there for 45 days? 11 Q. All right. You're not supposed to ask 12 questions. That's not your role here. 13 A. I didn't ask him to answer it. 14 Q. Why would you ask a question if you 15 don't want it answered? All right. 16 A. Because -- and -- 17 Q. That's redacted, isn't it? Let me see 18 it. 19 A. It's got my full name and -- 20 Q. What's the difference between that and 21 what you attached to your complaint? Show me. 22 A. Well -- 23 Q. Show me the difference. 24 A. If you'll look at his discovery -- look 25 at his discovery.

Page 86 1 Q. No. We're talking about something that 2 was filed on the public index. 3 A. All right. Go to May 3rd. It's 4 completely un-redacted. 5 Q. No, answer my question that I'm asking 6 you. What's the difference between what you 7 attached to your complaint and what I attached to 8 my motion right there? 9 A. Because there are redactions to this. 10 Q. There are some redactions on both, 11 aren't there? Show me where there are redactions 12 on one and not on the other. 13 A. This is not from the May 23rd (sic) 14 filing. 15 Q. I didn't file anything on May 23rd. I 16 filed that motion on December 23rd. 17 A. Well, Mr. Maples is pro se, and Mr. 18 Purkerson -- 19 Q. No. Mr. Purkerson didn't file anything 20 on May 3rd. 21 A. Well, he filed it as production, and 22 their production and their answers to 23 interrogatories were exactly duplicates. 24 Q. Well, don't you need to take that up 25 with Mr. Maples?	Page 87 1 A. I have. 2 Q. All right. I filed a motion for summary 3 judgment and Judge Verdin denied that. Do you 4 remember that? 5 A. There have been so many motions for 6 summary judgment. Mr. Maples files one a month 7 or did. 8 Q. Who do you think has filed more motions 9 in this action, you or any of the other parties? 10 A. I file motions in response to things. 11 If you file a motion for summary judgment and I 12 file a motion in opposition, I don't think that's 13 inappropriate. 14 Q. And the reason why I'm asking you is you 15 provided a list of I believe 18 names in response 16 to Judge Vardin's order to me. Do you remember 17 that? 18 A. Of witnesses? 19 Q. Her order compelled you to provide a 20 list of names of people in the community that you 21 said could testify as to Bob's defaming. Do you 22 remember that? 23 A. I remember that I had filed a redacted 24 copy because I did not want to put other people's 25 information out on the public index.	Page 88 1 Q. I don't think you filed this on the 2 public index. I'm just talking about what you 3 sent to me, and I guess it was to Rob because he 4 was unrepresented at the time. It had a list of 5 18 names on it. 6 A. Well, I did file and put on the public 7 index that list of names, but it only had first 8 initial, last initial. 9 Q. And some of those names included the 10 people that we've talked about today, correct? I 11 mean, do you remember sending that to me? Let me 12 go grab a copy of it. Let's go off real quick. 13 I'll be right back. 14 (Off-the-record discussion.) 15 Q. All right. Here it is. It's dated 16 May 7, 2021. Dear gentlemen, please find 17 enclosed plaintiff's answers and responses to the 18 Form 4 order issued by the Honorable Letitia H. 19 Verdin on April 27, 2021. In a note of 20 clarification from Judge Verdin's law clerk, 21 Patrick Fant, dated May 5th, 2021, Mr. Fant 22 stated the following, which I used as guidelines 23 in preparing the attached and scheduled names. 24 Quote, the Court only included, quote, 25 mutual friends or acquaintances in Greenville,	Page 89 1 South Carolina because of how it was pled in the 2 plaintiff's complaint. If there are other 3 individuals in addition to these individuals in 4 Greenville, the names should be stated in 5 specificity who they are and where they live, and 6 quote. 7 And then you put, of course, people do 8 move, and the information as to a person's city 9 or state is based on my knowledge or other 10 available resources. 11 Do you remember that letter? 12 A. Okay. It's got my signature on it. 13 Q. So my question to you is you listed Gail 14 Purkerson, Amy Creamer, Barbara Hawkins, Diane 15 Jeter, Tony Traynham and Carol Morgan, and those 16 are all people that you listed as in and around 17 Greenville, South Carolina, correct? 18 A. Correct. 19 Q. Do you want to see this? 20 A. No, huh-uh. 21 Q. Out of all those people, we've only 22 talked about Tony Traynham. The other remaining 23 five people, Gail Purkerson, Amy Creamer, Barbara 24 Hawkins, Diane Jeter and Carol Morgan, did any of 25 those people tell you directly that Bob had

Page 90 1 defamed you or said something untruthful, 2 defamatory about you? I'm not asking did any of 3 them tell somebody else who -- you caught wind of 4 it, but is there any direct communication with 5 any of those people? 6 A. Well, I'm sure Mr. Purkerson talks to 7 his wife. 8 Q. No, no, I'm not asking that. Did Gail 9 Purkerson call you up or e-mail you or text you 10 and say, Bob just said X, Y, Z that was bad about 11 you? 12 A. No. That's why I had mentioned about 13 deposing Gail because of the one person in the 14 family, I think she'll tell the truth. And the 15 other people, Diane Jeter, Barbara Hawkins, Carol 16 Morgan, I've looked on Facebook and found what 17 looks like -- you know, kind of like secret 18 communication, talk -- you know, chats between 19 them. And I think Gail could reveal that and 20 would. 21 Q. So the answer to my question is, no, 22 none of those people have communicated with you 23 directly? 24 A. No. 25 Q. Okay. Continuing on this list with	Page 92 1 Q. What's the relation there? 2 A. She's Mr. Purkerson's niece, I believe. 3 Q. Did Taylor ever tell you that Bob had 4 said something untruthful and defamatory about 5 you? 6 A. We're talking about almost a year ago, 7 correct? 8 Q. I'm talking about when you filed the 9 lawsuit. 10 A. Well, I'm talking about the date of this 11 information that you're looking at. 12 Q. Okay. So that's dated May 7, 2021, 13 almost a year ago. 14 A. Right. And I'm confident that in the 15 e-mail communication string, that will all be 16 obvious. And I certainly thought that I would 17 have that by now and would be able to make that 18 connection. 19 Q. Is the answer to my question no with 20 regard to Taylor Wilson Tucker? 21 A. Having talked to me directly? 22 Q. Yes. 23 A. No. Yes. Well, she hasn't talked -- 24 it's a double negative. 25 Q. She's never said anything to you?
Page 91 1 numbers 7 through 14, you listed Gloria Walker, 2 Taylor Wilson Tucker, Jeff Fleming, Nikkee 3 Fleming, Zoie Fleming -- and Zoie is Z-o-i-e. 4 You listed Robbie Purkerson, Carol Purkerson, and 5 you listed Bobby Maples and wife. And Bobby's 6 wife is? 7 A. Kearson. 8 Q. Kearson. So out of that group of 9 people, we've already talked about Jeff Fleming. 10 We've already talked about Nikkee Fleming. We've 11 already talked about Zoie Fleming, and we've 12 already talked about Kearson, who is Bobby 13 Maples' wife, right? 14 A. Right. Well, ex, I think. 15 Q. Ex-wife? 16 A. (Nodded.) 17 Q. All right. So that leaves Gloria 18 Walker. Has she ever said anything directly to 19 you quoting Mr. Purkerson as having defamed you 20 or has said something untruthful about you? 21 A. No. 22 Q. What about Taylor Wilson Tucker, whoever 23 that is? Has that person -- Taylor, is that a 24 man or a woman? 25 A. That's a woman.	Page 93 1 A. She's never said anything to me. None 2 of those -- 3 Q. What about Robbie Purkerson? 4 A. None of those people have said anything 5 directly to me. 6 Q. None of these people that are attached 7 to this letter? 8 A. Well, Nikkee Fleming has. Kearson 9 Maples has. 10 Q. Nikkee Fleming has? Oh, that's right. 11 You told me about what she said. Go ahead. I'm 12 sorry. 13 A. Well, I'm saying some of those people 14 have. 15 Q. Yeah, right. The people that we haven't 16 separately discussed earlier in this deposition 17 that are on this list who are -- who I believe is 18 Gloria, Taylor, Robbie, Carol and Bobby, have 19 they ever directly said anything to you repeating 20 what Bob told them about you? 21 A. Well, for instance, Amy Creamer was told 22 by -- not directly by Bob but -- 23 Q. Okay. Well, then that's the question. 24 Then you just say no. Is the answer no? 25 A. Yeah.

Page 94 1 MR. SHULL: I would like to have 2 this marked as Defendants' Number 3. 3 (Exhibit No. 1 was marked for 4 identification.) 5 (Exhibit No. 2 was marked for 6 identification.) 7 (Exhibit No. 3 was marked for 8 identification.) 9 Q. Now, I had the deposition notice marked 10 before you got here and the order of Judge Miller 11 marked before you got here. And I would like for 12 you to -- 13 A. Judge Miller was just to make sure we 14 had the deposition today? 15 Q. That's right. All right. I'm going to 16 hand you this. This is your responses to Mr. 17 Purkerson's first set of interrogatories. 18 Actually, that's part of the motion that I filed. 19 There's another list of names that you produced, 20 and these were part of your original responses to 21 Purkerson's first set of interrogatories. Does 22 that look -- 23 A. Witnesses? 24 Q. Yes, sir. 25 A. I don't think I affirmed that I had	Page 96 1 Q. These are your responses, I believe. 2 A. Well, I certainly intend to answer and 3 reply to -- 4 Q. Has Ms. Nunez or Officer Nunez ever told 5 you that she had a communication with Mr. 6 Purkerson in which he defamed you? 7 A. I don't recall. I'd have to look at my 8 notes from 2018, 2019 when the investigation was 9 going on. 10 Q. So you don't recall? 11 A. I don't recall. 12 Q. All right. Amy Cramer, what has she 13 told you that Bob said to her? 14 A. I said that Bob didn't say anything 15 directly to her, that Dr. Traynham did. 16 Q. Ginger P. Pop. That's your sister, I 17 think, who lives in Pawleys Island? 18 A. That's correct. 19 Q. Has Ginger Pop ever told you that Bob 20 defamed you to her? 21 A. I'll have to reask her because I 22 obviously came up with that list more than a year 23 ago. 24 Q. Don't remember? 25 A. No, sir.
Page 95 1 received written or recorded statements from 2 these people. 3 Q. You provided that list of witnesses, 4 right? 5 A. That was the answer, who do you intend 6 to call as witnesses. 7 Q. Sure. Okay. Can I have it back real 8 quick, please? Thank you. So my question to you 9 there is Lyn Maples, you plan on calling her as 10 your witness against her father? 11 A. I haven't -- I don't have my pretrial 12 plan or whatever else taken that far down the 13 line. 14 Q. I assume -- well, I won't assume. Has 15 Lyn ever said to you anything about Bob defaming 16 you? 17 A. In an e-mail probably. 18 Q. An e-mail that you provided to me? 19 A. I would have to go through every e-mail. 20 Q. All right. The next person on the list 21 that we haven't discussed is Chyna Nunez, 22 C-h-y-n-a N-u-n-e-z, with the Greenville County 23 Sheriff's Office. Do you plan on calling her as 24 a witness? 25 A. She's on your list of witnesses, so --	Page 97 1 Q. But as we sit here, you can't say yes to 2 that question? 3 A. I can't definitively say yes. 4 Q. All right. There's somebody named Ms. 5 Elizabeth Martin-Young. Who is she? 6 A. She's the guardian ad litem. 7 Q. Did that person ever tell you that Bob 8 was talking bad about you and defaming you? 9 A. I believe she has. 10 Q. What did she tell you? 11 A. I'll have to look at my -- I have -- she 12 was the guardian. She's been the guardian for 13 five years, so I've got a lot of notes to look 14 at. 15 Q. She's the guardian ad litem in the 16 family court case? 17 A. Right. 18 Q. But you don't remember what she said to 19 you specifically? 20 A. I've had a thousand conversations with 21 her, and I'll have to look at my notes to -- 22 Q. So you're not sure that she -- you 23 believe that she told -- 24 A. I believe she did. 25 Q. And you don't remember what she said?

Page 98 1 A. In five -- well, Ms. Purkerson took me 2 to court in 2015. So in seven years of family 3 court litigation, a lot of crap has gone under 4 the river bridge, and for me to sort that out in 5 my mind right now, I couldn't do that. And it 6 continues today. 7 Q. How does it continue? 8 A. Well, we're pending a ruling on -- 9 Q. The family court case continues? 10 A. Yeah. 11 Q. Okay. We've already talked about 12 Barbara Hawkins. We already talked about Diane 13 Jeter, and we already talked about -- Robin Cary 14 Maples is on here. He used to be a defendant, 15 right? 16 A. He's a witness. 17 Q. Has Rob Maples ever told you that Mr. 18 Purkerson said false and defamatory statements to 19 him about you? 20 A. He has in e-mails. 21 Q. Did you provide those e-mails to me? 22 A. I think I provided what I had. 23 Q. All right. I asked you earlier about 24 any financial losses on account of the alleged 25 defamation that Mr. Purkerson committed. Do you	Page 100 1 A. I have -- since my ankle is -- I'm past 2 my third surgery. Since my ankle has gotten 3 better, I've started to try to improve my social 4 life. And I get invitations probably 10 times a 5 week to go out with ladies, but as soon as they 6 find out my real name and google me, I never get 7 a phone call back. And -- 8 Q. Does that cost you money? 9 A. And I don't know how you put a dollar 10 amount on the shredding of your reputation in the 11 town that you were born in. 12 Q. Have you not gotten any job -- have 13 there been job opportunities that you didn't get 14 because of something that Mr. Purkerson said 15 about you? 16 A. I know that the people I would call if I 17 was going to try -- like Robert Half will not 18 even return my phone call because it's so 19 pervasive. 20 Q. Have you tried to work, have you sought 21 employment since you were put on social security 22 disability benefits? 23 A. No, because that was about the same time 24 I fell. 25 Q. So the letter from the order from the
Page 99 1 feel like you lost wages on account of the 2 alleged defamation? 3 A. I don't know. 4 Q. Why don't you know? 5 A. Because of the actions of Maples and 6 Purkerson -- 7 Q. I'm not worried about Maples' actions. 8 A. I understand. I understand. But when 9 you publish something, the reputational damage -- 10 I don't know. You know -- I'll let a jury spread 11 that mayonnaise on the bread. 12 Q. So the answer is -- well, let me ask. 13 Is there a job out there that you were an 14 applicant for that you did not receive, you 15 didn't get a job offer because of anything that 16 Mr. Purkerson has ever said about you? 17 A. Well, let me say this. There are 18 references if you just google my name that have, 19 as a result, sex offender and six pictures below 20 it, none of which my pictures are in, but which 21 also reference Mr. Purkerson in the title of the 22 Google search, so -- 23 Q. What jobs did you apply for where a 24 Google search prevented you from getting a job 25 offer?	Page 101 1 Social Security Administration that you were sent 2 finding you eligible, when did you receive it? 3 A. I think 2017 or '18. 4 Q. This doesn't have a date on it that I 5 can see. Maybe I'm wrong. But you provided me 6 with this. It's Exhibit 5 to your February 21st 7 supplemental responses. Is that -- 8 A. This is November 19, 2017. 9 Q. Okay. Thank you. So since November 19, 10 2017, have you applied for work or sought 11 employment anywhere? 12 A. Well, it was only six months or so after 13 that that I broke my ankle. 14 Q. Okay. So since this was sent to you in 15 2017 -- what's the date again, sir? 16 A. November 19, 2017. 17 Q. You haven't applied for any work since 18 November 19, 2017? 19 A. Well, due to Mr. Purkerson's actions, 20 less than a year later, I was under a sex crime 21 investigation based on fraudulent communication 22 from Mr. Purkerson and -- 23 Q. Is the answer, no, you haven't applied 24 for work since you were put on social security 25 disability?

Page 102 1 A. That's correct. 2 Q. Okay. You have a bag in here; is that 3 right, or a briefcase? 4 A. Yeah. I've got a deposition this 5 afternoon later. 6 Q. Okay. That you're taking? 7 A. I'm sitting in. 8 Q. Are you talking about this deposition? 9 A. No. I'm talking about related to the 10 med mal. 11 Q. I got you. What all is in your 12 briefcase? 13 A. Stuff for later for my med mal. 14 Q. Nothing related to this case? 15 A. No, I don't think so. 16 Q. Is there any kind of recording device in 17 it? 18 A. No. 19 Q. I listened to the disk that you sent me. 20 You sent me a disk with a letter. The letter is 21 dated March 14th. And I listened to what was on 22 the disk again this morning, and it appears that 23 most of those recordings were between you and 24 Zoie; is that correct, sir? 25 A. No. They're between --	Page 104 1 Q. So Zoie recorded her mom in the car? 2 A. Uh-huh. 3 Q. Is that a yes? 4 A. Yes. I'm sorry. 5 Q. Were you in the car at the time? 6 A. No. 7 Q. And all the other recordings, the two 8 parties are you and Kearson, right? 9 A. Well, this is Ms. Maples talking about 10 me. 11 Q. Who is? 12 A. Ms. Maples, his daughter. 13 Q. Yeah. When she says, Michael is evil? 14 A. Well, she says a lot more than that, but 15 I had to -- I'm just putting -- 16 Q. Who recorded that? 17 A. Zoie. 18 Q. Now, I listened to it. I didn't hear 19 Bob Purkerson's name in any of this stuff. I 20 really didn't. When you listened to it, did you 21 ever hear any mention of Bob Purkerson when you 22 listened to what you sent me? 23 A. Well, I'd have to re-listen to -- I've 24 listened to it, and I was going to tell you that 25 I had some additional that had -- that I did have
Page 103 1 Q. Or Kearson? 2 A. They're between -- well, some are 3 between Ms. Maples and Zoie. 4 Q. So when I -- sorry. 5 A. And some are, I think, between myself 6 and Kearson Maples. 7 Q. When I listened to them, they all 8 sounded like they were between you and Kearson 9 except for this one that's called, Lyn talking to 10 Zoie in car; is that right? 11 A. Uh-huh. 12 Q. Is that yes? 13 A. Yes. 14 Q. All right. Was Kearson aware that you 15 were recording her during these other recordings? 16 I believe you-all were on the phone together? 17 A. Yeah, she was not. 18 Q. She didn't know you were recording her? 19 A. North Carolina is a single-consent 20 state. 21 Q. Which state? 22 A. North Carolina. 23 Q. Okay. The recording of Lyn talking to 24 Zoie in the car, how did you get that? 25 A. From Zoie.	Page 105 1 somebody clean up to make them legible that I -- 2 Q. Okay. As you sit here today, can you 3 recall Bob's name being mentioned on those 4 recordings that you sent to me? 5 A. I don't recall. 6 Q. And then you sent me another recording 7 of Bob when he said he wanted to put -- what did 8 he say again? 9 A. Oh, well, in this first recording, 10 Kearson mentions Bob Purkerson. 11 Q. I didn't hear it. You've put that in 12 the title, but I didn't hear it. 13 A. It's in there, yeah. 14 Q. There's a mention of Bobby? 15 A. No. She -- you may have gotten confused 16 between Bobby and Bob, but -- 17 Q. So you're telling me in the recording 18 that you titled, quote, alienation and comments 19 regarding Bob P., sit with daddy, Rob, March 2022 20 talks about Bob Purkerson? 21 A. She does. 22 Q. What does she say about Bob Purkerson? 23 A. That -- well, I haven't listened to it 24 since I sent it to you. 25 Q. All right. In your February 21st

Page 106 1 supplemental discovery responses, you included a 2 transcript from a recording that you had sent me 3 from August of 2018? 4 A. Correct. 5 Q. And it's labeled as Robert Purkerson's 6 threats to Michael G. Putnam? 7 A. Right. 8 Q. Did Mr. Purkerson know that you were 9 recording him when you took that recording? 10 A. No. Again, it's a single-consent state. 11 Q. And it took place in his driveway? Is 12 that where it took place? 13 A. Well, out in the street. 14 Q. Okay. Where does he defame you there? 15 Was there anybody else present when this was 16 recorded? 17 A. Yes. His wife, my child. He was trying 18 to chest pump me and -- 19 Q. Okay. This says that he said, okay, I 20 can't wait to get my hands on you, buddy. 21 Now, what's defamatory about that? 22 A. It's a threat. 23 Q. Okay. Is it defamatory? Is it a false 24 statement about you? 25 A. Well, I don't know that --	Page 108 1 Q. I don't know. But my question to you 2 because this is your deposition is, is any of 3 that defamatory? Maybe it's not nice. Is it 4 defamatory? 5 A. I think if you threaten somebody with 6 assault, you better have a damn good reason to do 7 it. 8 Q. Is any of that defamatory? 9 A. Not as recorded. 10 Q. I think if you file a lawsuit, you 11 better have some evidence. 12 A. Well, you know, the Greenville police 13 say I can file an action for assault any time I 14 want to. 15 Q. All right. And attached to this is an 16 e-mail from Bob to Jeff Fleming. How did you get 17 a copy of this? 18 A. I would guess from Jeff. 19 Q. All right. Why did you take out the 20 date? It just says September, and then it looks 21 like you whited out the date. Why did you do 22 that? 23 A. I don't know. 24 Q. And it looks like you blocked out 25 something up here. Why did you do that?
Page 107 1 Q. You had actually just filed a lawsuit 2 against him, hadn't you, in March and then 3 re-filed the complaint in June. Did you expect 4 him to be happy with you? 5 A. His -- if you want to call it his 6 unhappiness, started well before the lawsuit was 7 filed. 8 Q. Is anything on this piece of paper right 9 here defamatory? Is anything a false statement 10 about you that defames your character? You said, 11 well, we still got a ways to go, don't we, and 12 then he said -- according to you, he said, yeah, 13 they do. 14 A. Yeah, we do. 15 Q. Or you said, well, we still got a ways 16 to go, don't we. Yeah, they do. And then he 17 said, you're going to get yours because I'm going 18 to give it to you big-time. 19 A. I didn't -- 20 Q. Is there anything defamatory? 21 A. I didn't send you a recording of that. 22 Q. You did. 23 A. Were you able to listen to it? 24 Q. I did. 25 A. Was he able to listen to it?	Page 109 1 A. I don't know what was up there. It 2 might have been sent to me that way. I mean, it 3 was a scanned document. 4 Q. Jeff might have sent it to you with 5 those redactions? 6 A. I don't know, but -- 7 Q. What's defamatory in what Bob said to 8 Jeff there? 9 A. Michael is a sick, desperate man. 10 Q. All right. He called you sick and 11 desperate. And that's the defamation? 12 A. I think that is defamatory. 13 Q. You're sick, aren't you? I mean, you've 14 got a broken ankle? 15 A. I don't have a broken ankle anymore. 16 Q. Well, you have an injured ankle? 17 A. I have an ankle replacement. 18 Q. I'm sorry, an ankle replacement. And 19 you have some other ongoing health issues, don't 20 you? 21 A. If you call high blood pressure and -- 22 at age 66 or have an atrial fib major medical 23 issues, I guess I do. 24 Q. And when he says that he -- when Bob 25 said that you were manipulating Jeff, you think



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Page 114 1 Q. I don't see any text messages from 2 Kearson. These all appear to be from Nikkee. So 3 what you're saying is there's testimony from 4 these people we've talked about, and I think 5 we've culled that down to Ella, Nikkee -- 6 A. We haven't culled anything down until we 7 get these e-mails. 8 Q. Let me finish the question, please. 9 Thank you. Ella, Nikkee, maybe Jeff and maybe 10 Zoie because you said you overheard a 11 conversation between Zoie and her mother; is that 12 right? 13 A. Well, you included Ella in that, 14 correct? 15 Q. Yeah. Ella is one of the people we 16 talked about today that you listed when I was 17 asking you -- 18 A. Well, Doug has indicated he intends to 19 call her as a witness, so -- 20 Q. When I asked you earlier in this 21 deposition to name the people who had told you 22 that Bob had defamed you to them, Ella was one of 23 the -- she was actually the first person you 24 mentioned? 25 A. Yeah. Okay.	Page 116 1 Q. So I just asked you a question about 2 affidavits and why you haven't gotten anybody to 3 sign an affidavit in three and a half years, and 4 then you start telling me about Lyn's marriage in 5 Las Vegas. So can we -- please just answer the 6 question. 7 A. The reason I haven't is I think it would 8 be a 20-page book from -- 9 Q. As to why you haven't gotten any signed 10 affidavits? 11 A. They just want their chance to tell 12 their story. 13 Q. So you've asked them for affidavits and 14 they've -- 15 A. I haven't asked them for affidavits. 16 Q. Why have you not asked them? 17 A. Because they've got so much to say, I 18 don't think you could -- I think it would be 19 overwhelming to do that. 20 Q. Just too much for them? 21 A. Both of them are working moms and have 22 children, small children, one disabled, very 23 small child. 24 Q. Who is that? 25 A. Nikkee Fleming.
Page 115 1 Q. Okay? Why have you not gotten 2 affidavits from any of these folks who you say 3 came to you and first-hand reported to you what 4 Bob had told them about you? And you've had 5 three and a half years to do it. 6 A. Well, for two of those years, we were 7 under a pandemic and it was -- the courts were 8 extremely slow, and -- 9 Q. What does the court have to do with 10 getting an affidavit from a witness? 11 A. Because -- well, one, I didn't know 12 until a certain point in time what the 13 relationship was between Kearson, Bobby, Rob and 14 Lyn. Lyn filed the family court action in August 15 of 2015 as a single person. On Facebook, there's 16 a picture of her getting married in front of a 17 big house with all these people and my daughter 18 standing on the front porch as a flower girl or 19 something, and then I find out that she got 20 married in Las Vegas a year earlier before she 21 even filed the damn family action where she 22 asserted she was a single person and filed a 23 fraudulent financial declaration saying she was 24 single as well, when she was already married. 25 You know --	Page 117 1 Q. So one of your witnesses is a disabled, 2 very small child? 3 A. No. I'm saying her mother, Nikkee -- 4 okay? -- has to take care of a child that every 5 two months has to have a surgery of some sort to 6 help with her -- lengthening her bones and that 7 kind of thing. She's a very busy woman. Kearson 8 Maples has a 4-year-old and a 10- or 11-year-old 9 daughter. She's a single mom now. I'm fine with 10 just turning them loose, which is why I decided 11 not to depose them. That's not necessary. 12 Q. So you think that even though they're 13 too busy to sign an affidavit, you're going to be 14 able to drag them to trial to testify on their 15 behalf? 16 A. Drive them? 17 Q. Drag them. You realize that they're 18 going to have to testify, right? 19 A. Yeah. 20 Q. You have to put up a case? 21 A. Yeah. 22 Q. Okay. And you do realize you've got the 23 burden of proof in your case? 24 A. If you're trying to ask me questions 25 as -- to provide you a totally correct legal

EXHIBIT I

February 21, 2022

Mr. Wesley J. Shull
325 Rocky Slope Rd., Suite 201
Greenville, South Carolina 29607

By: Hand Delivery to the office of Wesley Shull

Re: 2020-CP-23-01450 – Judge Maddox’s Order of February 1, 2022 – Motion to Compel

Dear Mr. Shull:

Pursuant to the Order of Judge Maddox as to Interrogatories and Production of Documents this is Plaintiff’s response and production as required by the Order.

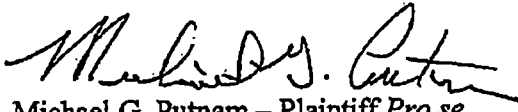
Attached are:

1. The Order of Judge Maddox as to your Motion to Compel. (Exhibit 1)
2. Complete answers to Interrogatory Numbers 5. (Exhibit 2)
3. Complete answers to Interrogatory Numbers 6. (Exhibit 3)
4. As to the Order related to Production:
 - A. Tax Returns for the years 2014 through 2020 (Exhibit 4) – Please note that the tax years 2017 to 2020 were previously submitted by Plaintiff. If you need an additional copy, please let me know and I will email or mail them to you as you would prefer. Also note, the Internal Revenue Service statutes require a taxpayer to maintain returns for three (3) years. In some of the years where the returns are provided, I was unable to locate W-2’s or in at least one instance a K-1. If that’s not acceptable, please let me know.
 - B. A copy of the Social Security Approval Letter is contained in (Exhibit 5) Although they sent me to a number of doctors for evaluation, no reports were ever provided to me by these physicians or the unknown people that reviewed the file.

- C. The Order was issued on February 1, 2022 at 4:31 p.m. The Court allowed twenty (20) days for me to respond and I believe this production is timely provided.
- D. If you have trouble discerning the individuals in the text messages or emails provided, please let me know and I can identify them for you. On text messages, my comments are almost always in blue on the right side of the message.

Although filing production documents and responses on the Public Index is your normal procedure, I would respectfully ask that you make an exception and DO NOT file any documents provided herein to further humiliate, and with malice, the damaging and disgusting effects to myself and my daughter.

Sincerely,



Michael G. Putnam – Plaintiff *Pro se*

Michael Gene Putnam – *Pro se* - Plaintiff

[REDACTED]
Greenville, SC 29601-3377

Phone: [REDACTED] Cell

Fax: [REDACTED]

Email: [REDACTED]

CC: cmaddoxlc@sccourts.org, cmaddoxsc@sccourts.org - By email w/o attachments

EXHIBIT 2

42

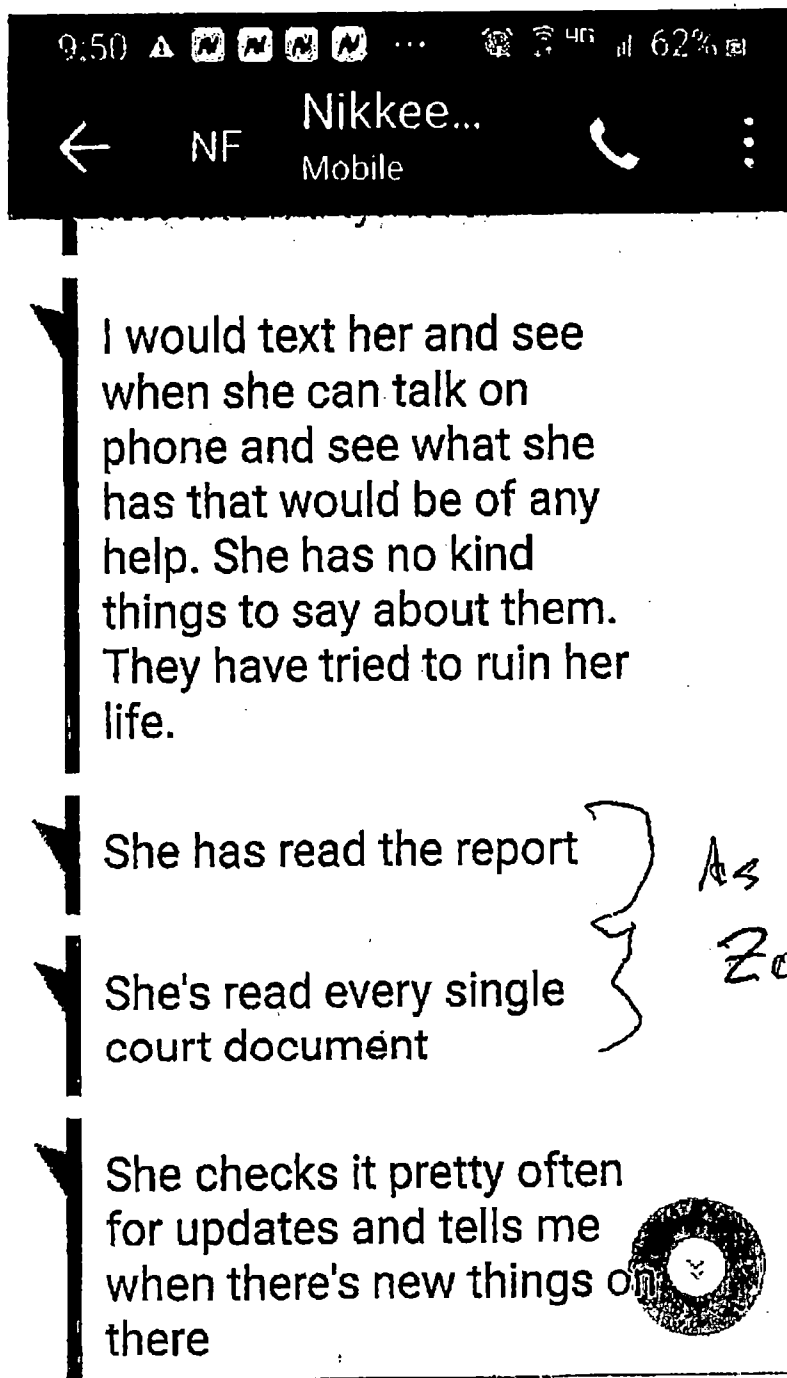
INTERROGATORIES

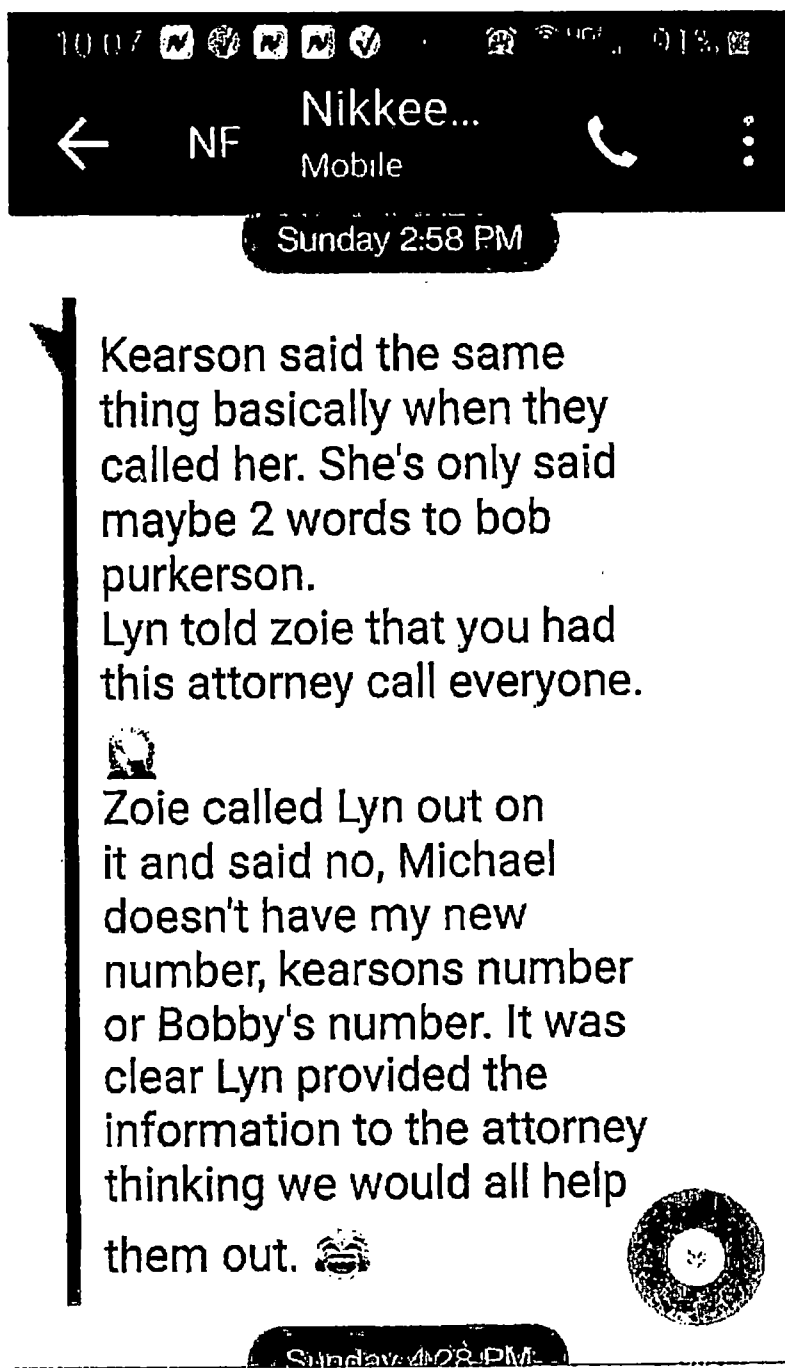
5. Set forth the specific contents of any and all Statements you allege Purkerson made concerning you. For each Statement, identify the date of the Statement, the person(s) to whom the Statement was made and any other person(s) present when the Statement was made if the Statement was a verbal communication, or if the Statement was a written communication, identify the recipient of the Statement and all persons to whom Purkerson provided a copy of the Statement.

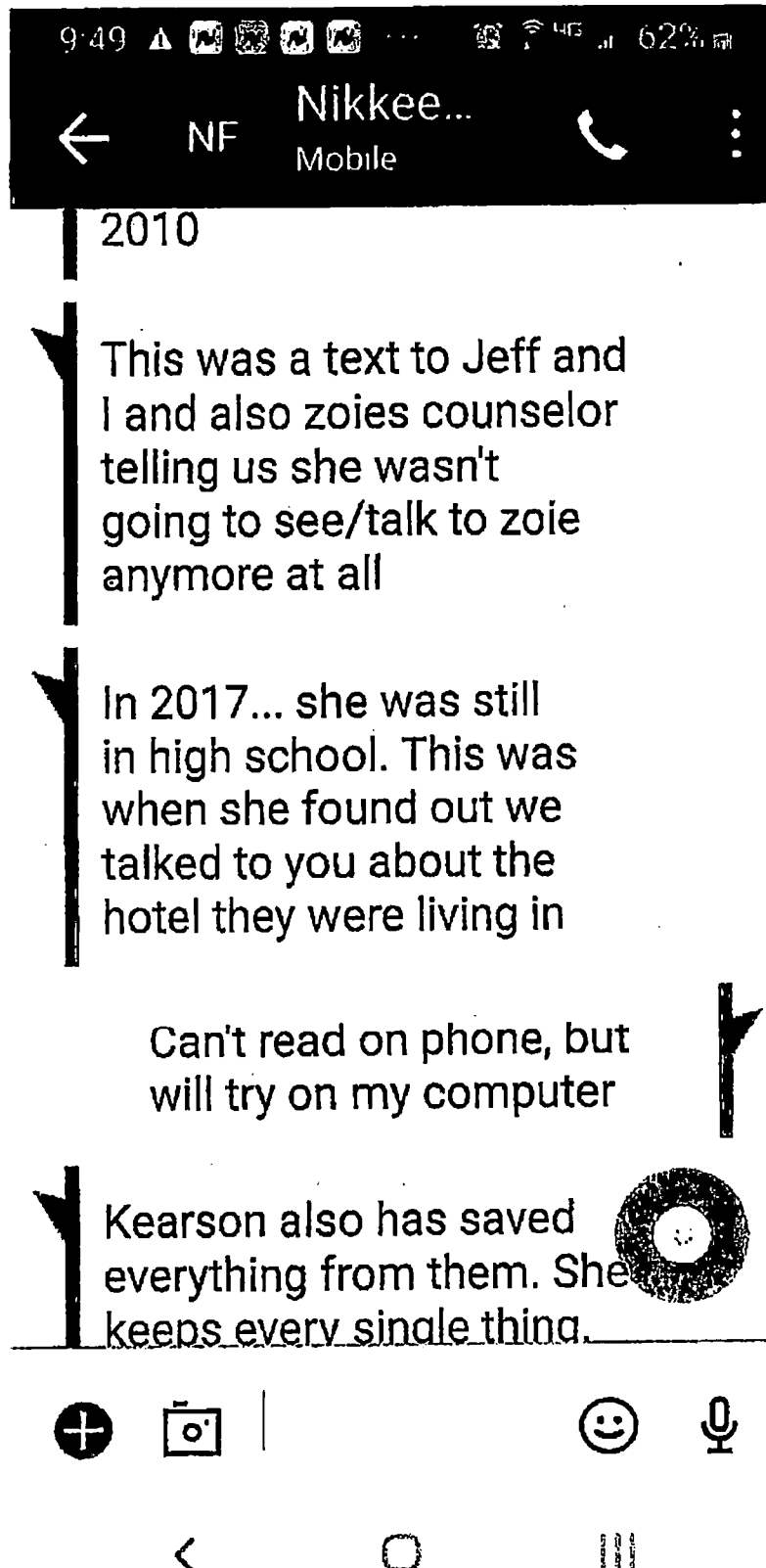
Wes, there are 36 pages of text messages regarding all involved, including your client. I have not deposed Nikkee Fleming, Jeff Fleming, Kearson Maples and Zoie Fleming. All are able and willing to testify as to defamatory statements by Robert Purkerson. Depending on whether we have a scheduling hearing and a discovery deadline will determine who and when I am able to depose.

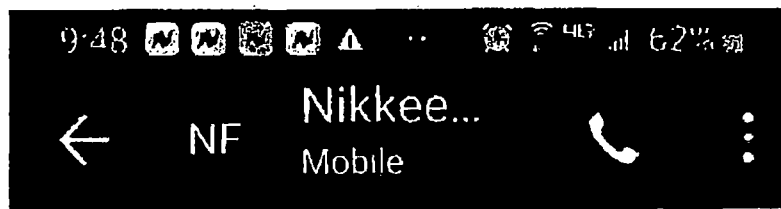
Additionally, separated by a piece of color paper in Exhibit t20(2) are emails from Purkerson, and of course, the one where he was essentially assaulting me in his driveway and indicates "he can't wait to get his hands" on me, and he going to give it to me "bigtime". He also mentions DSS, and the investigation started shortly after this confrontation where I was just trying to pick up my child from Purkerson's house.

I am going to email the audio files because I need to change the format from a WAV file to an MP# file. I have much more audio that I will supplement after I can get some professional assistance to make them more audibly clear.









Tell Jeff to save or print
that stuff off so he's
credible if push comes
to shove. You probably
have never heard that
expression. LOL

Of course I have I'm old too

He saves it all, sends to me
as well to save

I have emails and texts
going back so far

I have always known you
were sharp as a tack.
Thks





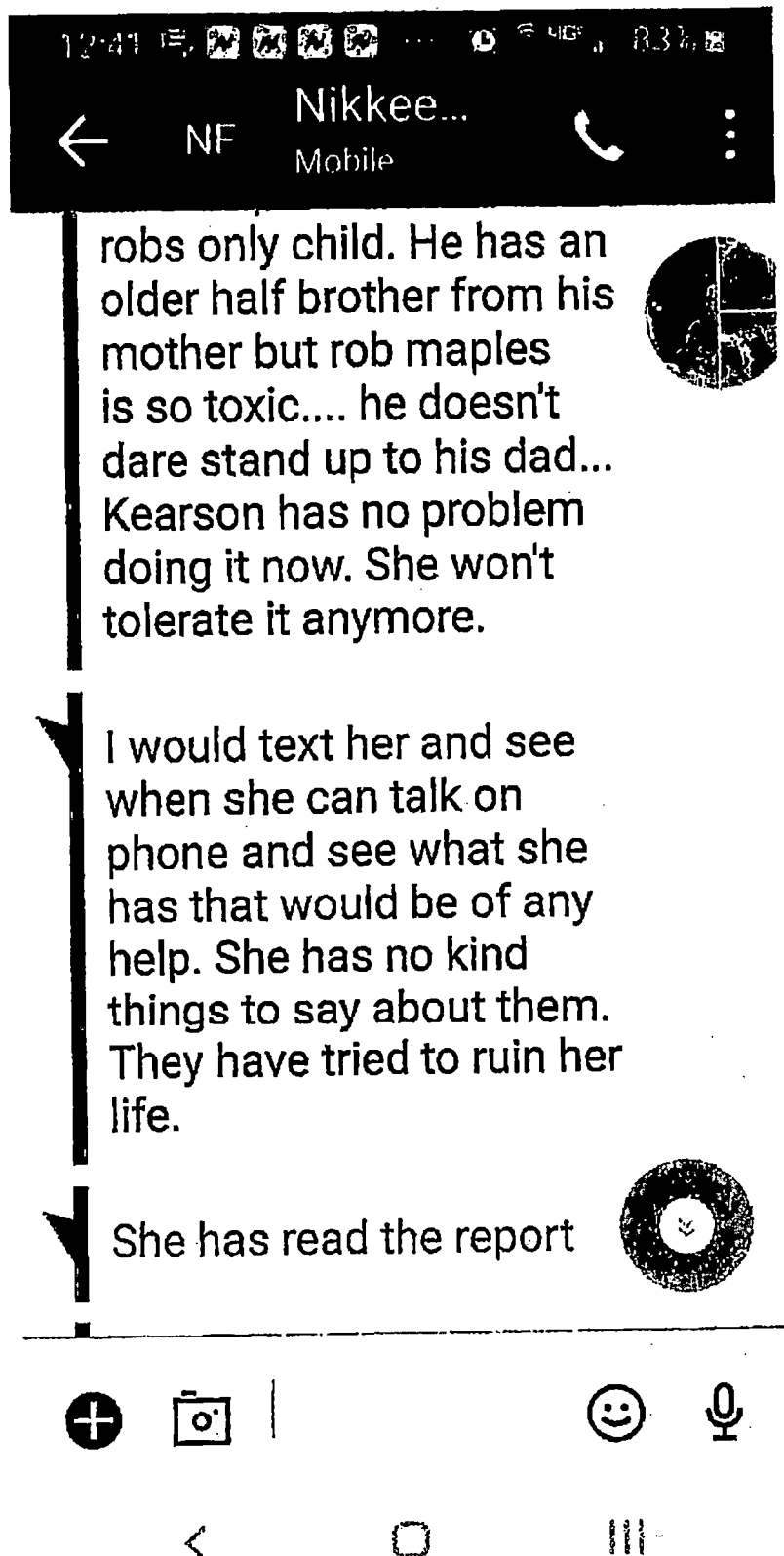
It's really weird to read and see straight through it but these people don't know her and all the lies she's told. It's the same game

Jeff just had to tell Bob P off today via email for dragging zoie into their mess and told him and Lyn via email they are abusive

Zoie needs to just be able to enjoy college and be left alone and they refuse to do that

Tell Jeff to save or print that stuff off so he's







maybe even Bob.

I have been trying to get Rob's filing of May 3, which contained an un-redacted copy of the investigation file, taken down. But the clerk of Court says it's not my filing so I cant do anything. But this illegal disclosure will haunt [REDACTED] as she applies for college and looks for a job.

Why is it that the people that should protect a child the most, are the first to throw a child under the bus?

Has Kearston seen the stuff or knows it's out





I talked very briefly to zoie about it, so she understood what was going on recently (past several weeks) and she was grossed out by the accusations and said she didn't believe it.

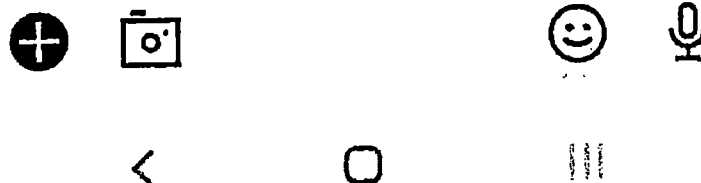
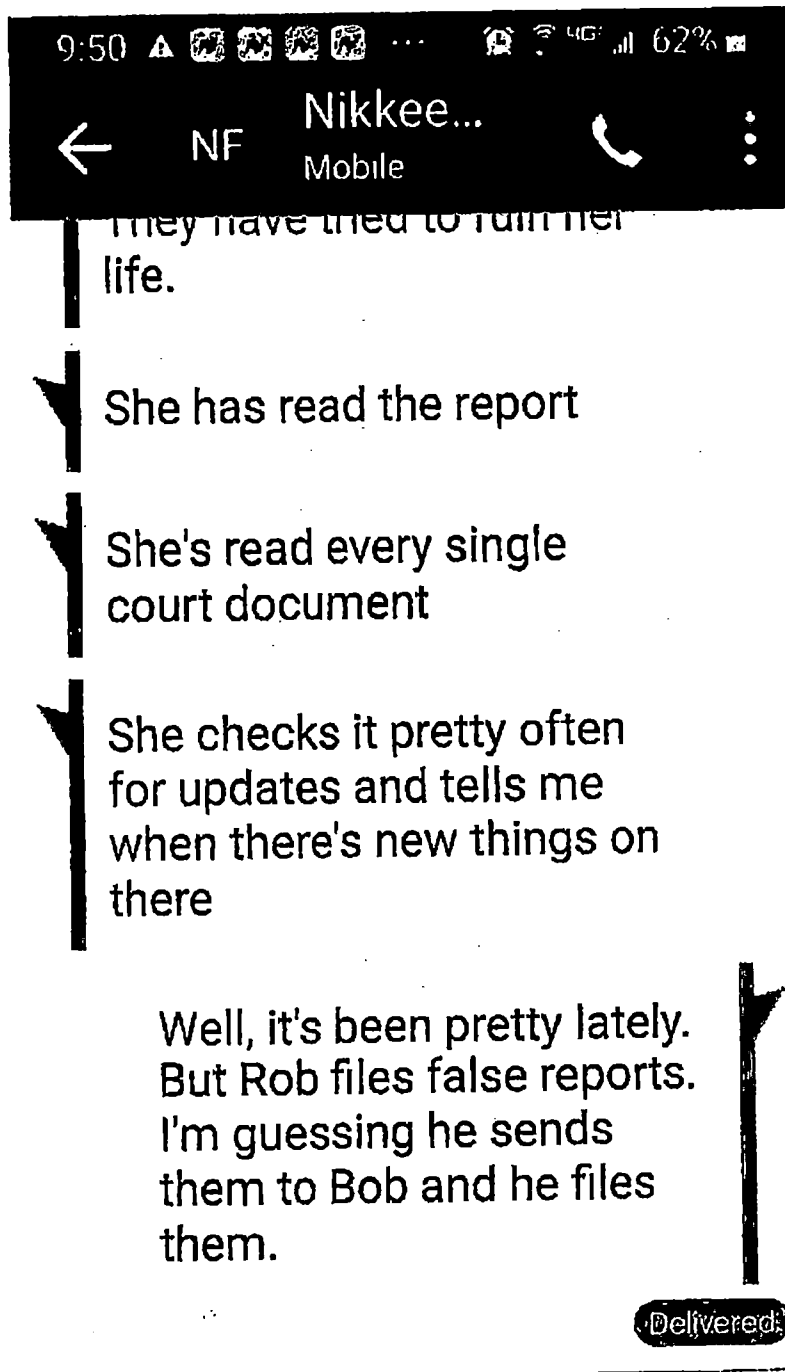
Today 9:18 PM

Thank you, the report says the allegations happened in Raleigh

Yes I thought that was weird

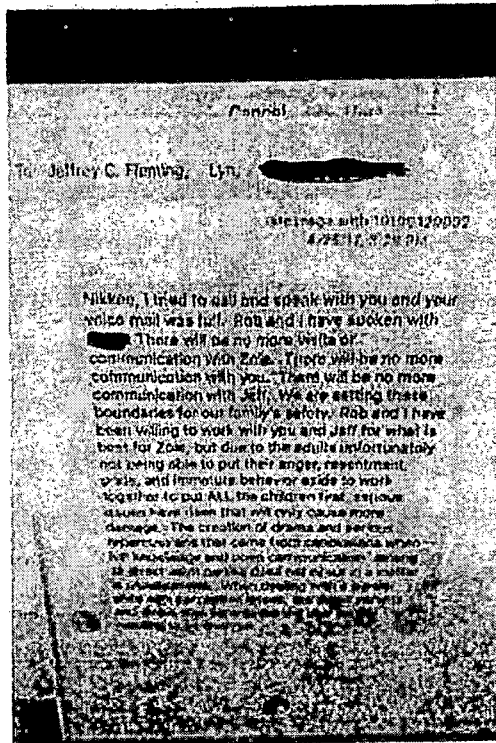
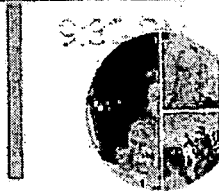
And [REDACTED] was walking around a city all alone



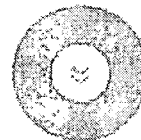


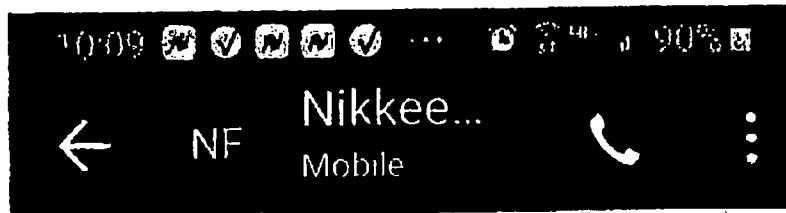


known you were
sharp as a tack.
Thks

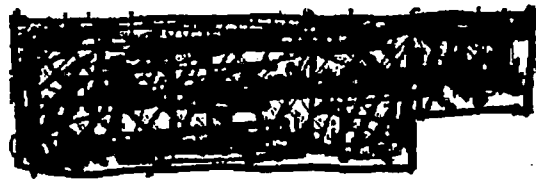


She probably thinks
we don't have stuff
but it's all backed





She's there. Home on summer break. Staying here. Not talking to Lyn or rob much at all.

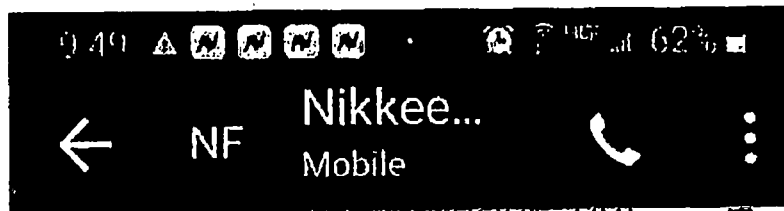


They called zoie too

I told them do not call her... she won't be calling you back.

Why is Lyn not listed on the suit?





Can't read on phone, but
will try on my computer

Kearson also has saved
everything from them. She
keeps every single thing.

She's separated from
Bobby (robs son) and
the maples were a large
reason for the issues in
their marriage. I quote her
by saying "I can't wait for
micheal to subpoena my
ass" she's so sick of their
garbage

That's great, but i have no
idea of what she knows
would be willing to say.





Sunday 8:46 AM

Hi Nikkee, good morning.
So, did Zoe go to [REDACTED]
and just didn't like it.

Did the paralegal say what
she wanted was related to
a sex crime investigation
about me?

Sunday 2:26 PM

Zoie is still at [REDACTED] She's
on summer break right
now.

The paralegal just said
she represented the case
and wanted to know if we





it was the paralegal who
called.

I will not provide an
affidavit to them.

What is [REDACTED]

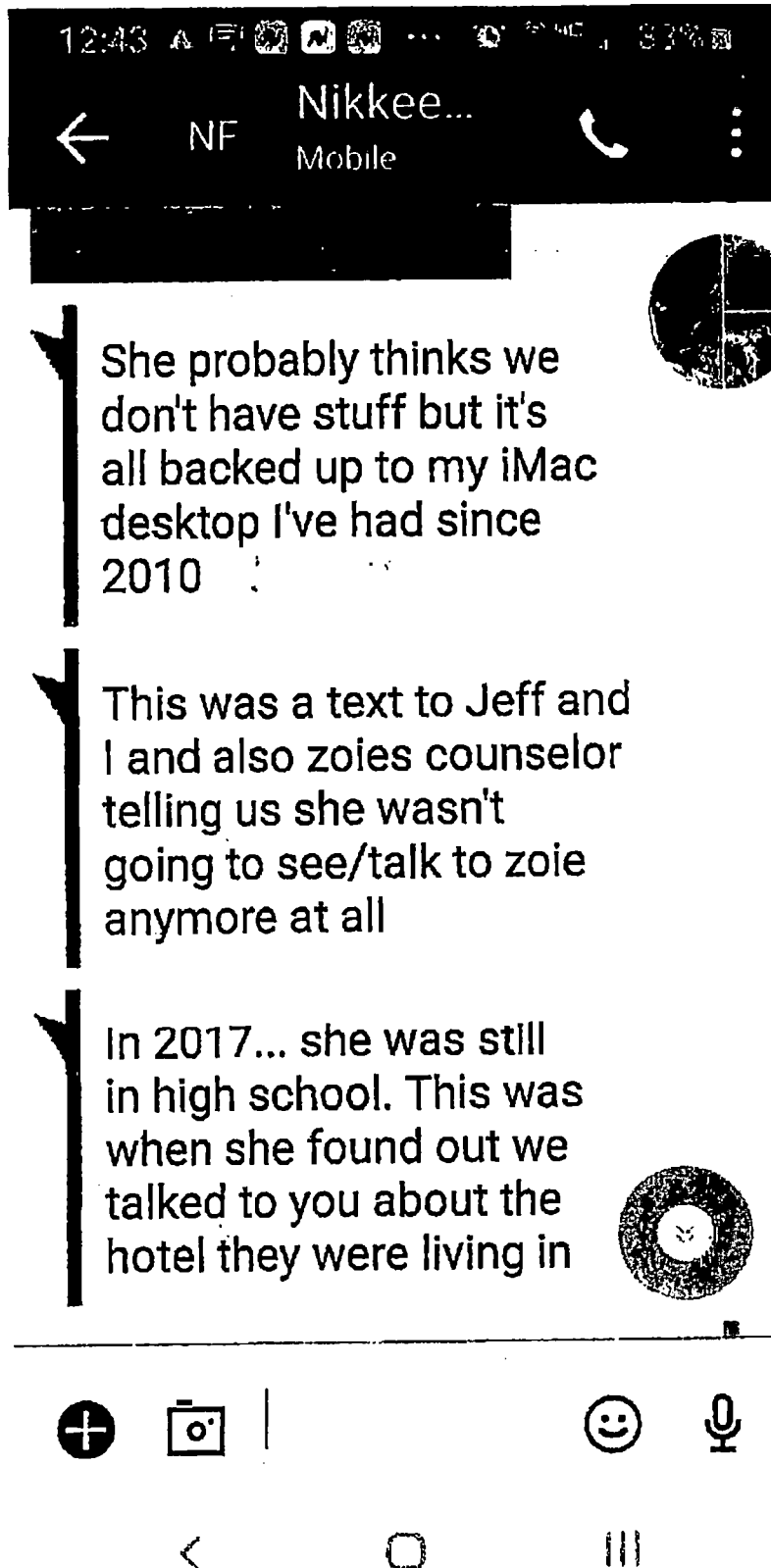
Thursday 9:03 PM

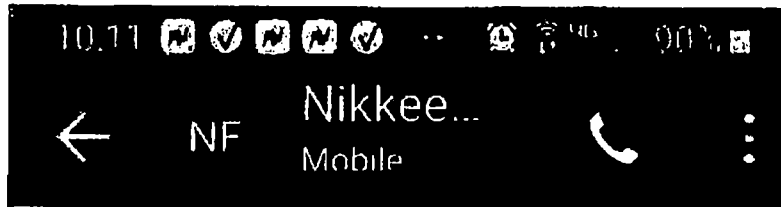
Thanks as to the affidavit.
Maybe it was another
school I thought she was
looking at.

I looked it up

[REDACTED]







They are pathetic, Lyn is the CEO of their newly formed company. [REDACTED]s grade in Algebra 1 is a 47, but Lyn would never want a child smarter than her.

Michael

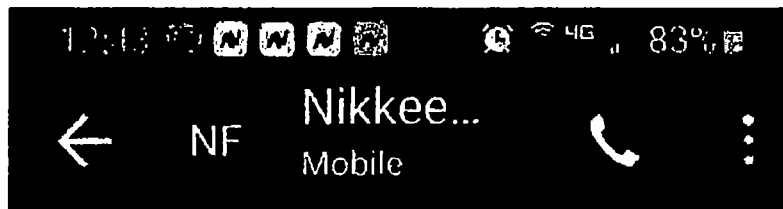
Thursday 8:03 PM

I have a lot of bomb shells
I have been looking for.

Go ahead and subpoena
myself and Kearson.

I cant speak too much
about what Bobby has
said or done but I have





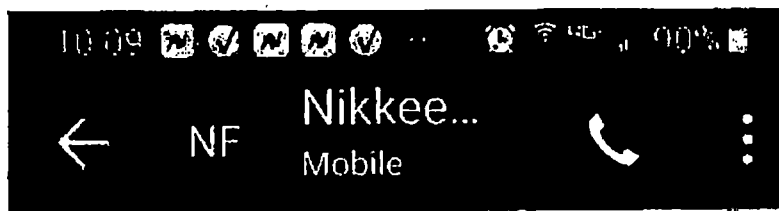
talked to you about the
hotel they were living in

Can't read on phone, but
will try on my computer

Kearson also has saved
everything from them. She
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She's separated from
Bobby (robs son) and
the maples were a large
reason for the issues in
their marriage. I quote her
by saying "I can't wait for
micheal to subpoena my
ass" she's so sick of their
garbage





of the stuff was heavy s,, t..

Is Wes sending you an
affidavit or something?
Make sure you don't
perjure yourself.
You can decline to answer.

How's Zoie doing? She
decided not to go to
Erskine?

Thursday 8:31 PM

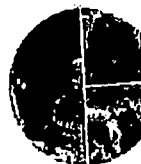
It was his paralegal who
called.

I will not provide an
affidavit to them.



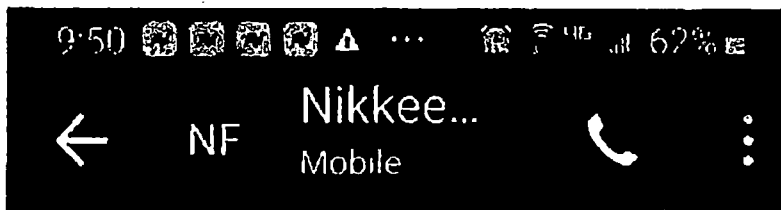


Bobby can't cut his dad out of his life. He cuts them out and lets them back in. I'm sure it's hard bc his mother passed and he's robs only child. He has an older half brother from his mother but rob maples is so toxic.... he doesn't dare stand up to his dad... Kearson has no problem doing it now. She won't tolerate it anymore.



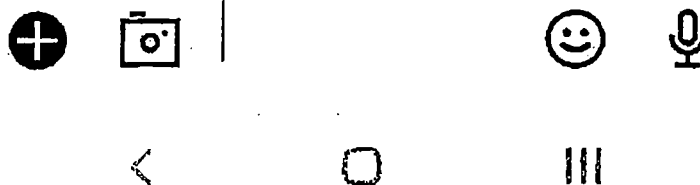
I would text her and see when she can talk on phone and see what she has that would be of any help. She has no kind things to say about them.





We will, and that's great to know. So, she knows nothing about the report Rob posted May 3?

Bobby can't cut his dad out of his life. He cuts them out and lets them back in. I'm sure it's hard bc his mother passed and he's Rob's only child. He has an older half brother from his mother but Rob Maples is so toxic.... he doesn't dare stand up to his dad... Kearson has no problem doing it now. She won't tolerate it anymore.



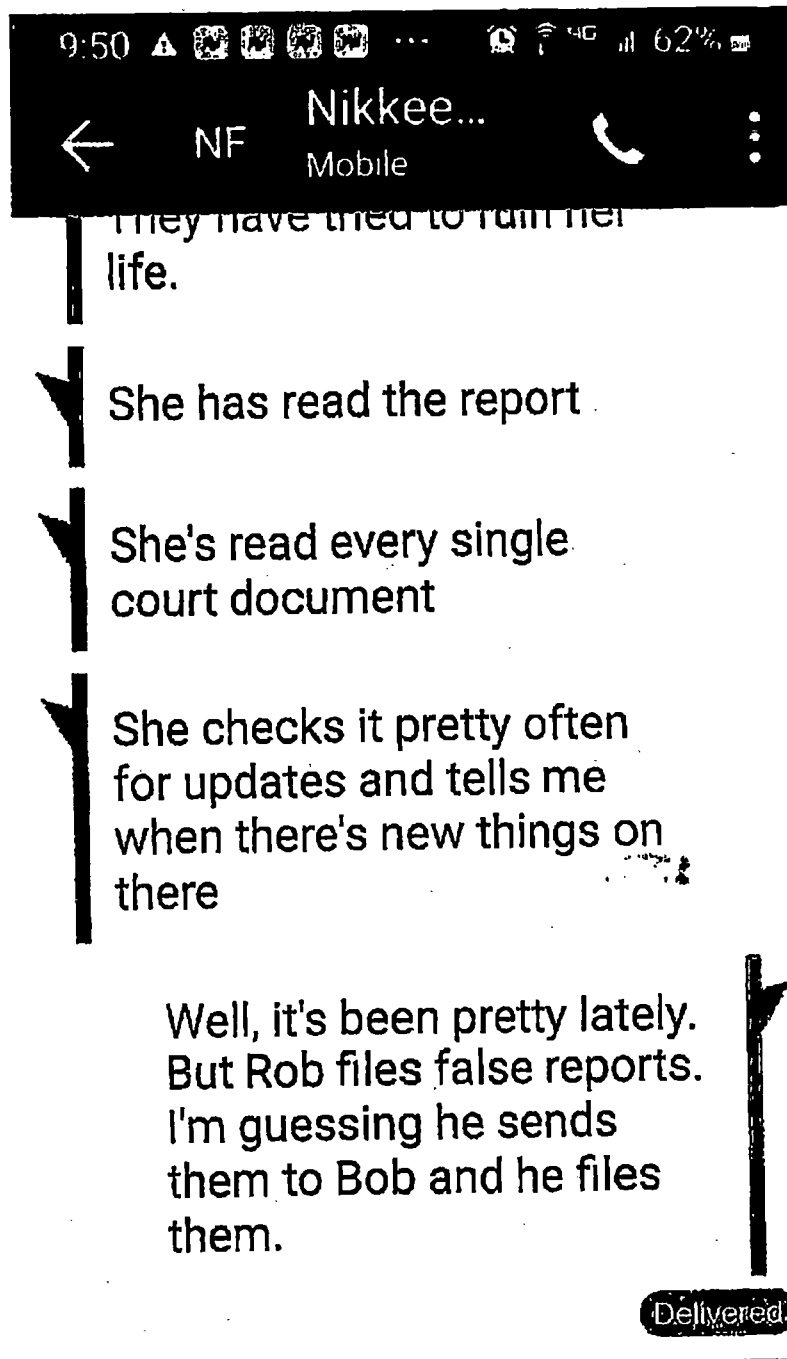


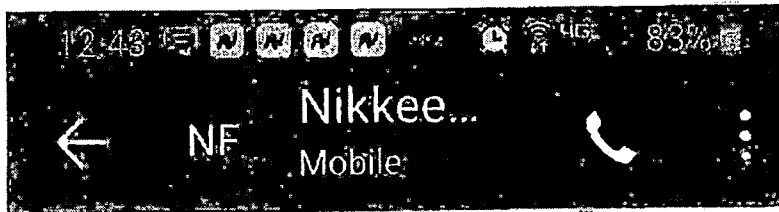
The reports are all over
try place. Clearly took
things like shopping for a
swimsuit and making sure
it fits and twisting it into
something else

Gosh, so untrue, Lyn is
trying to transfer the pain
of her own abuse to [REDACTED]
Very sad.

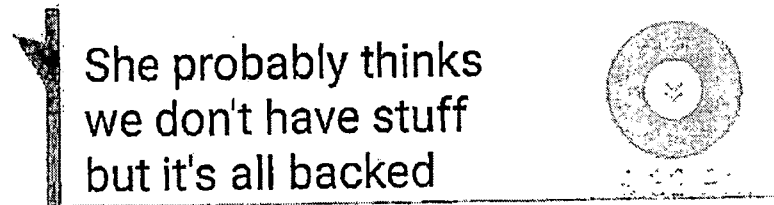
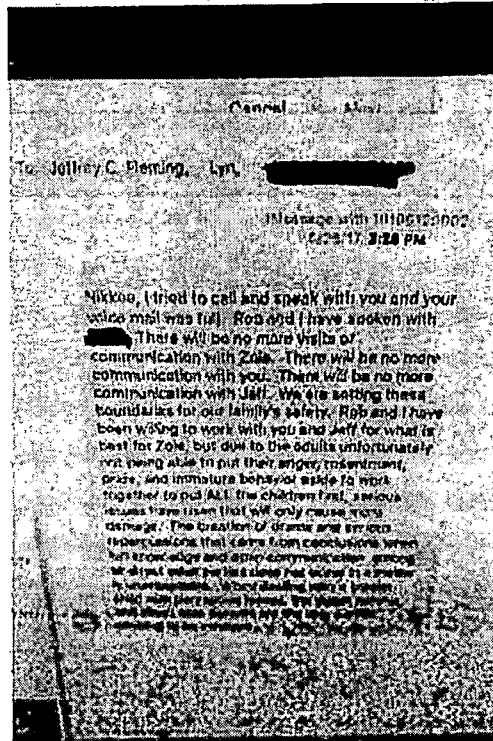
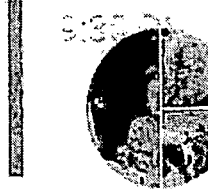
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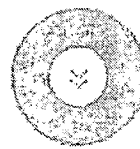


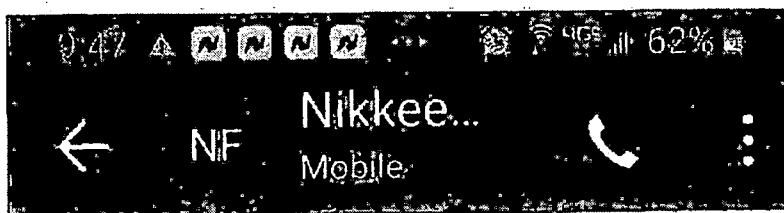


known you were
sharp as a tack.
Thks



She probably thinks
we don't have stuff
but it's all backed





Yes I thought that was weird

And [REDACTED] was walking around a city all alone and made it back to hotel. Lol....

Raleigh, I have only seen Ella two times in Raleigh; she was taken home and I was at a hotel. Total BS!

The reports are all over try place. Clearly took things like shopping for a swimsuit and making sure it fits and twisting it into something else





Sunday 8:46 AM

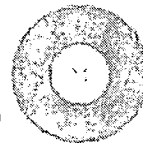
Hi Nikkee, good morning.
So, did Zoe go to [REDACTED]
and just didn't like it.

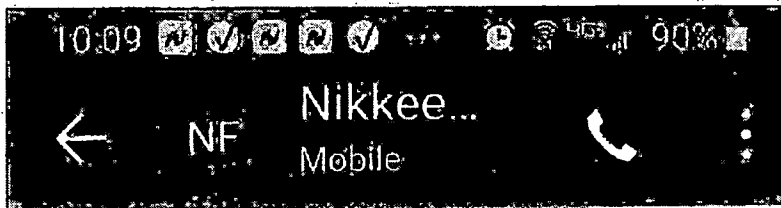
Did the paralegal say what
she wanted was related to
a sex crime investigation
about me?

Sunday 2:26 PM

Zoie is still at [REDACTED]. She's
on summer break right
now.

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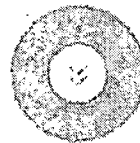
What is [REDACTED]

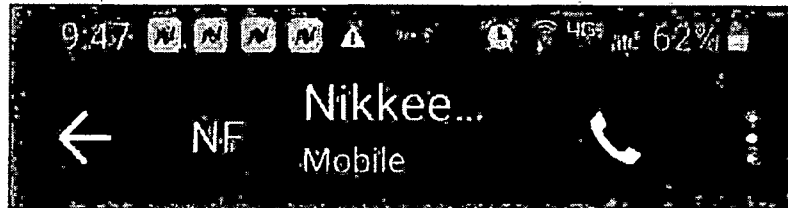
Thursday 9:03 PM

Thanks as to the affidavit.
Maybe it was another
school I thought she was
looking at.

I looked it up

[REDACTED]





...throw a child under the
bus?

Has Kearston seen the
stuff or knows it's out
there?

So, it will be awhile before
it goes to trial; but you,
Jeff and maybe Zoie, and
Kearston or Kersten I think
would be good.

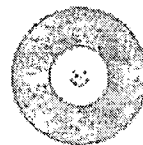
Thanks for your frank
communication.

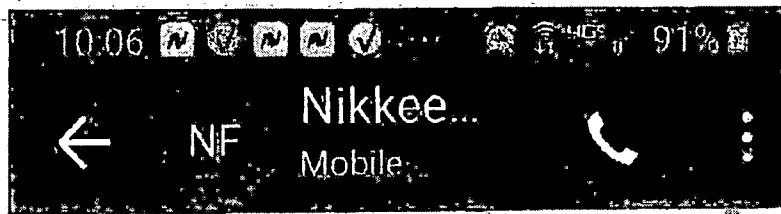
Michael

Today 9:02 PM



I've seen it and Kearson
has seen it





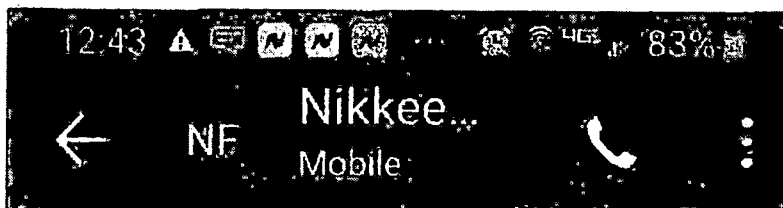
I'm sure all of this has
Lyn in a frenzy. And she'll
forget which lie she told to
who!

I saw rob owes 18k to his
attorney still. Must have
run out of \$ finally

Well, he told the judge he
had spent about \$200k
between family Court and
civil court.

Wouldn't have to spend all
that if they could just be
coparents and stop trying
to ruin peoples lives





She probably thinks we don't have stuff but it's all backed up to my iMac desktop I've had since 2010



This was a text to Jeff and I and also zoies counselor telling us she wasn't going to see/talk to zoie anymore at all

In 2017... she was still in high school. This was when she found out we talked to you about the hotel they were living in





Zole is still at... She's on summer break right now.

The paralegal just said she represented the case and wanted to know if we knew what the case was about and I said I looked it up online after constant threats from Lyn and rob. I just saw the documents in the past month because I never looked it up. She didn't tell me anything but wanted to see if we would be a good witness for bob purkerson and I told her it wouldn't be good to call anyone in my family for their defense. We don't



5/25/2021

Screenshot_20210525-120457_Message+.jpg



address would you have
used in 2015?

Many thanks! 😊

Friday 8:37 PM

Nikkee, would you share
Kearson's cell number so I
could text her?
Thanks, Michael

Yes

+1 [REDACTED]

Many thanks

Delivered



<https://mail.google.com/mail/u/0/#inbox/QgrcJHsHkxWVNLgnQgcHFBGCKNGpTmNnsB?compose=new&projector=1&messagePartId=0.1>

ELECTRONICALLY FILED - 2022 Jun 14 5:13 PM - GREENVILLE - COMMON PLEAS - CASE#2020CP2301450

1/1



They are pathetic, Lyn is the CEO of their newly formed company. [REDACTED]'s grade in Algebra 1 is a 47, but Lyn would never want a child smarter than her.

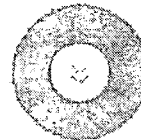
Michael

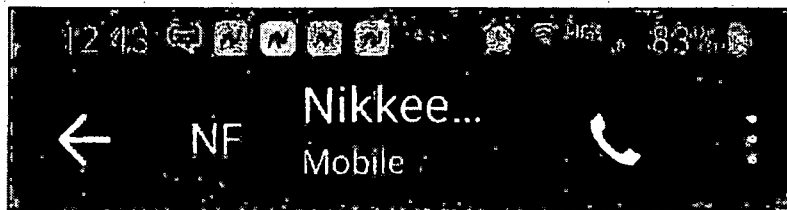
Thursday 8:03 PM

I have a lot of bomb shells
I have been looking for.

Go ahead and subpoena
myself and Kearson.

I cant speak too much
about what Bobby has
said or done. but I have





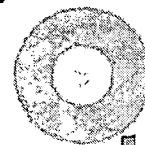
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hotel they were living in

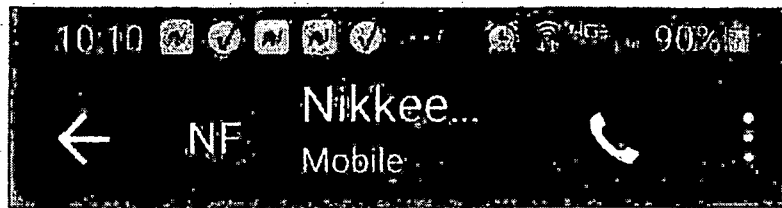
Can't read on phone, but
will try on my computer



Kearson also has saved
everything from them. She
keeps every single thing.

She's separated from
Bobby (robs son) and
the maples were a large
reason for the issues in
their marriage. I quote her
by saying "I can't wait for
micheal to subpoena my
ass" she's so sick of their
garbage





I cant speak too much
about what Bobby has
said or done, but I have
information about Robin
and Lyn

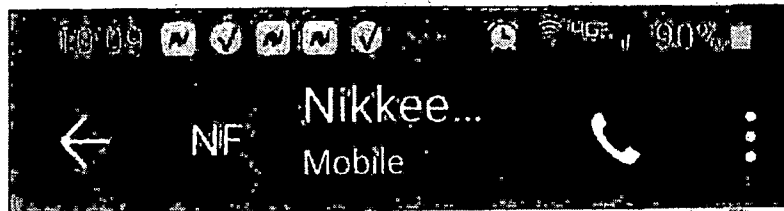
We have both read all of
the documents online for
the court case.

Thursday 8:16 PM

What's that mean. I'm not
at my computer, but some
of the stuff was heavy s,, t..

Is Wes sending you an
affidavit or something?
Make sure you don't





of the stuff was heavy s,, t..

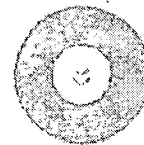
Is Wes sending you an
affidavit or something?
Make sure you don't
perjure yourself.
You can decline to answer.

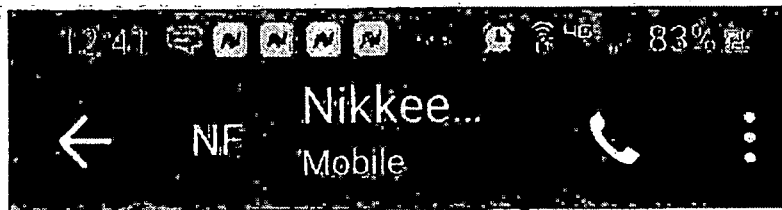
How's Zoie doing? She
decided not to go to
[REDACTED]?

Thursday 8:31 PM

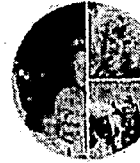
It was his paralegal who
called.

I will not provide an
affidavit to them.



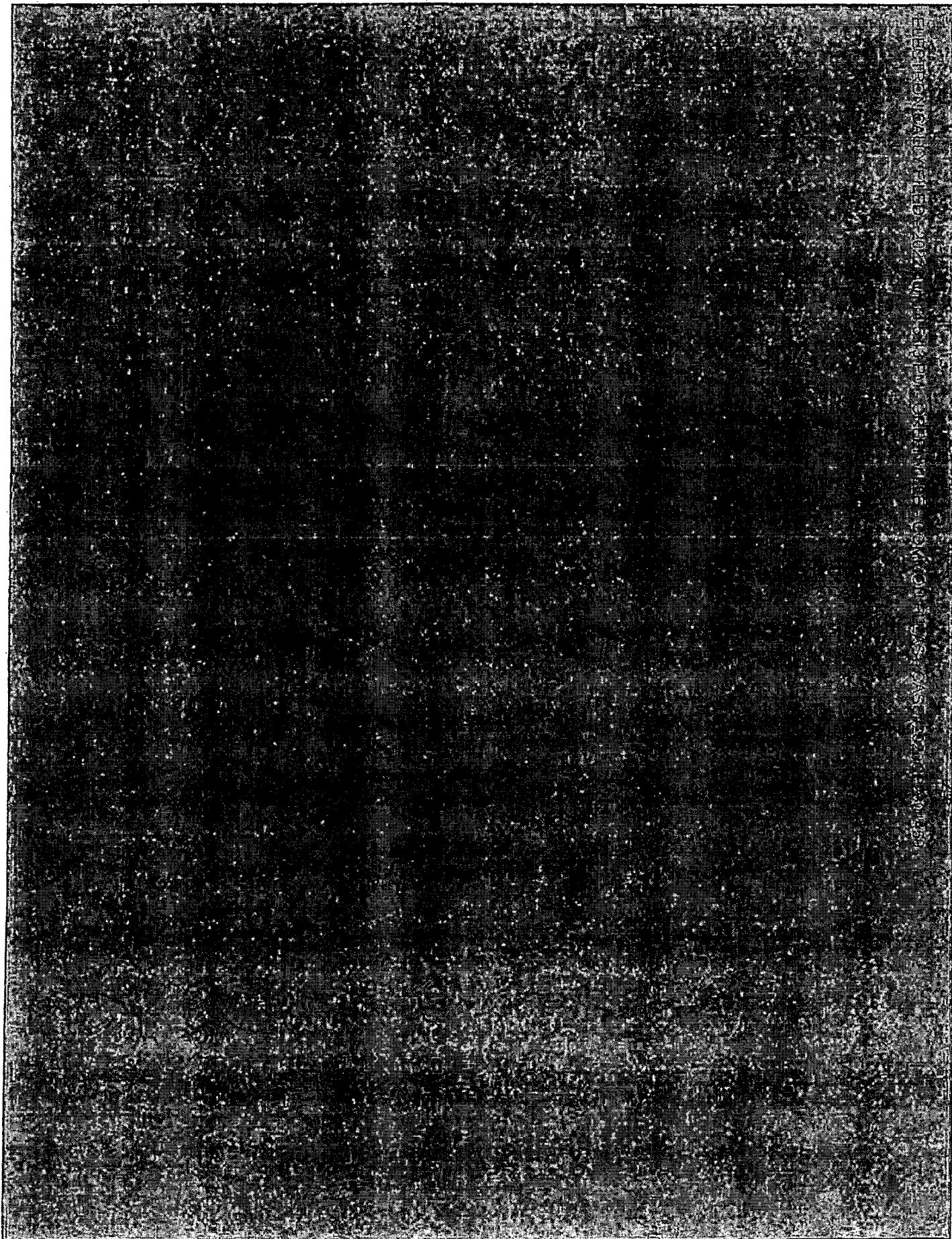


Bobby can't cut his dad out of his life. He cuts them out and lets them back in. I'm sure it's hard bc his mother passed and he's robs only child. He has an older half brother from his mother but rob maples is so toxic.... he doesn't dare stand up to his dad... Kearson has no problem doing it now. She won't tolerate it anymore.



I would text her and see when she can talk on phone and see what she has that would be of any help. She has no kind things to say about them.





1

TRANSCRIPTION FROM RECORDING PROVIDED.

C.A. No.: 2020-CP-23-01450

LABELED AS: ROBERT PURKERSON'S THREATS TO MICHAEL G. PUTNAM

AUGUST 2018

1 MR. PURKERSON: Okay. I can't wait to get my hands on you
buddy.

2 MR. PUTNAM: Well, we still got a ways to go don't we?

3 MR. PURKERSON: Yeah, they do.

4 MR. PURKERSON: You're going to get yours; cause I'm going to
give it to you bigtime!

---END OF RECORDING---

Summerville, SC 29483

From: 692 Puckettton [mailto:692Puckettton@comcast.net]

Sent: Tuesday, September

To: James C. Fleming

Subject: 10-312

Lyn just brought us up to date on your contact with Michael. Wow. Michael is a sick desperate man and is manipulating you big time. What Michael is doing and saying is not true. We are so thankful Zee is safe and happy with you and is getting the help she needs. You are doing a fine job with her and we thank you for it. We wish we could help.

Thank you—Bob

CONFIDENTIAL

THE UNIVERSITY OF CHICAGO

[illegible]

From: Bob Purkerson <[REDACTED]@hotmail.com>
Date: 08/21/2015 6:17 PM (GMT-05:00)
To: [REDACTED]@aol.com
Cc: Maggie Nowell <[REDACTED]>, Lyn Purkerson
<[REDACTED]@yahoo.com>

Subject: Communications

All communication with Gail and me must come to me at my e-mail address or home phone. Do not continue texting and calling Gail. I am your only contact starting now.

Subject: History
Date: 7/ 25:54 PM Eastern Standard Time
From: [REDACTED]@hotmail.com
To: [REDACTED]@aol.com
Sent from the Internet (Details)

I understand you are lawyered up and we will get lawyered up. The lawyers will try to assassinate the character of each person and everybody will loose and a judge will make a decision and probably get DSS Involved. What will happen to [REDACTED] and where does this end and when will you get out of our lives?

EXHIBIT 3

INTERROGATORIES

6. State with specificity what Purkerson encouraged the Child to exaggerate and/or the false statements Purkerson encouraged the Child to make. State what aspect of the Child's statements were exaggerated or false and the manner in which the statements were exaggerated or false.

Wes, since I was not present when much of this occurred, I will be relying on testimony from other individuals. Some of the same ones mentioned above. Ms. Hinkle in Mt. Pleasant will be able to testify that my daughter eves drops on family meetings where Purkerson and Lyn and Rob are behind closed doors, and [REDACTED] puts her ear up against the wall. My daughter has called me from inside their cars while parked in the driveway and ask me why "bad" things are said. I am trying to find the phone recording of those, which I believe is in my storage facility. Sometimes if a child hears the same thing over and over, they will be begin to believe it.

Also, I have been desperately trying to get the emails, which will I believe will unlock a vault of gold in my opinion. I hope to have the audios cleaned up by the end of next week. They are highly time consuming to work with.

EXHIBIT J

Wes J. Shull

From: Wes J. Shull
Sent: Wednesday, February 23, 2022 8:22 AM
To: 'Michael G. Putnam - CPA'
Subject: RE: Michael Putnam v. Robert Purkerson et al. PR-000000-334729: Michael Putnam v. Robert Purkerson et al. PR-000000-334729: Michael Putnam v. Robert Purkerson et al. PR-000000-334729: Discovery

Okay. A lot of the information that I'm requesting from you can also just be stated in an email or a letter to me. I'm basically asking you to confirm that this is all of the information/evidence that you have. It should be already, but I just would like confirmations from you. Thank you, Wes



willson jones
carter & baxley

Wesley J. Shull

Attorney

email: [REDACTED]
phone: 864.272.2660
325 Rocky Slope Rd., Suite 201
Greenville, South Carolina 29607

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From: Michael G. Putnam - CPA <[REDACTED]>
Sent: Tuesday, February 22, 2022 9:35 PM
To: Wes J. Shull <[REDACTED]>
Subject: Re: Michael Putnam v. Robert Purkerson et al. PR-000000-334729: Michael Putnam v. Robert Purkerson et al. PR-000000-334729: Discovery

Ok, by the end of the week. You're making it hard on yourself, and me, but you can absorb the flood of unredacted stuff. It will be better by me.

MP

On Tue, Feb 22, 2022, 5:42 PM Wes J. Shull <[REDACTED]> wrote:

I'm sorry that I missed your call. I need the answers in writing, if you will. Thank you, Wes

Wesley J. Shull

Attorney

email: [REDACTED]
phone: 864.272.2660
325 Rocky Slope Rd., Suite 201
Greenville, South Carolina 29607

This message may be protected by the attorney/client privilege, attorney work product or other privileges. If you received this message in error, please send a reply, delete the message immediately and do not forward this message to any other person.

From: Michael G. Putnam - CPA <[REDACTED]>
Sent: Tuesday, February 22, 2022 5:27 PM
To: Wes J. Shull <[REDACTED]>
Subject: Re: Michael Putnam v. Robert Purkerson et al. PR-000000-334729: Discovery

Wes, I could probably clarify some things over the phone that make for a better answer than me typing, although some things are straightforward. I tried to call you, but it went to voicemail.

Where some of this stuff is it went to either Hannah or MJ at Chace Campbell's firm. I know he got the 2017 taxes, but can resend. Some years I on-field and my tax software uploaded my W-2 from ADP, so there was nothing attached to it. I believe 2015 was my last w-2, and included some severance pay.

Anyway, let's chat if possible. The audios will help you as well.

Michael

On Tue, Feb 22, 2022, 1:12 PM Wes J. Shull <[REDACTED]> wrote:

Michael,

Received and thank you.

After reviewing, I have a few questions to which I would appreciate your responding:

1. Your cover letter indicates that your tax returns for 2017-2020 were previously submitted; however, the only tax returns that were attached to your original response to Purkerson's Requests to Produce were from tax years 2018 and 2019. Your Supplemental Responses contained tax returns for years 2014-2016. Did you file taxes for 2017 or 2020? If so, I need a copies please;
2. Out of all of the tax returns you have submitted, the only supplemental form you have given me is your W2 from 2016. I would like you to confirm that you do not have any other tax forms that were filed with returns for tax years 2014, 2015, 2017, 2018, 2019 or 2020? Judge Maddox's Order specifically stated that you were to provide these additional forms. Please send those to me;
3. Your Supplemental Response to Interrogatory #5 which asked for "specific contents of any and all Statements you alleged Robert Purkerson made concerning you," and asked you to identify the dates of the statements and the identities of the persons to whom the statements were made is provided in your Exhibit 2 that includes: (1) some text messages between you and Nikkee Fleming from May 20, 2021; (2) a transcript from an August 2018 discussion between you and Purkerson that you recorded (you have already sent me a disc with an audio copy of this, thank you); (3) an email with the date redacted from Purkerson to Jeffrey Fleming titled "update;" (4) an August 21, 2015, email from Purkerson to you, Maggie Nowell, and Lyn Purkerson; and (5) an email from Purkerson with a redacted date (sent in July of some year at 25:54 EST)? Can you please confirm that you have no other information or documents that would fall under the information requested under Interrogatory #5?
4. In your narrative Supplemental Response to Interrogatory #5, you list the following people as witnesses "willing to testify as to defamatory statement by Robert Purkerson": (1) Nikkee Fleming; (2) Jeff Fleming; (3) Kearson Maples; and (4) Zoie Fleming. Are these the only potential witnesses that you know of who you allege will testify to Purkerson's defamatory statements? Jeff, Nikkee and Zoie were all listed in your attachment to your May 7, 2021, letter to myself and Robin Maples (with cc: to Judge Verdin), but Kearson Maples was not listed. Please confirm that you do not have any document or affidavit, signed or unsigned, by any of these 4 witnesses attesting to a defamatory statement made by Robert Purkerson.

5. Other than the 2 emails sent from Robert Purkerson that were in your Exhibit 2 that, I assume you maintain were defamatory, your Supplemental Response to Interrogatory #5 did not give any of the "specific contents" of the defamatory statements or the dates on which the defamatory statements were made. Can you please confirm that you cannot provide the specific contents of the defamatory statements? If you can provide the specific contents, then I need you to give me that information please. In other words, can you please tell what the false statement(s) that Robert Purkerson said about you were, to whom they were said, and when he said it?

Thank you for providing your Social Security Approval Letter. I look forward to receiving your responses to the above.

Best regards,

Wes

Wesley J. Shull

Attorney

email: ~~wshull@wjsllaw.com~~

phone: 864.272.2660

325 Rocky Slope Rd., Suite 201

Greenville, South Carolina 29607

This message may be protected by the attorney/client privilege, attorney work product or other privileges. If you received this message in error please send a reply, delete the message immediately and do not forward this message to any other person.

From: Michael G. Putnam - CPA ~~[REDACTED]~~
Sent: Monday, February 21, 2022 5:50 PM

To: Wes J. Shull <[REDACTED]>; Taylor R. Griffis <[REDACTED]>
Subject: Discovery

Dropped a package off at your office today.

Michael

EXHIBIT K

On Tue, Feb 22, 2022, 1:12 PM Wes J. Shull <[REDACTED]> wrote:

Michael,

Received and thank you.

After reviewing, I have a few questions to which I would appreciate your responding:

1. Your cover letter indicates that your tax returns for 2017-2020 were previously submitted; however, the only tax returns that were attached to your original response to Purkerson's Requests to Produce were from tax years 2018 and 2019. Your Supplemental Responses contained tax returns for years 2014-2016. Did you file taxes for 2017 or 2020? If so, I need a copies please;

Response: Attached are the following:

- a. 2017 Tax return – No wages
 - b. 2016 W-2
 - c. 2015 W-2 and K-1
 - d. 2014 W-2
 - e. Exhibit 1 – A summary of earnings from my on-line S. Security account
2. Out of all of the tax returns you have submitted, the only supplemental form you have given me is your W2 from 2016. I would like you to confirm that you do not have any other tax forms that were filed with returns for tax years 2014, 2015, 2017, 2018, 2019 or 2020? Judge Maddox's Order specifically stated that you were to provide these additional forms. Please send those to me;

Response: The documents in answer in #1 above should meet that. Exhibit 1 above shows no earnings since 2017. There would be no w-2s for 2017 through 2020.

3. Your Supplemental Response to Interrogatory #5 which asked for "specific contents of any and all Statements you alleged Robert Purkerson made concerning you," and asked you to identify the dates of the statements and the identities of the persons to whom the statements were made is provided in your Exhibit 2 that includes: (1) some text messages between you and Nikkee Fleming from May 20, 2021; (2) a transcript from an August 2018 discussion between you and Purkerson that you recorded (you have already sent me a disc with an audio copy of this, thank you); (3) an email with the date redacted from Purkerson to Jeffrey Fleming titled "update;" (4) an August 21, 2015, email from Purkerson to you, Maggie Nowell, and Lyn Purkerson; and (5) an email from Purkerson with a redacted date (sent in July of some year at 25:54 EST)? Can you please confirm that you have no other information or documents that would fall under the information requested under Interrogatory #5?

Response: Before I confirm the completeness, let me look in my storage building. Ms. Fleming, Ms. Kearson and Zoie have much to testify to. I wasn't there so I don't know the exact date or time. I haven't ask them for affidavits because frankly the defamation is so nasty, filthy or whatever word you would prefer to describe a place no one ever wants to go. But will do so from the witness stand. You may want to depose Nikkee Fleming for purposes of what she will testify to.

I have the audios to send, however, my oldest sister had a massive stroke last night. She's in ICU, I am waiting from my nieces to hear when I can best come. (She lives near Winston-Salem) I have a filing I'm finishing up and then I'm likely off to N. Carolina. I wouldn't pre-judge before hearing or having certain audio recordings transcribed.

As to number 2 above with Mr. Purkerson, that was a physical assault. My discussion at the solicitor's office indicated that there is no statute of limitations on a criminal act. They heard the recording and wanted to know who it was, but until I decide what to do with that, it's been on a "no" name basis.

4. In your narrative Supplemental Response to Interrogatory #5, you list the following people as witnesses "willing to testify as to defamatory statement by Robert Purkerson": (1) Nikkee Fleming; (2) Jeff Fleming; (3) Kearson Maples; and (4) Zoie Fleming. Are these the only potential witnesses that you know of who you allege will testify to Purkerson's defamatory statements? Jeff, Nikkee and Zoie were all listed in your attachment to your May 7, 2021, letter to myself and Robin Maples (with cc: to Judge Verdin), but Kearson Maples was not listed. Please confirm that you do not have any document or affidavit, signed or unsigned, by any of these 4 witnesses attesting to a defamatory statement made by Robert Purkerson.

Response: I have not given up on the email discovery. I have asked Mr. Churdar who he intends to call as witnesses; it's been almost a month with no response. However, certain of his witnesses would be ripe for cross-examination. In the event he chooses not to call them, then I may. So to answer your question, no my list of witnesses is in no way final. Who do you intend to call?

Please wait on the audios/emails before drawing a conclusion. My family medical emergency is my short-term focus. She may not live through this.

Thank you for providing your Social Security Approval Letter. I look forward to receiving your responses to the above.

You're welcome. I'm taking my laptop with me, but it's hard to stay focused. Please do not file this response and the attachments on the Public Index.

EXHIBIT L

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMONS PLEAS
COUNTY OF GREENVILLE	)	
	)	Civil Action No.: 2020-CP-23-01450
	)	
Michael Gene Putnam	)	
	)	
Plaintiff,	)	
vs.	)	<u>AFFIDAVIT OF NICOLE FLEMING</u>
	)	
Wake Christian Academy, Dana Graves	)	
Cordell, Kellie O'Neal Auerweck, Robin	)	
Cary Maples, Vanessa Hartman	)	
Kormylo, P.A. Robert Henry Purkerson	)	
Defendant.	)	

PERSONALLY APPEARED BEFORE ME, Nicole (Nikkee) Fleming, who, being duly sworn,

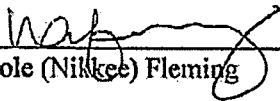
states the following upon her personal knowledge:

- 1) I am over eighteen years of age and of sound mind to give this affidavit.
- 2) I give this affidavit of my own free will.
- 3) I have personal knowledge and am competent to swear to the facts stated in this affidavit and do so knowing it will be submitted to the Court in connection with the above-referenced matter.
- 4) I am a resident of Dorchester County, South Carolina.
- 5) I am the step-mother of Zoie Fleming, Bob Purkerson's granddaughter.
- 6) I am aware that Michael Putnam has sued Bob Purkerson for defamation and that Michael Putnam has listed me as a potential witness. Mr. Putnam also scheduled my deposition for Monday, June 6, 2022, but canceled this deposition on Friday, June 3, 2022;
- 7) Mr. Purkerson has never discussed with me any investigation into Mr. Putnam made by any legal authorities;

8) Mr. Purkerson never made any negative factual statements about Mr. Putnam to me.

9) I have no personal knowledge of Mr. Purkerson making defamatory statements about Michael Putnam.

FURTHER AFFIANT SAYETH NOT!



Nicole (Nikkie) Fleming

Sworn to and subscribed before me this
13th day of June, 2022.



Notary Public of the State of South Carolina
My Commission Expires: 7-8-2026



Sofilda Totoni
Notary Public
Berkeley County
State of South Carolina
My Commission Expires July 8, 2026

EXHIBIT M

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMONS PLEAS
COUNTY OF GREENVILLE	)	Civil Action No.: 2020-CP-23-01450
	)	
Michael Gene Putnam	)	
	)	
Plaintiff,	)	
vs.	)	<u>AFFIDAVIT OF JEFFREY FLEMING</u>
	)	
Wake Christian Academy, Dana Graves	)	
Cordell, Kellie O'Neal Auerweck, Robin	)	
Cary Maples, Vanessa Hartman	)	
Kormylo, P.A. Robert Henry Purkerson	)	
Defendant.	)	

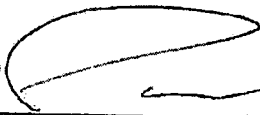
PERSONALLY APPEARED BEFORE ME, Jeffrey Fleming, who, being duly sworn, states the following upon her personal knowledge:

- 1) I am over eighteen years of age and of sound mind to give this affidavit.
- 2) I give this affidavit of my own free will.
- 3) I have personal knowledge and am competent to swear to the facts stated in this affidavit and do so knowing it will be submitted to the Court in connection with the above-referenced matter.
- 4) I am a resident of Dorchester County, South Carolina.
- 5) I am the biological father of Zoie Fleming, Bob Purkerson's granddaughter.
- 6) I was formerly married to Lynn Maples, Bob Purkerson's daughter.
- 7) I am aware that Michael Putnam has sued Bob Purkerson for defamation and that Michael Putnam has listed me as a potential witness. Mr. Putnam also scheduled my wife's deposition for Monday, June 6, 2022, but canceled this deposition on Friday, June 3, 2022;
- 8) Mr. Purkerson never discussed with me any investigation into Mr. Putnam made by any legal authorities.

9) Mr. Purkerson never made any negative factual statements about Mr. Putnam to me.

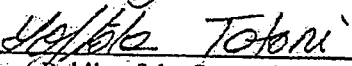
10) I have no personal knowledge of Mr. Purkerson making defamatory statements about Michael Putnam.

FURTHER AFFIANT SAYETH NOT!



Jeffrey Fleming

Sworn to and subscribed before me this
13th day of June, 2022.



Notary Public of the State of South Carolina
My Commission Expires:



Sofilda Totoni
Notary Public
Berkeley County
State of South Carolina
My Commission Expires July 8, 2026



willson jones
carter & baxley

attorneys at law
greenville | charleston | columbia
charlotte | myrtle beach | raleigh | atlanta

Wesley J. Shull
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325 Rocky Slope Road, Suite 201
Greenville, SC 29607
www.wjcbllaw.com

June 15, 2022

Judge Doc Morgan
Greenville County Courthouse
305 E. North St.
Greenville, SC 29601-2120

Re: Michael Putnam v. Robert Purkerson et al.
File No.: 2020-CP-23-01450 DOI:
Carrier: State Auto Insurance Companies - Claim No.: PR-000000-334729
WJCB File No.: 0124.00439

Dear Judge Morgan:

Please see attached Exhibit N that was inadvertently left out of the Memo in Support for Purkerson's Motion for Summary Judgement filed 6/14/2022 (yesterday). Please add this as an additional exhibit.

With kindest regards,

WILLSON JONES CARTER & BAXLEY, P.A.

Wesley J. Shull

Wesley J. Shull

WJS/trg

Cc: Michael Gene Putnam

ELECTRONICALLY FILED - 2022 Jun 15 8:19 AM - GREENVILLE - COMMON PLEAS - CASE#2020CP2301450

EXHIBIT N

STATE OF NORTH CAROLINA

COUNTY OF GREENVILLE

Michael Gene Putnam

Plaintiff,

vs.

Wake Christian Academy, Dana Graves
Cordell, Kellie O'Neal Auerweck, Robin
Cary Maples, Vanessa Hartman
Kormylo, P.A. Roert Henry Purkerson
Defendant.

IN THE COURT OF COMMONS PLEAS

Civil Action No.: 2020-CP-23-01450

AFFIDAVIT OF ZOIE FLEMING

PERSONALLY APPEARED BEFORE ME, Zoie Fleming, who, being duly sworn,
states the following upon her personal knowledge:

- 1) I am over eighteen years of age and of sound mind to give this affidavit.
- 2) I give this affidavit of my own free will.
- 3) I have personal knowledge and am competent to swear to the facts stated in this affidavit and do so knowing it will be submitted to the Court in connection with the above-referenced matter.
- 4) I am a resident of Dorchester County, South Carolina.
- 5) I am the biological granddaughter of Robert Purkerson.
- 6) I am aware that Mr. Putnam has sued my grandfather for defamation and has listed me as a witness to this alleged defamation.
- 7) I have never heard my grandfather, Bob Purkerson, make any factual statements to me about Mr. Putnam that were negative, defamatory, or false.
- 8) Bob Purkerson has never discussed with me any investigation into Mr. Putnam made by any legal authorities.

FURTHER AFFIANT SAYETH NOT!

Zoe Fleming
Zoe Fleming

Sworn to and subscribed before me this
14th day of June, 2022.

Rebekah C. Muhill
Notary Public of the State of South Carolina
My Commission Expires:



STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

MICHAEL GENE PUTNAM
Plaintiff,

vs.

ROBIN CARY PURKERSON AND
ROBERT HENRY PURKERSON, ET. AL.

Defendants.

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

C.A. No. 2020-CP-23-01450

PLAINTIFF'S OPPOSITION TO DEFENDANT
ROBERT H. PURKERSON'S MOTION FOR
SUMMARY JUDGEMENT

JURY TRIAL DEMANDED

TO: THE HONORABLE JUDGE G. D. "Doc" MORGAN, Jr. AND
WESELY SHULL, COUNSEL FOR DEFENDANT ROBERT H. PURKERSON

COMES NOW Michael Gene Putnam, *Pro se* Plaintiff (hereinafter "Plaintiff"), pursuant to Rule 56, of the South Carolina Rules of Civil Procedure (*SCRCP*), submits this Memorandum in Opposition to Defendant Robert H. Purkerson' (hereinafter referred to as "Purkerson") Motion for Renewal for Summary Judgment. For the reasons cited below, and the verified affidavit of Plaintiff incorporated by reference herein, the Defendant's Motion for Summary Judgment should be forthwith denied, and this matter should proceed to trial.

Purkerson, through counsel, filed his "Renewed" MOTION FOR SUMMARY JUDGEMENT (hereinafter referred to as the "Motion") on April 19, 2022. (Exhibit 1) The Motion spends most of its language providing a chronology of historical events and previous denials by the Court of Purkerson's numerous filings for dismissal or summary judgement, none of which are

relevant to the knowledge, facts and discovery supporting the non-moving Plaintiff's position that clearly triable issues exist, that should bar this Court from granting the relief sought by defendant Purkerson as to summary judgment.

Although the pages of the Motion (Exhibit 1) are not numbered, there are several statements of interest:

A. On page one it states: "There is no genuine issue of material fact which establishes Plaintiffs alleged causes of action for defamation."

Response: Plaintiff will satisfy the Court this is simply not true.

B. On page two (2), fourth paragraph it states: "Plaintiff has no evidence to support his allegations, including no statements, affidavits, or other admissible evidence as required by Rule 56;"

Response: Again, Plaintiff will satisfy the Court this is not factual.

C. On page three (3) of (Exhibit 1) first paragraph and last sentence: "Because there is no issue of material fact to establish Plaintiffs causes of action for defamation, this Motion should be granted."

Response: Points A, B and C will be satisfied/addressed herein by legal authority, exhibits and or affidavits.

D. Lastly, on page three (3) of Purkerson's Motion, the last paragraph states: "This motion is based on ... the attached affidavits and Defendant Purkerson's supporting memorandum of law."

Response: Where is the attached "Memorandum of Law"? That was April 19, 2022,

sixty-three (63) days ago. Isn't that enough time to support your legal argument?

The affidavit of defendant Robert Purkerson dated April 18, 2022 and attached to Purkerson's Motion as Exhibit 1, is attached to this filing as (Exhibit 2). Purkerson's affidavit states in the first sentence the following: **"PERSONALLY APPEARED BEFORE ME, Robert Henry Purkerson, who first being duly sworn stated the following upon personal knowledge or information and belief:"**. Pursuant to the Supreme Court for the State of South Carolina granting the petition for a writ of certiorari to review the Court of Appeals' opinion in *Dawkins v. Fields*, 345 S.C. 23, 545 S.E.2d 515: the Supreme Court addressed the issue of affidavits in matters of summary judgment and stated " Rule 56() requires that affidavits: "[1] shall be made on personal knowledge. [2] shall set forth such facts as would be admissible in evidence, and [3] shall show affirmatively that the affiant is competent to testify to the matters stated therein." Rule 56(e), SCRCP. The Opinion goes on to state that assertions or allegations **"made upon information and belief do not meet the "personal knowledge" requirements of Rule 56(c).** See, e.g., *Sheinkopf v. Stone*, 927 F.2d 1259 (1st Cir.1991). Purkerson's affidavit of April 18, 2022 (Plaintiff's Exhibit 2), including statements made upon "information and belief" make Purkerson's affidavit a guessing game of what statements are personal knowledge and which are upon information and belief. Lastly, the Supreme Court cites *Wright, Miller & Kane*, § 2738 ("ultimate or conclusory facts and conclusions of law, as well as statements made on **"information and belief," cannot be utilized on a summary-judgment motion"**). Plaintiff asserts that Purkerson's affidavit contains a fatal flaw that should remove it from consideration by this Court. By doing so, Purkerson has not met the requirements to substantiate his position and should be denied summary judgment on that basis alone. [bold for emphasis]

The Plaintiff feels compelled to briefly mention that a follower of this case informed Plaintiff that an extensive filing had been made this week by Purkerson. The Plaintiff is pro se and as such, does not receive notifications through the Court's Electronic Filing System. Plaintiff viewed the Electronically filed Affidavits of Service time stamped June 15, 2022, which noted the following:

"The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:

Michael Gene Putnam for Michael Gene Putnam"

As of the date of this Motion in Opposition, Plaintiff has not received the filing by mail, hand delivery or any other methods of service. Plaintiff would note to the Court, that South Carolina Rules of Civil Procedure (SCRCP) Rule 56(c) states as follows: **"(c) Motions and Proceedings Thereon. The motion shall be served at least 10 days before the time fixed for the hearing."** The voluminous submission was **not timely filed**, or served. Whatever is contained in such a large filing has not been reviewed by Plaintiff, and this Court should deny introduction or referral to by counsel for defendant Purkerson, as such would be highly prejudicial to Plaintiff. Plaintiff would respectfully request the Court to treat this **"untimely filing"** in the same manner as if "stricken", and not considered by the Court at the June 21, 2022 hearing before the Honorable Judge G. D. "Doc" Morgan, Jr. [bold for emphasis]

STANDARD OF REVIEW

Summary judgment is only appropriate when there is "no genuine issue as to any material fact and [...] the moving party is entitled to judgment as a matter of law." Rule 56, SCRCP (emphasis added). "The party moving for summary judgment has the burden of clearly

establishing the absence of a genuine issue of material fact.” Miller v. Blumenthal Mills, Inc., 365 S.C. 204, 220, 616 S.E.2d 722, 729 (Ct. App. 2005). “In determining whether any triable issues of fact exist, the evidence and all inferences which can reasonably be drawn from the evidence must be viewed in the light most favorable to the non-moving party.” Belton v. Cincinnati Ins. Co., 360 S.C. 575, 578, 602 S.E.2d 389, 391 (2004). “[I]n cases applying the preponderance of the evidence burden of proof, the non-moving party is only required to submit a mere scintilla of evidence in order to withstand a motion for summary judgment.” Hancock v. Mid-South Mgmt. Co., 381 S.C. 326, 330, 673 S.E.2d 801, 803 (2009). “Since it is a drastic remedy, summary judgment should be cautiously invoked so that a litigant will not be improperly deprived of a trial on disputed factual issues.” Conner v. City of Forest Acres, 348 S.C. 454, 462, 560 S.E.2d 606, 610 (2002). “Summary judgment is not appropriate where further inquiry into the facts of the case is desirable to clarify the application of the law.” Stewart v. State Farm Mut. Auto. Ins. Co., 341 S.C. 143, 149, 533 S.E.2d 597, 600 (Ct. App. 2000).

From the THE STATE OF SOUTH CAROLINA - In The Court of Appeals - Wayne Schmidt and Terri J. Schmidt, Appellants, v. Michael C. Courtney; Opinion No. 3719 Heard December 9, 2003, Filed December 22, 2003. “If triable issues exist, those issues must go to the jury. Baril v. Aiken Regl Med. Ctrs., 352 S.C. 271, 573 S.E.2d 830 (Ct. App. 2002); Young v. South Carolina Dept of Corrections, 333 S.C. 714, 511 S.E.2d 413 (Ct. App. 1999). Further, “All ambiguities, conclusions, and inferences arising from the evidence must be construed most strongly against the moving party. Bayle v. South Carolina Dept of Transp., 344 S.C. 115, 542 S.E.2d 736 (Ct. App. 2001). [bold for emphasis]

Plaintiff submits his verified affidavit as (Exhibit 3), and incorporated by reference herein as if recited verbatim herein. Such affidavit is not based on “upon information and belief, but

rather “made on personal knowledge of admissible facts”. In Exhibits three (3) and four (4) are transcribed recordings in sealed envelopes of defendant “Purkerson’s own words”, and validated by two (2) affidavits of individuals of the authenticity of Purkerson’s voice. All the spurious assertions of non-parties cannot overcome the defamatory statements of defendant Purkerson made in the presence of others, for both the Court and a jury to hear. Plaintiff respectfully request an opportunity at the hearing on June 21, 2022 to play one single fifty-five (55) second recording. If the Court needs further validation by a forensic audio specialist; Plaintiff will assume per instructions of the Court to do so solely at the expense of Plaintiff.

PLAINTIFF’S LEGAL ARGUMENT

The Defendants’ Motion for Summary Judgment should be summarily denied. As previously stated, Summary judgment is only appropriate when there is “no genuine issue as to any material fact and [...] the moving party is entitled to judgment as a matter of law.” Rule 56, SCRPC Purkerson failed to meet his burden of showing that no genuine issue of a material fact exists. To the contrary, Purkerson’s own words in a defamatory message to Plaintiff where others were present to hear his rant, make his assertions in a flawed affidavit that he has never made any “false statements” as to the Plaintiff. Purkerson clearly did not want to substitute to substitute the word “false” with the word “defamatory” because he knows he has in fact made those statements. His assertions based on “information and belief” do not meet the standards set by Rule 56 as supported by “personal knowledge”. In an Exhibit to Plaintiff’s affidavit where Ms. Nikkee Fleming states that after being told off by her (mother) Lyn that “Then Bob and Gail (Purkerson” sat Zoie down to tell her how awful you (Plaintiff) are”. Additionally, as referenced in Plaintiff’s affidavit Jeff Fleming sends Plaintiff an email where Purkerson describes Plaintiff as a “sick desperate man”

In South Carolina, the courts have found that “[e]ssentially, all libel is actionable per

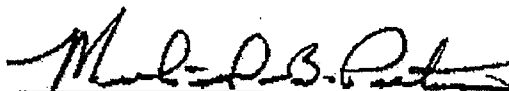
se." Erickson v. Jones St. Publishers, LLC, 629 S.E.2d 653, 664 (S.C. 2006); see also Holtzscheiter v. Thomson Newspapers, Inc., 506 S.E.2d 497, 502 (S.C. 1998) ("Libel is actionable per se if it involves written or printed words which tend to . . . reduce his character or reputation in the estimation of his friends or acquaintances, or the public . . ."). When a statement is actionable per se, the defendant is presumed to have acted with common law malice, and the plaintiff is presumed to have suffered general damages. Erickson, 629 S.E.2d at 664. "Whether the statement is actionable per se is a matter of law for the court to resolve." Fountain, 70 S.E.2d at 309. The United States Supreme Court has cited statements such as "he is a thief", or "he is a shoplifter" as defamatory per se, and thus actionable per se.

Also as previously cited, "Summary judgment is not appropriate where further inquiry into the facts of the case is desirable to clarify the application of the law." *Stewart v. State Farm Mut. Auto. Ins. Co.*, 341 S.C. 143, 149, 533 S.E.2d 597,600 (Cl. App. 2000). This case has no scheduling order and Plaintiff intends to take several depositions in the next two months to attempt to reconcile contravening testimony by parties and non-parties. The Plaintiff's requirement in being the non-moving party is only required to submit a mere scintilla of evidence in order to withstand a motion for summary judgment." *Hancock v. Mid-South Mgmt. Co.*, 381 S.C. 326, 330, 673 S.E.2d 801, 803 (2009). Plaintiff would assert he is well past that requirement. The Plaintiff submits in the instant case that the Defendant has failed to carry the necessary burden of proof to allow the Court to grant it Summary Judgment. The Plaintiff has supplied the Court with sufficient evidence that require a determination by the trier of fact.

CONCLUSIONS

For the reasons, case law and arguments set forth hereinabove, the Plaintiff respectfully submits that the Defendant Purkerson's Motion for Summary Judgment should be DENIED.

Respectfully submitted by,

A handwritten signature in black ink, appearing to read "Michael Gene Putnam", written over a horizontal line.

Michael Gene Putnam – Plaintiff
1108 S. Main St. Unit 355
Greenville, SC 29601-3377
Phone: 864-420-9624
Fax: 864-751-4365
Email: mputnam2006@gmail.com

DATED this 17th day of June 2022

EXHIBIT 1

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF GREENVILLE	)	C.A. No.: 2020-CP-23-01450
	)	
	)	
Michael Gene Putnam,	)	
	)	
	)	
	)	
	)	
	)	
vs.	)	DEFENDANT ROBERT HENRY
	)	PURKERSON'S MOTION FOR
	)	RENEWAL OF DEFENDANT'S MOTION
Robert Henry Purkerson,	)	FOR SUMMARY JUDGMENT
	)	
	)	
	)	
Defendants	)	
	)	

Defendant Robert Henry Purkerson ("Purkerson") will move the Court, pursuant to Rule 56 of the South Carolina Rules of Civil Procedure, for an order of summary judgment on the grounds that:

368

Since Judge Verdin's Order, Purkerson was required to file a Motion to Compel Discovery Responses on December 22, 2021. This issue was heard by Hon. Cordell Maddox on January 20, 2022, who issued a February 1, 2022, Order Granting Defendant's Motion to Compel. Plaintiff complied with this Order by serving Supplemental Interrogatory Responses and Supplemental Production of Documents on February 21, 2022;

Purkerson was also required to file a Motion to Compel Plaintiff's Deposition on January 11, 2022. This issue was heard by Hon. Edward W. Miller on March 23, 2022, who issued a March 24, 2022, Form 4 Order that ordered Plaintiff to attend his deposition that had been scheduled for April 12, 2022. This deposition took place on April 12, 2022;

Purkerson was originally added as a defendant to this case on August 26, 2019, when Plaintiff filed his Amended Complaint adding Purkerson as a Defendant in order to attempt to defeat diversity of citizenship, alleging the same allegations against Defendant Purkerson as he is making in this case. (That case was removed to the United States District Court and dismissed without prejudice) Plaintiff filed his original Summons in this second case on March 6, 2020;

Plaintiff alleges that Defendant Purkerson defamed him and has had over 2 years since he filed this case to obtain and provide evidence that supports his allegations; however, Plaintiff has no evidence to support his allegations, including no statements, affidavits, or other admissible evidence as required by Rule 56;

Defendant Purkerson, on the other hand, denies Plaintiff's allegations both in his Answer and in the attached affidavits. (Exhibits 1-3) In Plaintiff's February 21, 2022, supplemental discovery responses, he provided no evidence to support his allegations;

In his deposition testimony of April 12, 2022, Plaintiff initially named 8 witnesses who had described to him Purkerson's defamatory statements: his daughter, Larry Hoxie, Nikki Fleming, Jeff Fleming, Zoie Fleming, Dana Cordell (former co-defendant in this suit), and Kellie Auerwick (former co-defendant in this suit); however, Plaintiff later admitted in his testimony that he could not recall when he was first told about Purkerson's allegedly defamatory statements, the specifics of what he was told, who the person was who first told him about the alleged defamatory statements, or where he was when he was first told. Plaintiff admitted in his deposition testimony that he had no affidavits signed by any witnesses and no other evidence of defamatory statements made by Defendant Purkerson, other than what he had already produced, except for the possibility of some emails that could be contained on a computer tower he had placed in a storage unit and the possibility of emails that could be obtained via a subpoena he has been attempting to serve on Google for several months. Because there is no issue of material fact to establish Plaintiff's causes of action for defamation, this Motion should be granted.

This motion is based upon the pleadings filed in this matter, as well as the applicable written case law and/or statutes found under South Carolina law, discovery exchanged between the parties, the transcript of Plaintiff's deposition testimony, the attached affidavits and Defendant Purkerson's supporting memorandum of law.

s/Wesley J. Shull

Wesley J. Shull (S.C. Bar #71740)
Willson Jones Carter & Baxley
325 Rocky Slope Road, Suite 201
Greenville, SC 29607
wjshull@wjlaw.net
P: (864) 272-2660
F: (864) 373-7055

**ATTORNEY FOR DEFENDANT
ROBERT HENRY PURKERSON**

Greenville, South Carolina
April 19, 2022

EXHIBIT 2

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

Michael Gene Putnam,

Plaintiff

vs.

Robert Henry Purkerson, et al.

Defendants

IN THE COURT OF COMMON PLEAS

C.A. No.: 2020-CP-23-01450

AFFIDAVIT OF ROBERT PURKERSON

PERSONALLY APPEARED BEFORE ME, Robert Henry Purkerson, who first being duly sworn stated the following upon personal knowledge or information and belief:

1. I did not have anything to do with the report by granddaughter made to her teachers or her principal or anyone else at Wake Christian Academy regarding inappropriate touching of her by Michael Gene Putnam. I did not encourage her to make the report. Specifically, I have not encouraged her to exaggerate or make up stories defamatory to Michael Gene Putnam.

2. I have not made any false statements about Michael Gene Putnam or made statements concerning any sex crime investigation to anyone, including any counselors in Greenville, Jeff Fleming, Nikki Fleming, Zoie Fleming, Larry Hoxie, Dana Cordell, Kellie Auerweck, or Elizabeth Martin-Young.

Further Affiant sayeth not.

Robert Henry Purkerson
Robert H. Purkerson
Robert Henry Purkerson

SWORN to before me this 18 day
of April, 2022

Amelia Alford
Notary Public for South Carolina
My Commission Expires: 08-16-2027

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

MICHAEL GENE PUTNAM
Plaintiff,

vs.

Robin Cary Maples, Robert Henry
Purkerson, (et al. - Inactive).
Defendants.

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

C.A. No. 2020-CP-23-01450

**AFFIDAVIT AND CERTIFICATE OF
MAILING AND EMAILING**

FILED
JUN 17 2022
CLERK OF COURT
THIRTEENTH JUDICIAL CIRCUIT
GREENVILLE, SOUTH CAROLINA

Personally, appeared and duly sworn, Plaintiff Michael Gene Putnam, hereby states and affirms that a copy of Plaintiff's Memorandum in Opposition to Robert Purkerson's Motion for Summary Judgement, filed with the Court this day, will be mailed by USPS First Class Mail and emailed to Douglas A. Churdar, Counsel for defendant Robin Maples, and also by USPS First Class Mail and email to Wes Shull, Counsel for defendant Robert H. Purkerson.

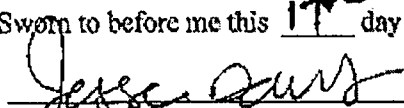
Further, affiant sayeth not,

Date: June 17, 2022

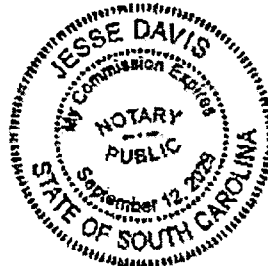


Michael G. Putnam
Plaintiff - Pro se

Sworn to before me this 17th day of June 17, 2022.


NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission expires: 9/12/2029



STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

MICHAEL GENE PUTNAM
Plaintiff,

C.A. No. 2020-CP-23-01450

vs.

PLAINTIFF MICHAEL GENE
PUTNAM'S AFFIDAVIT/AFFIRMATION
IN OPPOSITION TO DEFENDANT
PURKERSON'S MOTION FOR
SUMMARY JUDGEMENT

Robin Cary Maples, Robert Henry
Parkerson, (et al. - Inactive).
Defendants.

Personally, appeared and duly sworn, Plaintiff Michael Gene Putnam, hereby states and affirms under penalty of perjury, that the following statements, affirmations, exhibits and attachments are true and accurate based on my personal knowledge and set forth facts that would be admissible at trial. All Exhibits to this document are specifically incorporated by reference to this Affidavit as if they included in this Affidavit.

1. My name is Michael Gene Putnam, I was born in Greenville County, South Carolina and I remain as a resident of Greenville County. For most of my adult life I have worked as a Certified Public Accountant.

2. That I have one daughter named (E), date of birth (01/xx/2006), now age sixteen (16) that resides in Mt. Pleasant, South Carolina.

3. That in 2009 I was granted a divorce from the mother of my child, who's maiden name is Lyn Hampton Purkerson.

4. That I have personal knowledge that defendant Robert H. Purkerson is the grandfather of my child.

5. That my relationship with Mr. Purkerson has been contentious since my daughter's move, in as much as Mr. Purkerson did communicate a defamatory statement to Mr. Jeffrey Fleming, the father of my daughter's stepsister. Such statement can be seen in Exhibit 1 to this affidavit.

6. That Mr. Purkerson and his wife said and told my daughter stepsister (Z) "awful" untrue things about me such that her stepmother, Nikkee Fleming felt compelled to call me and describe how upsetting the statements were, and that (Z) did not believe any of the statements to be true. A follow-up email from Ms. Fleming indicating such is attached as Exhibit 2 of this affidavit.

7. That I have personal knowledge that Mr. Purkerson made personal in-person threats at his residence and also via a telephone message left on my answering machine. The transcription of those recording are included in Exhibits 3 and 4, attached to this affidavit. Further, a sealed copy of these transcripts has be prepared for the submission to this Court.

8. That Exhibit 5 contains the responses to my interrogatories and request for production of discovery. Further, that in Purkerson's responses to interrogatories I was provided a completely unredacted copy of a sex crime investigation report as to myself that was determined to be completely unfounded. This Exhibit is being attached in a sealed envelope to a pending Motion to the Court for these documents be ordered to be sealed and for an in-camera review by the Court. I have been told by attorneys for DSS and the Greenville County Solicitors Office that the documents could only have been obtained by nefarious means and that the dissemination by defendant Purkerson and co-defendant Maples is a violation of South Carolina law and that such documents are not even subject to release under the Freedom of Information Act. Additionally, the South Carolina Children's Code provides a statutory right to bring an action for the unlawful dissemination if such has caused harm. It has caused substantial harm to myself and now likely my child.

9. That Exhibit 6 contains information attached to the Motion to Seal as in item 8 above, which reveals the damages which continue to mount related to the actions of defendants Maples and Purkerson.

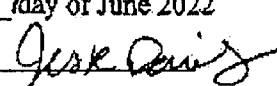
The Plaintiff is requesting the Court to grant the Motion to Seal in an attempt to at least limit the continued spread of wrongful and untrue defamatory material in the possession of the defendants. An in-camera review is requested in the Motion to Seal.

Further, under penalty of perjury, affiant sayeth not,

Date: June 17, 2022



Michael G. Putnam
Plaintiff - *Pro se*

Sworn to before me this 17 day of June 2022
Jesse Davis 
NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission expires: Sept. 12, 2029

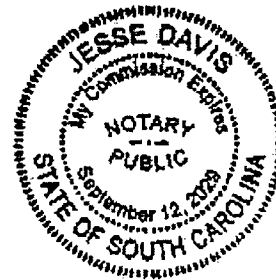


EXHIBIT 1



NMLS#104564

200 North Cedar St, Summerville, SC 29483

O843.534.5116 | F843.723.5446 | M843.437.8392

From: Bob Purkerson [<mailto:bpurkerson@hotmail.com>]

Sent: Tuesday, September 01, [REDACTED]

To: Jeffrey C. Fleming

Subject: update

Lyn just brought us up to date on your contact with Michael. Wow. Michael is a sick desperate man and is manipulating you big time. What Michael is doing and saying is not true. We are thankful Zoie is safe and happy with you and is getting the help she needs. You are doing a fine job with her and we thank you for it. We wish we could help.

Thank you ----Bob

Received by email from Bob Purkerson and later forwarded to Michael Putnam

Jeffrey C. Fleming

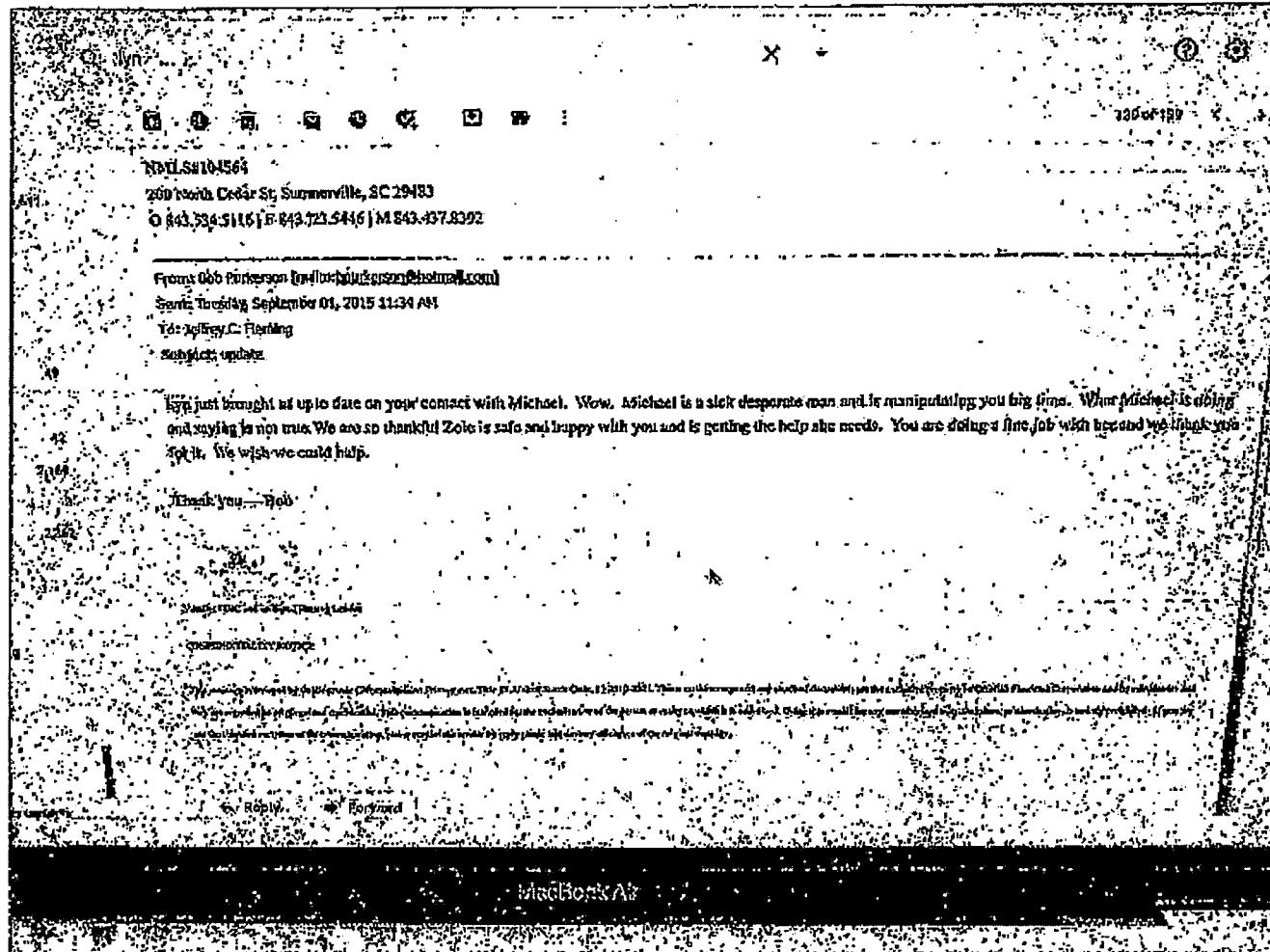


EXHIBIT 2



Michael G. Putnam - CPA <mputnam2006@gmail.com>

1653 Tunnel Street, Wendell, NC 27591

Nikkee Fleming <nikkeefleming@gmail.com>

Fri, Jun 5,
2020 at 3:11
PM

To: "Michael G. Putnam - CPA" <mputnam2006@gmail.com>

FYI Lyn went ballistic on Zoie this past week stating she has been talking to you. Zoie told her she hasn't and she wouldn't believe her. Lyn told Zoie that you had told her that you are communicating with her. Zoie told her she hasn't but Lyn didn't believe her. Then Bob and Gail sat Zoie down to tell her how awful you are and Zoie just cut them off and asked not to be drug into the drama between Lyn and Ella's father. They shouldn't be discussing anything with Zoie.

My assumption is they don't want you to know they are moving here. The photos from their listing have no furniture because it's all down here in Mt pleasant. She just needs to tell the truth. It's really unfair for you to have no clue what she's doing with your daughter.

EXHIBIT 3

COPY

BOB PURKERSON THREATS AS TO MICHAEL PUTNAM

AUGUST 2018

LEGAL EAGLE

Post Office Box 5682

Greenville, South Carolina 29606

864-467-1373

depos@legaleagleinc.com

1 MR. PURKERSON:

2 Okay. I can't wait to get my hands on you, buddy.

3 MR. PUTNAM:

4 well, still got a ways to go, don't we?

5 MR. PURKERSON:

6 Yeah, we do. You're gonna get yours, 'cause I'm
7 gonna give it to you big time.

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1
2
3 CERTIFICATE

4 I, the undersigned, Jessica Antonucci, Notary Public
5 in and for the State of South Carolina do hereby certify
6 that:

7 That the foregoing tape was transcribed at the
8 request of Michael Putnam;

9 A court reporter was not present at the proceedings
10 and therefore cannot guarantee that every word of
11 testimony could be heard or that the speaking parties are
12 properly identified;

13 I further certify that I am neither counsel nor
14 solicitor to any of the parties in said suit, nor
15 interested in the event of the cause.

16 In witness whereof, I have hereunto set my hand and
17 seal this 13th day of June, 2022.

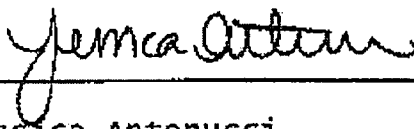
18 
19 _____
20 Jessica Antonucci
21 Notary Public for South Carolina
22 My Commission expires 7/06/2025
23
24
25

EXHIBIT 4

 COPY

CASE NUMBER: 2020-CP-23-01450

RECORDING OF VOICE MAIL
BY ROBERT H. PURKERSON TO
MICHAEL G. PUTMAN

LEGAL EAGLE
Post Office Box 5682
Greenville, South Carolina 29606
864-467-1373
depos@legaleagleinc.com

1 MALE VOICE:

2 (Inaudible) all over the damn parking lot. You have
3 disgraced my family. You have -- you've dishonored
4 my wife. You've dishonored all of us. And you is
5 just -- you is just trash is what you are. You're
6 just lou -- lousy trash.

7 FEMALE VOICE:

8 This is why we brought cops. We thought he was
9 coming anyway.

10 MALE VOICE:

11 why you bring policemen to my house when you're
12 supposed to pick her up today anyway? We knew that.
13 All you had to do was come by and all you had to do
14 was make your own schedule. Instead you arrive at
15 my house with two damn policemen. You are a lowlife
16 coward, that's what you are. And if you want to
17 defend those words, I'll meet you anywhere anytime.
18 And I can't wait to get my hands on you. Goodbye.

19

20

21

22

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1 CERTIFICATE

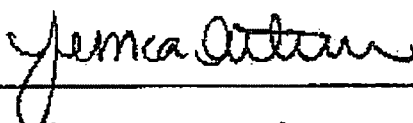
2
3 I, the undersigned, Jessica Antonucci, Notary Public
4 in and for the State of South Carolina do hereby certify
5 that:

6 That the foregoing tape was transcribed at the
7 request of Michael Putnam;

8 A court reporter was not present at the proceedings
9 and therefore cannot guarantee that every word of
10 testimony could be heard or that the speaking parties are
11 properly identified;

12 I further certify that I am neither counsel nor
13 solicitor to any of the parties in said suit, nor
14 interested in the event of the cause.

15 In witness whereof, I have hereunto set my hand and
16 seal this 31st day of May, 2022.

17
18 
19 _____

20 Jessica Antonucci

21 Notary Public for South Carolina

22 My Commission expires 7/06/2025
23
24
25

EXHIBIT 5

Included in Motrow
to Seal

EXHIBIT 6

Included in Motrow
to Seal

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

MICHAEL GENE PUTNAM
Plaintiff,

vs.

Robin Cary Maples, Robert Henry
Purkerson, (et al. - Inactive).
Defendants.

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

C.A. No. 2020-CP-23-01450

PLAINTIFF MICHAEL GENE
PUTNAM'S MOTION TO AMEND OR
ALTER OR RECONSIDER AN
ORDER OF THE COURT AND
ISSUE PRESERVATION

22 JUL 25 PM 5:02
Paul Wickensmeyer COC 601 SC

TO: THE HONORABLE JUDGE G. D. "Doc" MORGAN, JR., AND WESLEY J.
SHULL, COUNSEL FOR DEFENDANT ROBERT H. PURKERSON AND
DOUGLAS A. CHURDAR, COUNSEL FOR DEFENDANT ROBIN C. PURKERSON

Pursuant to South Carolina Rules of Civil Procedure Rule 59, and more specifically Rule 59(e), Plaintiff Michael Gene Putnam (hereinafter as "Plaintiff") hereby respectfully request the Court to reconsider the Order granting Summary Judgement as to defendant Robert H. Purkerson (hereinafter as "Purkerson"). The Order issued July 8, 2022, was pursuant to a hearing on June 21, 2022 before the Honorable Judge G. D. "Doc" Morgan, Jr. (hereinafter referred to as "the Court") as to Purkerson's Motion for Summary Judgement. The Order (Exhibit 1) was postmarked by the Clerk of Court on July 11, 2022 and received by Plaintiff on July 13, 2022. A USPS informed delivery notification and the postmarked envelope are provided in (Exhibit 2). Thus, the filing of this Motion is timely.

In the Court's Order (Exhibit 1), the Court avoids a review or discussion of the essential legal standards or responsibilities of the moving party (Purkerson) pursuant to SCRCP Rule 56. Rule 56(c) of the South Carolina Rules of Civil Procedure (SCRCP) provides that a trial court may grant a motion for summary judgment where "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." In determining whether a genuine issue of material fact exists, the evidence and inferences that can reasonably be drawn therefrom are to be viewed in the light most favorable to the non-moving party. *Quail Hill, LLC v. Cnty. of Richland*, 387 S.C. 223, 235, 692 S.E.2d 499, 505 (2010). See also another case standard and reference that governs the trial court under Rule 56(c), SCRPC; summary judgment is proper when there is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law. *Fleming v. Rose*, 350 S.C. 488, 493, 567 S.E.2d 857, 860 (2002). In determining whether a genuine issue of fact exists, **the evidence and all reasonable inferences** drawn from it must be viewed in the light most favorable to the non-moving party. *Sauner Pub. Serv. Auth. of S.C.*, 354 S.C. 397, 404, 581 S.E.2d 161, 165 (2003). "Once the moving party carries its initial burden, the opposing party must come forward with specific facts that show there is a genuine issue of fact remaining for trial." *Sides v. Greenville Hosp. Sys.*, 362 S.C. 250, 255, 607 S.E.2d 362, 364 (Ct.App.2004). In the instant case, defendant Purkerson never meets, addresses or satisfies his initial burden of 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." Thus, summary judgment should be denied, as the burden never left the domain of defendant Purkerson. Regardless of that, Plaintiff has submitted substantial evidence to show that there are genuine issues of fact remaining for trial.

This was Plaintiff's first appearance before the Honorable Judge G. D. "Doc" Morgan, Jr.; and doesn't believe a reasonable attorney, or Judge for that matter, could consume enough evidentiary information to make a "merits" based ruling on some technical "publication element". Does or did the Court know in making its ruling that Purkerson had unlawfully obtained and disseminated an unredacted copy of a sex crime investigation? Was the Court aware that the possession and dissemination of this material by statute in Title 63, Chapter 7 of the South Carolina Children's Act,

establishes that the person doing such is “guilty of a crime”, punishable by jail time and fines upon conviction? Lastly, any person aggrieved by the unlawful dissemination; has not only a constitutional right, but a South Carolina specific “statutory” right “to file a civil action against any parties breaching the rules related to protected information as defined by South Carolina Code Section 63. These specific statutes provide the Plaintiff not only “constitutional” standing to bring this civil action, but also “statutory” standing as a party who is “aggrieved” by the willful and intentional tort, and with malice by both Defendants

The tort of defamation allows plaintiffs to recover for injuries to their reputation as the result of defendants' communications to others of a falsity regarding the plaintiffs. *Boone v. Sunbelt Newspapers, Inc.*, 347 S.C. 571, 580, 556 S.E.2d 732, 737 (Ct.App.2001). Defamation does not focus on the hurt to the defamed parties' feelings, but on the injury to their reputations. *Murray v. Holnam, Inc.*, 344 S.C. 129, 138, 542 S.E.2d 743, 748 (Ct.App.2001). “In order to prove defamation, the plaintiff must show (1) a false and defamatory statement was made; (2) the unprivileged publication was made to a third party; (3) the publisher was at fault; and (4) either actionability of the statement irrespective of special harm or the existence of special harm caused by the publication.” *Erickson v. Jones St. Publishers, L.L.C.*, 368 S.C. 444, 465, 629 S.E.2d 653, 664 (2006). “A communication is defamatory if it tends to impeach the honesty, integrity, virtue, or reputation” Hubbard and Felix, *The South Carolina Law of Torts* 462 (2d ed.1997). Purkerson’s email to Fleming asserting Plaintiff is a “sick desperate man” certainly impeaches the “integrity, virtue and reputation” of the Plaintiff. Additionally, the audio played before the Court with sealed transcripts provided, was not disputed by Purkerson or his counsel as authentic; and Purkerson’s repeated comments made in the presence of unknown other individuals that “Plaintiff is just low life trash, that’s what you are” are defamatory per se, and Plaintiff would assert, actionable per se.

Further, as to defamation from a legal perspective in South Carolina, under the Common Law, a defamatory statement may be actionable *per se*, in which case the court presumes a defendant acted with common law malice and the plaintiff suffered general damages. *Erickson*, 368 S.C. at 465, 629 S.E.2d at 664. Common law malice is a presumption of law and “dispenses with the proof of malice when words which raise such presumption are shown to have been uttered.” *Murray*, 344 S.C. at 143, 542 S.E.2d at 750 (quoting *Jones v. Garner*, 250 S.C. 479, 488, 158 S.E.2d 909, 914–15 (1968)). Moreover, common law malice is a form of malice that is “not necessarily inconsistent with an honest or even laudable purpose and does not imply ill will, personal malice, hatred, or a purpose to injure.” *Jones*, 250 S.C. at 488, 158 S.E.2d at 914. Thus, the presumption of common law malice does not mean the defendant's conduct evidenced common law *actual* malice, which is defined as acting with “ill will toward the plaintiff,” or acting “with conscious indifference of the plaintiff's rights.” *Erickson*, 368 S.C. at 466, 629 S.E.2d at 665. “Common law malice” is also called “legal malice,” “malice in law,” “presumed malice,” or “implied malice.” *Holtzscheiter v. Thomson Newspapers, Inc.*, 332 S.C. 502, 510, n. 3, 506 S.E.2d 497, 501–502, n. 3 (1998); *Jones*, 250 S.C. at 488, 158 S.E.2d at 914–15. Certainly, Purkerson's comments were with “ill will, personal malice, hatred, or a purpose to injure” as previously cited in *Jones*, 250 S.C. at 488, 158 S.E.2d at 914.

Lastly, and more egregious, is Purkerson's unlawfully obtaining and disseminating a seventeen (17) page un-redacted copy of a sex crime investigation report (the “Report”) by the Greenville County Sheriff's Office, which was “Unfounded”, could only be done with a “bad purpose”. In South Carolina, Slander is actionable *per se* “only when it charges the plaintiff with one of five types of acts or characteristics: (1) commission of a crime of moral turpitude; (2) contraction of a loathsome disease; (3) adultery; (4) unchastity; or (5) unfitness in one's business or profession.” *Erickson*, 368 S.C. at 465–66 n. 7, 629 S.E.2d at 664 n. 7. However, “[l]ibel is actionable *per se* if it involves written or printed words which tend to degrade a person, that is, to

reduce his character or reputation in the estimation of his friends or acquaintances, or the public, or to disgrace him, or to render him odious, contemptible, or ridiculous.” *Holtzscheiter*, 332 S.C. at 510–11, 506 S.E.2d at 502 (citation omitted).

The Report contained in Purkerson’s submissions dated November 13, 2020, and included in the un-reviewed Motion to Seal document package which by hand delivery to the Court, before the Court issued the Order in Exhibit 1, clearly contains allegations of one or more of the five elements described above and cited in *Erickson*, 368 S.C. at 465–66. Plaintiff had no idea that the Defendants, Purkerson and Maples, had unlawful possession of the “report” until Purkerson and Maples submitted the Report to Plaintiff (in separate filings) on the date above described. These submissions were over eighteen (18) months after the unfounded Report had been issued. This is a primary driver for Plaintiff’s efforts to obtain the email discovery as to both Defendants to view likely dissemination to third-parties by both Defendants. Plaintiff will discuss this issue further in the “Issue Preservation” section of this Motion

The defamatory evidence presented at the hearing, represented only a small portion of the non-confidential defamatory actions of Purkerson; which are more fully laid out in the one-hundred-thirty-two (132) pages contained in the Motion to Seal filed July 7, 2022. The Clerk of Court and Defendants’ counsel received only the “non-confidential” Motion for the Public Index, which excluded almost all exhibits which contain highly confidential and personal information, including that of a minor child, and requested to be protected by an in-camera review by the Court. The complete Motion filing and Exhibits were hand delivered to the office of the Honorable Judge G. D. “Doc” Morgan, Jr. on July 7, 2022. A confirmation email of the filing was also sent to Judge Morgan’s Law Clerk, Anna Outten.

Unfortunately, the Court decided to issue the instant Order without consideration of this substantial filing; which pro se Plaintiff would assert means that the Court did not consider the complete record when granting a drastic remedy such as Summary Judgment. The Plaintiff

respectfully requests the Court do the in-camera review requested in Plaintiff's Motion to Seal before rendering a decision on this Motion for Reconsideration.

Purkerson's Motion for Summary Judgment and his attached affidavit (Exhibit 3); is where Purkerson states verbatim in paragraph two (2), "I have not made any false statements about Michael Gene Putnam.". The email from Purkerson to Jeffrey Fleming (Exhibit 4) in Summerville, South Carolina where he "states" to Mr. Fleming that Plaintiff is a "sick desperate man" is clearly defamatory *per se*, and actionable *per se*. Defendant Purkerson has effectively "perjured" himself in his affidavit in support of his Motion for Summary Judgment. Additionally, the affidavit by Purkerson in support of his Motion in the opening sentence Purkerson states "who first being duly sworn stated the following upon personal knowledge or **information and belief**:" While the "affidavit" by Purkerson was notarized, neither of the two statements in the Affidavit were signed under penalty of perjury, and they thus are insufficient to support defendant's summary judgment request. "Information and belief" do not meet the standard of a supporting affidavit for summary judgment which be based solely on "personal knowledge"

The Court in its Order of July 8, 2022 cites a 1978 case titled Capps v. Watts, 271 S.C. 276, 246 S.E.2d 606 (1978). Plaintiff has now reviewed that case several times, and cannot discern the Court's assertions of the "publication element" cited in the Court's Order. In fact, the case involves a blind plaintiff and a defendant, while being interviewed by a newspaper reporter who was preparing a series of newspaper articles on the work of the South Carolina Commission for the Blind, acknowledged that he had previously referred to the plaintiff as a "paranoid sonofabitch", stating: "I don't believe I ever called Don Capps [the plaintiff] a paranoid bastard. I called him a paranoid sonofabitch". That was the "publication"; and Plaintiff in the instant case sees no relevant connection to the causes of action in the instant case. Further, the Court in Capps v. Watts decided that "we conclude that the libelous publication in the present case is actionable without the pleading and proof of special damage because,

by reason of the circumstances under which the defamation was published, we "can legally presume without proof that the plaintiff has been damaged as a natural, necessary and proximate consequence" of the publication, *Whitaker, supra*, 200 S.E. at 849." The Court went on to say the "[defendant's remarks are capable of a defamatory construction from which it can be presumed the plaintiff suffered injury. [bold for emphasis]

Additionally, the Court make no reference to Plaintiff's eight (8) page Motion in Opposition to Summary Judgement filed June 17, 2022 and attached as (Exhibit 5). This Motion contains substantial reasons and citations as to why Summary Judgment should be denied.

ISSUE PRESERVATION – LEGAL BASIS

Because the Court in the instant case has, in Plaintiff's view, and with all due respect, erroneously granted summary judgment to defendant Purkerson, it is appropriate for Plaintiff to address issues of consequence should an appeal by Plaintiff be initiated. To do this, Plaintiff believes based on his limited pro se knowledge, that matters of "Issue Preservation" whether they be based on an error of law, the omission of an issue raised, but not ruled on by the Court, or even a misunderstanding or miscomprehension of the facts or evidence of the case; must be properly preserved. Citing the Supreme Court of South Carolina in *Herron v. Century BMW* 395 S.C. 461 (S.C. 2011) • 719 S.E.2d 640 it states "Issue preservation rules are designed to give the trial court a fair opportunity to rule on the issues, and thus provide us with a platform for meaningful appellate review." *Queen's Grant II Horizontal Prop. Regime v. Greenwood Dev. Corp.*, 368 S.C. 342, 373, 628 S.E.2d 902, 919 (Ct.App.2006). At a minimum, issue preservation requires that an issue be raised to and ruled upon by the trial judge. *Wilder Corp. v. Wilke*, 330 S.C. 71, 76, 497 S.E.2d 731, 497 S.E.2d 731, 733 (1998). It is "axiomatic that an issue cannot be raised for the first time on appeal." *Id.* Imposing such a requirement on the appellant "is meant to enable the lower court to rule properly after it has considered all relevant facts, law, and arguments." *I'On, L.L.C. v. Town of Mt. Pleasant*, 338 S.C. 406,

422, 526 S.E.2d 716, 724 (2000).

The Plaintiff, and hopefully not overly repetitive, would cite a South Carolina Court of Appeals case in the Court of Appeals of South Carolina, *Palmetto Wildlife Extractors, LLC v. Ludy*, 435 S.C. 690 (S.C. Ct. App. 2022) • 869 S.E.2d 859, decided Jan 5, 2022. "If the [appellant] has raised an issue in the lower court, but the court fails to rule upon it, the [appellant] must file a motion to alter or amend the judgment in order to preserve the issue for appellate review." *I'On, L.L.C. v. Town of Mt. Pleasant*, 338 S.C. 406, 422, 526 S.E.2d 716, 724 (2000). "Once [an] issue has been properly raised by a Rule 59(e) motion, it appears that it is preserved and a second motion is not required if the trial court does not specifically rule on the issue so raised." *Coward Hund Constr. Co. v. Ball Corp.*, 336 S.C. 1, 4, 518 S.E.2d 56, 58 (Ct. App. 1999) (quoting James F. Flanagan, *South Carolina Civil Procedure* 475 (2d ed. 1996)). " '[T]he Supreme Court identifies two ways to preserve the issue: "a ruling by the trial judge or a post- trial motion." The language implies that a properly requested ruling under Rule 59 is sufficient without a specific judicial decision on the matter.' " *Pye v. Est. of Fox*, 369 S.C. 555, 566, 633 S.E.2d 505, 511 (2006) (footnotes omitted by court) (quoting Flanagan, *South Carolina Civil Procedure* 475-76), *overruled on other grounds by Paradis v. Charleston Cnty. Sch. Dist.*, 433 S.C. 562, 861 S.E.2d 774 (2021); *see also Zurich Am. Ins. Co. v. Tolbert*, 378 S.C. 493, 500 n.2, 662 S.E.2d 606, 610 n.2 (Ct. App. 2008) "(holding an issue preserved for appellate review when the circuit court's order failed to address an issue, the appellants raised the issue in a Rule 59(e) motion, and the circuit court still did not rule on it), *aff'd*, 387 S.C. 280, 692 S.E.2d 523 (2010).

ARGUMENT OF ISSUES

In an effort to present Plaintiff's issues to the Court, Plaintiff will use his best efforts to be concise, but also with clarity such that a reasonably intelligent person can discern the nature of the issue and use references provided or cited for further clarification. In a number of instances there were documents submitted to the Court that were not appropriate to be placed on the Public Index either by

Statute or to not re-publish confidential defamatory and personal information submitted by the Defendants Maples and Purkerson as to Plaintiff or his minor child. Hence, the reason Plaintiff filed a Motion to Seal, prior to the instant Order of July 8, 2022. To Plaintiff's knowledge the "non-confidential" and the sealed "Confidential" package hand delivered to the Office of the Honorable Judge G.D. "Doc" Morgan, Jr. have not been reviewed or considered by the Court. A "non-confidential" Motion and non-specific general description of the contents of the "Confidential Documents" was filed with the Clerk of Court and included in the "Confidential" package.

There may be references to that "Confidential" package, or other submissions to the Court acknowledged as received by email from law clerks or other administrative staff that work in support of the numerous Judges in the Greenville, S.C Court of Common Pleas. Any documents referenced, but not in the Court's possession but desired to be provided can be done so with reasonable notice to the Plaintiff by email or a phone call. Plaintiff would respectfully remind the Court that Plaintiff during this case has dealt with no less than seven (7) different attorneys for the Defendants, including one-hundred-forty (140) days when defendant Maples decided to go *pro se*. Plaintiff states this as there were numerous communication blackouts where Plaintiff lacks knowledge and can make no assertion of what documents or discovery were exchanged between changes in counsel, or Maples' *pro se* status.

Any of the following references to documents filed or unfiled, including pre-hearing briefs or exhibits, are included in this filing as if fully incorporated verbatim and in "original form".

ISSUE OR ERROR PRESERVATION

1. Exhibit 6 – Motion for Leave to Amend First Amended Complain – July 24, 2020

Status – Not ruled on by Court

Exhibit 6-1 - Updated request for Leave to Amend First Amended Complaint – March 2, 2022

Status – Not ruled on by Court

2. Exhibit 7 – Letter the Honorable Judge Perry H. Gravely dated May 14, 2021 requesting assistance to have the “Sex Crime Investigation” file on the Public Index removed.

Status – No response from the Court.

3. Exhibit 8 – Thirty-six-page pre-hearing brief provided by hand deliver to the office of Judge Gravely. Ms. Colwell, Law Clerk, request Plaintiff e-file the documents. One, pro se Plaintiff has no access to e-file system; secondly, several SCRCR Rules indicate that pre-trial and pre-hearing briefs are not to be filed on the Public Index

At the May 12, 2021 virtual hearing, Plaintiff’s internet connection went down and Plaintiff call-in the Court, but it was very difficult to discern who was talking. Plaintiff was sanctioned \$2,750.00 by Judge Gravely for not providing discovery, he The thirty-six (36) page pre-hearing brief contained that very evidence. The transcript in Exhibit 8 on the record, when Judge Perry was asked if he had Plaintiff’s Pre-Hearing brief, he responded that he “only had what was on the Public Index. Plaintiff should not have been sanctioned based on the audio/visual problems and the fact that “brief” was acknowledged as received by Judicial Staff, but never made it to Judge Gravely.

4. Exhibit 9 – At the May 12, 2022 hearing discussed in Exhibit 8, Judge Gravely determined their was discovery abuse by Plaintiff because he asked if I had provided the discovery ordered by Judge Sprouse after a certain date. In Exhibit 9, are the email communications with Counsel for the Defendants’ Chace Cambell, indicating that I had provided the discovery before the date stated by Judge Gravely. Plaintiff knew what was requested and provided all items prior to the date for compliance established by Judge Sprouse.

5. Exhibit 10 – In Exhibit 10 is defendant Maples’ Motion for Summary Judgement. On page 2 of the Exhibit and five (5) lines down, Maples and Counsel Churdar cite the Complaint to which they are requesting summary judgment relief from. The date cited is March 6, 2020. This is the date of the “Original Complaint” which was superseded by Plaintiff’s First Amended Complaint dated April 6, 2020. So, the Court erred by granting Summary Judgment as to defendant Maples as a superseded complaint is of no value or use as to granting relief as it should be treated as if it didn’t exist.

In *Lofton v. Berkeley Elec. Coop.*, Court of Appeals of South Carolina Mar 2, 2022, No. 2022-UP-089 in the SC Appeals Court, Plaintiff argued that that the circuit court **abused its discretion in failing to allow her to amend her complaint**, we conclude the circuit court abused its discretion **in failing to rule upon the pending motion**. *See* Rule 15(a), SCRPC (“A party may amend his pleading once as a matter of course Otherwise[,] a party may amend his pleading only by leave of court or by written consent of the adverse party; and leave shall be freely given when justice so requires and does not prejudice any other party.”); *Patton v. Miller*, 420 S.C. 471, 489, 804 S.E.2d 252, 261(2017) (“This rule strongly favors amendments and the court is encouraged to freely grant leave to amend.” (quoting *Parker v. Spartanburg Sanitary Sewer Dist.*, 362 S.C. 276, 286, 607 S.E.2d 711, 717 (Ct. App. 2005))); *id.* at 490, 804 S.E.2d at 262 (“[A] court’s failure to exercise its discretion [under Rule 15(a)] is itself an abuse of discretion.”); *id.* at 498, 804 S.E.2d at 266 (“Rules 15(a)[and] 15(c) . . . provide there should be no unnecessary dismissal, but rather the parties and the trial court should work to reach the merits.”). In *Skydive Myrtle Beach, Inc. v. Horry County*, our supreme court held the circuit court erred in failing to consider the appellant’s motion to amend its complaint when the circuit court found the complaint failed

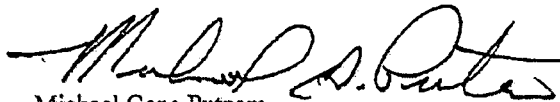
to "state facts sufficient to constitute a cause of action" under Rule 12(b)(6), SCRCF. *See* 426 S.C. 175, 179-80, 826 S.E.2d 585, 587 (2019).

Wherefore, based on Common Law and the South Carolina Rules of Civil Procedure, Plaintiff respectfully request that although for different reasons cited above, Defendant Robin C. Maples was granted summary judgment based on a fatal submission requesting relief. Further the issue of discovery abuse is just factually wrong and Maples provided no evidence that the materials had not been provided. Because the Court for whatever reason did not have access to over one-hundred pages of pre-trial submissions that are not appropriate on the Public Index should in no way be prejudicial to the Plaintiff, especially in light of these virtual hearings where Plaintiff's connection was either terminated or very distorted.

Additionally, the Honorable Judge G.D. "Doc" Morgan granted summary judgment to Purkerson as a "merits" based decision when he was clearly unfamiliar with the record and there was a pending Motion for Leave to Amend by Plaintiff and a Motion to Seal that contains substantial evidence for the Court to review in-camera.

Respectfully submitted,

July 25, 2022



Michael Gene Putnam
1108 S. Main St., Unit 355
Greenville, SC 29601-3377
Phone: 864-420-9624
Fax: 864-751-4365
Email: mputnam2006@gmail.com

EXHIBIT 1

STATE OF SOUTH CAROLINA
COUNTY OF Greenville
IN THE COURT OF COMMON PLEAS

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NO. 2020CP2301450

Michael Gene Putnam
PLAINTIFF(S)

Robin Cary Maples et al
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- ☐ JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ ACTION DISMISSED (CHECK REASON): ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled);
☐ Other
- ☐ ACTION STRICKEN (CHECK REASON): ☐ Rule 40(j), SCRCP; ☐ Bankruptcy;
☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
☐ Other
- ☐ STAYED DUE TO BANKRUPTCY
- ☐ DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):
☐ Affirmed; ☐ Reversed; ☐ Remanded;
☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☒ Statement of Judgment by the Court:

See below

ORDER INFORMATION

This order ☒ ends ☐ does not end the case.

☒ See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 07/08/2022 .

Michael Gene Putnam for Michael Gene Putnam
Michael Gene Putnam for Michael Gene Putnam

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Fileers or who are appearing pro se. See Rule 77(d), SCRCP.

This matter is before the Court on Defendant Robert Henry Purkerson's Motion for Renewed Summary Judgment. Plaintiff Michael Gene Putnam brings a claim against this Defendant for defamation relating to voicemails and emails which Plaintiff contends are defamatory towards him. However, only one of the emails and one of the voicemails produced by the Plaintiff in opposition to summary judgment contain statements made by the Defendant to third parties about the Plaintiff. However, the parties to whom Mr. Putnam was allegedly defamed are either a family member or unidentified. This does not satisfy the publication element required for a defamation claim. See *Capps v. Watts*, 271 S.C. 276, 246 S.E.2d 606 (1978). Defendant's motion is GRANTED as to all causes of action. Defendant's attorney to prepare order and submit to law clerk via email.



Greenville Common Pleas

Case Caption: Michael Gene Putnam vs. Wake Christian Academy , defendant, et al
Case Number: 2020CP2301450
Type: Order/Electronic Form 4

So Ordered

G.D. Morgan Jr.

Electronically signed on 2022-07-08 12:49:13 page 3 of 3

EXHIBIT 2

RETURN TO

R
CLERK OF COURT
REET
CAROLINA 29601

PREPARED
FIRST CLASS

Postage

07/11/2022

USPS

\$000.52



ZIP 29601

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MICHAEL GENE Putnam

1108 S. MAIN ST.

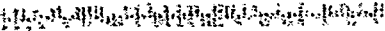
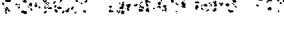
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GREENVILLE, SC 29601-3377

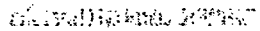
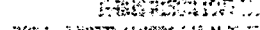
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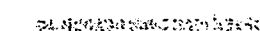




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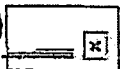





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You have mail and packages arriving soon.

7/13/2022



EXHIBIT 3

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)
)
)
)
Michael Gene Putnam,)
)
)
Plaintiff)
)
vs.)
)
)
Robert Henry Purkerson,)
)
)
)
Defendants)
)

IN THE COURT OF COMMON PLEAS

C.A. No.: 2020-CP-23-01450

DEFENDANT ROBERT HENRY
PURKERSON'S MOTION FOR
RENEWAL OF DEFENDANT'S MOTION
FOR SUMMARY JUDGMENT

TO: MICHAEL GENE PUTNAM, PRO SE:

Defendant Robert Henry Purkerson ("Purkerson") will move the Court, pursuant to Rule 56 of the South Carolina Rules of Civil Procedure, for an order of summary judgment on the grounds that:

There is no genuine issue of material fact which establishes Plaintiff's alleged causes of action for defamation. Purkerson previously filed a Motion for Summary Judgment on November 2, 2021. This Motion was heard on April 21, 2021, by Hon. Letitia H. Verdin. On April 27, 2021, Judge Verdin issued a Form 4 Order denying Purkerson's Motion "at this time" but, in her Order, Judge Verdin also ordered Plaintiff to "provide with specificity the names of 'mutual friends or acquaintances in Greenville, SC' referred to in Paragraph 57 of Plaintiff's First Amended Complaint. Plaintiff shall provide this information to all Defendants within 14 days of the date of this order. Failure to provide this information to Defendants will result in this Court granting Defendant Purkerson's Motion for Summary Judgment." Plaintiff subsequently provided a list of names;

Since Judge Verdin's Order, Purkerson was required to file a Motion to Compel Discovery Responses on December 22, 2021. This issue was heard by Hon. Cordell Maddox on January 20, 2022, who issued a February 1, 2022, Order Granting Defendant's Motion to Compel. Plaintiff complied with this Order by serving Supplemental Interrogatory Responses and Supplemental Production of Documents on February 21, 2022;

Purkerson was also required to file a Motion to Compel Plaintiff's Deposition on January 11, 2022. This issue was heard by Hon. Edward W. Miller on March 23, 2022, who issued a March 24, 2022, Form 4 Order that ordered Plaintiff to attend his deposition that had been scheduled for April 12, 2022. This deposition took place on April 12, 2022;

Purkerson was originally added as a defendant to this case on August 26, 2019, when Plaintiff filed his Amended Complaint adding Purkerson as a Defendant in order to attempt to defeat diversity of citizenship, alleging the same allegations against Defendant Purkerson as he is making in this case. (That case was removed to the United States District Court and dismissed without prejudice) Plaintiff filed his original Summons in this second case on March 6, 2020;

Plaintiff alleges that Defendant Purkerson defamed him and has had over 2 years since he filed this case to obtain and provide evidence that supports his allegations; however, Plaintiff has no evidence to support his allegations, including no statements, affidavits, or other admissible evidence as required by Rule 56;

Defendant Purkerson, on the other hand, denies Plaintiff's allegations both in his Answer and in the attached affidavits. (Exhibits 1-3) In Plaintiff's February 21, 2022, supplemental discovery responses, he provided no evidence to support his allegations;

In his deposition testimony of April 12, 2022, Plaintiff initially named 8 witnesses who had described to him Purkerson's defamatory statements: his daughter, Larry Hoxie, Nikki Fleming, Jeff Fleming, Zoie Fleming, Dana Cordell (former co-defendant in this suit), and Kellie Auerwick (former co-defendant in this suit); however, Plaintiff later admitted in his testimony that he could not recall when he was first told about Purkerson's allegedly defamatory statements, the specifics of what he was told, who the person was who first told him about the alleged defamatory statements, or where he was when he was first told. Plaintiff admitted in his deposition testimony that he had no affidavits signed by any witnesses and no other evidence of defamatory statements made by Defendant Purkerson, other than what he had already produced, except for the possibility of some emails that could be contained on a computer tower he had placed in a storage unit and the possibility of emails that could be obtained via a subpoena he has been attempting to serve on Google for several months. Because there is no issue of material fact to establish Plaintiff's causes of action for defamation, this Motion should be granted.

This motion is based upon the pleadings filed in this matter, as well as the applicable written case law and/or statutes found under South Carolina law, discovery exchanged between the parties, the transcript of Plaintiff's deposition testimony, the attached affidavits and Defendant Purkerson's supporting memorandum of law.

s/Wesley J. Shull
Wesley J. Shull (S.C. Bar #71740)
Willson Jones Carter & Baxley
325 Rocky Slope Road, Suite 201
Greenville, SC 29607
wishull@wjlaw.net
P: (864) 272-2660
F: (864) 373-7055

**ATTORNEY FOR DEFENDANT
ROBERT HENRY PURKERSON**

Greenville, South Carolina
April 19, 2022

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

Michael Gene Putnam,

Plaintiff

vs.

Robert Henry Purkerson, et al.

Defendants

IN THE COURT OF COMMON PLEAS

C.A. No.: 2020-CP-23-01450

AFFIDAVIT OF ROBERT PURKERSON

PERSONALLY APPEARED BEFORE ME, Robert Henry Purkerson, who first being duly sworn stated the following upon personal knowledge or information and belief:

1. I did not have anything to do with the report by granddaughter made to her teachers or her principal or anyone else at Wake Christian Academy regarding inappropriate touching of her by Michael Gene Putnam. I did not encourage her to make the report. Specifically, I have not encouraged her to exaggerate or make up stories defamatory to Michael Gene Putnam.

2. I have not made any false statements about Michael Gene Putnam or made statements concerning any sex crime investigation to anyone, including any counselors in Greenville, Jeff Fleming, Nikki Fleming, Zoie Fleming, Larry Hoxie, Dana Cordell, Kellie Auerweck, or Elizabeth Martin-Young.

Further Affiant sayeth not.

Robert Henry Purkerson
Robert H. Purkerson
Robert Henry Purkerson

SWORN to before me this 18 day
of April, 2022

Amelle Alarid
Notary Public for South Carolina
My Commission Expires: 08-16-2027



EXHIBIT 4



NMLS#104564

200 North Cedar St, Summerville, SC 29483

O843.534.5116 | F843.723.5446 | M843.437.8392

From: Bob Purkerson [<mailto:bpurkerson@hotmail.com>]

Sent: Tuesday, September 01, [REDACTED]

To: Jeffrey C. Fleming

Subject: update

Lyn just brought us up to date on your contact with Michael. Wow, Michael is a sick desperate man and is manipulating you big time. What Michael is doing and saying is not true. We are thankful Zole is safe and happy with you and is getting the help she needs. You are doing a fine job with her and we thank you for it. We wish we could help.

Thank you ----Bob

Received by email from Bob Purkerson and later forwarded to Michael Putnam

Jeffrey C. Fleming

NMLS#104564

200 North Cedar St, Summerville, SC 29483

TEL 843 541 5116 F 843 723 5446 TOLL 843 437 8792

From: Bob Purkerson [mailto:bpurkerson@hotmail.com]

Sent: Tuesday, September 2, 2009

To: Jeffrey C. Fleming "To: Jeffrey C. Fleming"

Subject: update

(From: Bob Purkerson [mailto:bpurkerson@hotmail.com])

("Wow. Michael is a sick desperate man....")

I've just brought us up to date on your contact with Michael. Wow. Michael is a sick desperate man and is manipulating you big time. What Michael is doing and saying is not true. We are so thankful Zane is safe and happy with you and is getting the help she needs. You are doing a fine job with her and we thank you for it. We wish we could help.

Thank you----Bob ("Thank you ----Bob")

EXHIBIT 5

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

MICHAEL GENE PUTNAM
Plaintiff,

vs.

ROBIN CARY PURKERSON AND
ROBERT HENRY PURKERSON, ET. AL.

Defendants.

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

C.A. No. 2020-CP-23-01450

PLAINTIFF'S OPPOSITION TO DEFENDANT
ROBERT H. PURKERSON'S MOTION FOR
SUMMARY JUDGEMENT

JURY TRIAL DEMANDED

TO: THE HONORABLE JUDGE G. D. "Doc" MORGAN, Jr. AND
WESELY SHULL, COUNSEL FOR DEFENDANT ROBERT H. PURKERSON

COMES NOW Michael Gene Putnam, *Pro se* Plaintiff (hereinafter "Plaintiff"), pursuant to Rule 56, of the South Carolina Rules of Civil Procedure (*SCRCP*), submits this Memorandum in Opposition to Defendant Robert H. Purkerson' (hereinafter referred to as "Purkerson") Motion for Renewal for Summary Judgment. For the reasons cited below, and the verified affidavit of Plaintiff incorporated by reference herein, the Defendant's Motion for Summary Judgment should be forthwith denied, and this matter should proceed to trial.

Purkerson, through counsel, filed his "Renewed" MOTION FOR SUMMARY JUDGEMENT (hereinafter referred to as the "Motion") on April 19, 2022. (Exhibit 1) The Motion spends most of its language providing a chronology of historical events and previous denials by the Court of Purkerson's numerous filings for dismissal or summary judgement, none of which are

relevant to the knowledge, facts and discovery supporting the **non-moving** Plaintiff's position that clearly triable issues exist, that should bar this Court from granting the relief sought by defendant Purkerson as to summary judgment.

Although the pages of the Motion (Exhibit 1) are not numbered, there are several statements of interest:

A. On page one it states: "There is no genuine issue of material fact which establishes Plaintiffs alleged causes of action for defamation."

Response: Plaintiff will satisfy the Court this is simply not true.

B. On page two (2), fourth paragraph it states: "Plaintiff has no evidence to support his allegations, including no statements, affidavits, or other admissible evidence as required by Rule 56;"

Response: Again, Plaintiff will satisfy the Court this is not factual.

C. On page three (3) of (Exhibit 1) first paragraph and last sentence: "Because there is no issue of material fact to establish Plaintiffs causes of action for defamation, this Motion should be granted."

Response: Points A, B and C will be satisfied/addressed herein by legal authority, exhibits and or affidavits.

D. Lastly, on page three (3) of Purkerson's Motion, the last paragraph states: "This motion is based on ... the attached affidavits and Defendant Purkerson's supporting memorandum of law."

Response: Where is the attached "Memorandum of Law"? That was April 19, 2022,

sixty-three (63) days ago. Isn't that enough time to support your legal argument?

The affidavit of defendant Robert Purkerson dated April 18, 2022 and attached to Purkerson's Motion as Exhibit 1, is attached to this filing as (Exhibit 2). Purkerson's affidavit states in the first sentence the following: "PERSONALLY APPEARED BEFORE ME. Robert Henry Purkerson, who first being duly sworn stated the following upon personal knowledge or **information and belief**." Pursuant to the Supreme Court for the State of South Carolina granting the petition for a writ of certiorari to review the Court of Appeals' opinion in Dawkins v. Fields, 345 S.C. 23, 545 S.E.2d 515; the Supreme Court addressed the issue of affidavits in matters of summary judgment and stated "Rule 56() requires that affidavits: "[1] shall be made on personal knowledge, [2] shall set forth such facts as would be admissible in evidence, and [3] shall show affirmatively that the affiant is competent to testify to the matters stated therein." Rule 56(e). SCRCP. The Opinion goes on to state that assertions or allegations "made upon information and belief do not meet the "personal knowledge" requirements of Rule 56(e). See, e.g., Sheinkopf v. Stone, 927 F.2d 1259 (1st Cir.1991). Purkerson's affidavit of April 18, 2022 (Plaintiff's Exhibit 2), including statements made upon "information and belief" make Purkerson's affidavit a guessing game of what statements are personal knowledge and which are upon information and belief. Lastly, the Supreme Court cites "Wright, Miller & Kane, § 2738 ("ultimate or conclusory facts and conclusions of law, as well as statements made on "information and belief," cannot be utilized on a summary-judgment motion"). Plaintiff asserts that Purkerson's affidavit contains a fatal flaw that should remove it from consideration by this Court. By doing so, Purkerson has not met the requirements to substantiate his position and should be denied summary judgment on that basis alone. [bold for emphasis]

The Plaintiff feels compelled to briefly mention that a follower of this case informed Plaintiff that an extensive filing had been made this week by Purkerson. The Plaintiff is pro se and as such, does not receive notifications through the Court's Electronic Filing System. Plaintiff viewed the Electronically filed Affidavits of Service time stamped June 15, 2022, which noted the following:

"The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:

Michael Gene Putnam for Michael Gene Putnam"

As of the date of this Motion in Opposition, Plaintiff has not received the filing by mail, hand delivery or any other methods of service. Plaintiff would note to the Court, that South Carolina Rules of Civil Procedure (SCRCP) Rule 56(c) states as follows: **"(c) Motions and Proceedings Thereon. The motion shall be served at least 10 days before the time fixed for the hearing."**

The voluminous submission was **not timely filed**, or served. Whatever is contained in such a large filing has not been reviewed by Plaintiff, and this Court should deny introduction or referral to by counsel for defendant Purkerson, as such would be highly prejudicial to Plaintiff. Plaintiff would respectfully request the Court to treat this **"untimely filing"** in the same manner as if "stricken", and not considered by the Court at the June 21, 2022 hearing before the Honorable Judge G. D. "Doc" Morgan, Jr. [bold for emphasis]

STANDARD OF REVIEW

Summary judgment is only appropriate when there is "no genuine issue as to any material fact and [...] the moving party is entitled to judgment as a matter of law." Rule 56, SCRCP (emphasis added). "The party moving for summary judgment has the burden of clearly

establishing the absence of a genuine issue of material fact." Miller v. Blumenthal Mills, Inc., 365 S.C. 204, 220, 616 S.E.2d 722, 729 (Ct. App. 2005). "In determining whether any triable issues of fact exist, the evidence and all inferences which can reasonably be drawn from the evidence must be viewed in the light most favorable to the non-moving party." Belton v. Cincinnati Ins. Co., 360 S.C. 575, 578, 602 S.E.2d 389, 391 (2004). "[I]n cases applying the preponderance of the evidence burden of proof, the non-moving party is only required to submit a mere **scintilla of evidence** in order to withstand a motion for summary judgment." Hancock v. Mid-South Mgmt. Co., 381 S.C. 326, 330, 673 S.E.2d 801, 803 (2009). "Since it is a drastic remedy, summary judgment should be cautiously invoked so that a litigant will not be improperly deprived of a trial on disputed factual issues." Conner v. City of Forest Acres, 348 S.C. 454, 462, 560 S.E.2d 606, 610 (2002). "Summary judgment is not appropriate where further inquiry into the facts of the case is desirable to clarify the application of the law." Stewart v. State Farm Mut. Auto. Ins. Co., 341 S.C. 143, 149, 533 S.E.2d 597, 600 (Ct. App. 2000).

From the THE STATE OF SOUTH CAROLINA - In The Court of Appeals - Wayne Schmidt and Terri J. Schmidt, Appellants, v. Michael C. Courtney; Opinion No. 3719 Heard December 9, 2003, Filed December 22, 2003. "If triable issues exist, those issues **must** go to the jury. Baril v. Aiken Regl Med. Ctrs., 352 S.C. 271, 573 S.E.2d 830 (Ct. App. 2002); Young v. South Carolina Dept of Corrections, 333 S.C. 714, 511 S.E.2d 413 (Ct. App. 1999). Further, "All ambiguities, conclusions, and inferences arising from the evidence must be construed most strongly **against** the moving party. Bayle v. South Carolina Dept of Transp., 344 S.C. 115, 542 S.E.2d 736 (Ct. App. 2001). [bold for emphasis]

Plaintiff submits his verified affidavit as (Exhibit 3), and incorporated by reference herein as if recited verbatim herein. Such affidavit is **not** based on "upon information and belief, but

rather "made on personal knowledge of admissible facts". In Exhibits three (3) and four (4) are transcribed recordings in sealed envelopes of defendant "Purkerson's own words", and validated by two (2) affidavits of individuals of the authenticity of Purkerson's voice. All the spurious assertions of non-parties cannot overcome the defamatory statements of defendant Purkerson made in the presence of others, for both the Court and a jury to hear. Plaintiff respectfully request an opportunity at the hearing on June 21, 2022 to play one single fifty-five (55) second recording. If the Court needs further validation by a forensic audio specialist; Plaintiff will assume per instructions of the Court to do so solely at the expense of Plaintiff.

PLAINTIFF'S LEGAL ARGUMENT

The Defendants' Motion for Summary Judgment should be summarily denied. As previously stated, Summary judgment is only appropriate when there is "no genuine issue as to any material fact and [...] the moving party is entitled to judgment as a matter of law." Rule 56, SCRPC Purkerson failed to meet his burden of showing that no genuine issue of a material fact exists. To the contrary, Purkerson's own words in a defamatory message to Plaintiff where others were present to hear his rant, make his assertions in a flawed affidavit that he has never made any "false statements" as to the Plaintiff. Purkerson clearly did not want to substitute the word "false" with the word "defamatory" because he knows he has in fact made those statements. His assertions based on "information and belief" do not meet the standards set by Rule 56 as supported by "personal knowledge". In an Exhibit to Plaintiff's affidavit where Ms. Nikkee Fleming states that after being told off by her (mother) Lyn that "Then Bob and Gail (Purkerson" sat Zoie down to tell her how awful you (Plaintiff) are". Additionally, as referenced in Plaintiff's affidavit Jeff Fleming sends Plaintiff an email where Purkerson describes Plaintiff as a "sick desperate man"

In South Carolina, the courts have found that "[e]ssentially, all libel is actionable per

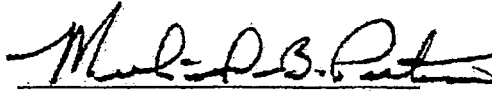
se." Erickson v. Jones St. Publishers, LLC, 629 S.E.2d 653, 664 (S.C. 2006); see also Holtzscheiter v. Thomson Newspapers, Inc., 506 S.E.2d 497, 502 (S.C. 1998) ("Libel is actionable per se if it involves written or printed words which tend to . . . reduce his character or reputation in the estimation of his friends or acquaintances, or the public . . ."). When a statement is actionable per se, the defendant is presumed to have acted with common law malice, and the plaintiff is presumed to have suffered general damages. Erickson, 629 S.E.2d at 664. "Whether the statement is actionable per se is a matter of law for the court to resolve." Fountain, 70 S.E.2d at 309. The United States Supreme Court has cited statements such as "he is a thief", or "he is a shoplifter" as defamatory per se, and thus actionable per se.

Also as previously cited, "Summary judgment is not appropriate where further inquiry into the facts of the case is desirable to clarify the application of the law." *Stewart v. State Farm Mut. Auto. Ins. Co.*, 341 S.C. 143, 149, 533 S.E.2d 597,600 (Ct. App. 2000). This case has no scheduling order and Plaintiff intends to take several depositions in the next two months to attempt to reconcile contravening testimony by parties and non-parties. The Plaintiff's requirement in being the non-moving party is only required to submit a mere scintilla of evidence in order to withstand a motion for summary judgment." *Hancock v. Mid-South Mgmt. Co.*, 381 S.C. 326, 330, 673 S.E.2d 801, 803 (2009). Plaintiff would assert he is well past that requirement. The Plaintiff submits in the instant case that the Defendant has failed to carry the necessary burden of proof to allow the Court to grant it Summary Judgment. The Plaintiff has supplied the Court with sufficient evidence that require a determination by the trier of fact.

CONCLUSIONS

For the reasons, case law and arguments set forth hereinabove, the Plaintiff respectfully submits that the Defendant Purkerson's Motion for Summary Judgment should be DENIED.

Respectfully submitted by,

A handwritten signature in black ink, appearing to read "Michael Gene Putnam", written over a horizontal line.

Michael Gene Putnam – Plaintiff

1108 S. Main St. Unit 355

Greenville, SC 29601-3377

Phone: 864-420-9624

Fax: 864-751-4365

Email: mputnam2006@gmail.com

DATED this 17th day of June 2022

EXHIBIT 6

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

MICHAEL GENE PUTNAM

Plaintiff,

vs.

ROBIN CARY MAPLES and
ROBERT HENRY PURKERSON

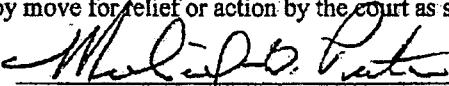
Defendants.

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

CASE NO.: 2020-CP-23-01450

**MOTION AND ORDER INFORMATION
FORM AND COVERSHEET**

43 JUL 24 PM 4:07
Paul H. Hatcher, Clerk
Greenville, SC

Plaintiff's Attorney: Michael G. Putnam, Bar No. Pro se Address: 1108 S. Main St. Apt. 355 greenville, SC 29601 Phone: 864-420-9624 Fax 864-751-4365 E-mail: mputnam2006@gmail.com Other: _____		Defendant's Attorney: Chace Campbell, Bar No. _____ Address: 12 East Stone Ave. Greenville, SC 29609 Phone: 864-268-8244 Fax 864-239-3815 E-mail: chace@chacelaw.com Other: _____	
☐ MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) ☒ FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) ☐ PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)			
SECTION I: Hearing Information Nature of Motion: Motion for Leave to Amend Complaint Estimated Time Needed: _____ Court Reporter Needed: ☐ YES / ☒ NO			
SECTION II: Motion/Order Type ☒ Written motion attached ☐ Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order. 7-24-20 Signature of Attorney for ☒ Plaintiff / ☐ DefendantDate submitted			
SECTION III: Motion Fee ☒ PAID - AMOUNT: \$ <u>25.00</u> ☐ EXEMPT: (check reason) ☐ Rule to Show Cause in Child or Spousal Support ☐ Domestic Abuse or Abuse and Neglect ☐ Indigent Status ☐ State Agency v. Indigent Party ☐ Sexually Violent Predator Act ☐ Post-Conviction Relief ☐ Motion for Stay in Bankruptcy ☐ Motion for Publication ☐ Motion for Execution (Rule 69, SCRPC) ☐ Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions Name of Court Reporter: _____ ☐ Other: _____			
JUDGE'S SECTION ☐ Motion Fee to be paid upon filing of the attached order. ☐ Other: _____		JUDGE CODE _____ Date: _____	
CLERK'S VERIFICATION Collected by: <u>108</u> Date Filed: _____ ☒ MOTION FEE COLLECTED: \$ <u>25.00</u> (CASH) / Michael Gene Putnam ☐ CONTESTED - AMOUNT DUE: \$ _____			

STATE OF SOUTH CAROLINA)

COUNTY OF GREENVILLE)

MICHAEL GENE PUTNAM)

Plaintiff,)

vs.)

Wake Christian Academy, (Inactive))
Dana Graves Cordell, (Inactive))
Kellie O'Neal Auerweck, (Inactive))
Robin Cary Maples,)
Vanessa H. Kormylo, P.A., (Inactive))
and Robert Henry)
Purkerson,)

Defendants.)

IN THE COURT OF COMMON PLEAS

THIRTEENTH JUDICIAL CIRCUIT

C.A. No. 2020-CP-23-01450

NOTICE OF MOTION AND
MOTION FOR LEAVE TO AMEND
PLAINTIFF'S FIRST AMENDED
COMPLAINT

JURY TRIAL DEMANDED

20 JUL 24 PM 4:07
FILED IN CLERK'S OFFICE

To: DEFENDANTS ROBERT HENRY PURKERSON AND ROBIN CARY MAPLES BY
AND THROUGH THEIR ATTORNEY CHACE D. CAMPBELL:

YOU WILL PLEASE TAKE NOTICE that the Plaintiff Michael Gene Putnam, hereby moves this Court for an Order pursuant to Rule 15 of the South Carolina Rules of Civil Procedures ("SCRCP") giving Plaintiff leave to amend his First Amended Complaint (**Exhibit 1**). A copy of the proposed non-final draft of the Second Amended Complaint is attached hereto as (**Exhibit 2**). The Plaintiff further moves that pursuant to Rule 15(c) SCRCP said amendments relate back to the original filing and service of the Summons and Complaint.

I. FACTUAL BACKGROUND

On March 6, 2020 Plaintiff filed a verified summons and complaint alleging defamation and professional misconduct against DEFENDANTS, WAKE CHRISTIAN ACADEMY (hereinafter "WAKE"); DANA GRAVES CORDELL (hereinafter, "CORDELL"); KELLIE O'NEAL AUERWECK (hereinafter, "AUERWECK"); ROBIN CARY MAPLES, (hereinafter "MAPLES") and VANESSA HARTMAN KORMYLO, P.A. (hereinafter, "KORMYLO") and ROBERT HENRY PURKERSON (hereinafter "PURKERSON"). On April 6, 2020 Plaintiff filed a First Amended Complaint, as a matter of course, which modified and clarified certain allegations and relief requested in the Original Complaint.

Subsequent to the filing of the First Amended Complaint, all defendants except KORMYLO filed motions to dismiss pursuant to various provisions of Rule 12 (SCRCP). A hearing was held before the Honorable Judge Edward W. Miller on June 25, 2020 where argument was heard before the court as to the various motions outstanding. After due consideration, Judge Miller ordered the dismissal of Wake, Cordell, Auerweck and Kormylo from the First Amended Complaint (hereinafter the "Complaint"). The result of the dismissals was to leave Purkerson and Maples as remaining defendants.

Plaintiff sought and requested consent of counsel representing Purkerson and Maples to amend the First Amended Complaint. Since no response was received, hence, the Plaintiff's filing of this motion. If left **"unamended"**, the parties and the court will be left to deal with a thirty-two (32) page convoluted complaint, with irrelevant references and exhibits as to dismissed defendants. [Bold for emphasis]

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

MICHAEL GENE PUTNAM

Plaintiff,

vs.

Wake Christian Academy, (Inactive)
Dana Graves Cordell, (Inactive)
Kellie O'Neal Auerweck, (Inactive)
Robin Cary Maples,
Vanessa Hartman Kormylo, P.A., (Inactive))
and Robert Henry
Purkerson,

Defendants.

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

C.A. No. 2020-CP-23-01450

CERTIFICATE OF MAILING

JURY TRIAL DEMANDED

Personally, appeared and duly sworn, Plaintiff Michael Gene Putnam, hereby states and affirms that Plaintiff's Notice of Motion and Motion to Amend Plaintiff's First Amended Complaint has been filed by Plaintiff with the Greenville County Clerk of Court this 24th day of July 2020.

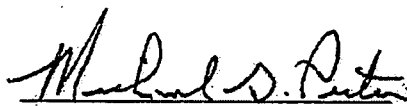
I further certify that a copy of the Plaintiff's Notice of Motion and Motion to Amend Plaintiff's First Amended Complaint will be sent by USPS Certified mail to counsel for Defendants; being Chace D. Campbell at 12 E. Stone Ave., Greenville, SC 29609.

Additionally, a copy of this Certificate of Mailing will be provided in the same mailings as the documents referenced above.

(Signature page follows)

Further affiant sayeth not,

Date: July 24, 2020


Michael G. Putnam
Pro se - Plaintiff

Sworn to before me this 24th day of July, 2020.

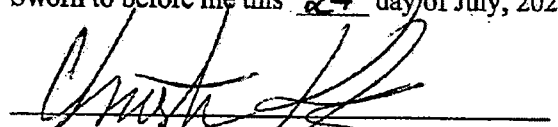

NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission expires: 1-18-29

EXHIBIT 6-1

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

MICHAEL GENE PUTNAM
Plaintiff,

vs.

Robin Cary Maples, Robert Henry
Purkerson, (et al. - Inactive).
Defendants.

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

C.A. No. 2020-CP-23-01450

PLAINTIFF MICHAEL GENE
PUTNAM'S MOTION TO AMEND OR
CORRECT AN INTERLOCUTORY
ORDER OF THE COURT AND
PENDING LEAVE TO AMEND

JURY TRIAL DEMANDED

22 MAR 2 PM4:52
Paul Wickensimer COC SUL SC

TO: THE HONORABLE JUDGE PERRY H. GRAVELY, AND
DOUGLAS A. CHURDAR, COUNSEL FOR DEFENDANT ROBIN C. MAPLES
AND WESELY SHULL, COUNSEL FOR DEFENDANT ROBERT PURKERSON

HERE COMES Plaintiff Michael Gene Putnam (hereinafter as "Plaintiff") comes before the Court pursuant to Rules 15 and 54(b) of the South Carolina Rules of Civil Procedure (SCRPC) and common law, and hereby respectfully requesting that the Court amend or correct the Order of the Honorable Judge Perry H. Gravely (hereinafter "Gravely") (Exhibit 1) dated February 9, 2022, which denied in full any and all Motions filed by Plaintiff requesting the Court alter/amend/or reconsider previous interlocutory Orders related to the granting of Summary Judgement as to Defendant Robin C. Maples (hereinafter as "Maples") and an un-touched pending Motion for Leave to Amend Plaintiff's First Amended Complaint (pursuant to Rule 15, SCRPC) filed with Clerk on July 24, 2020. The Plaintiff has provided the Court prima facie evidence as to no discovery abuse, the submission of affidavits by Plaintiff in response to Motions by Maples, and the neglect by Maples to even acknowledge receipt of Certified Mailings by Plaintiff to Maples. The granting of Summary Judgement as a sanction when Maples has admitted in writing sharing with third parties defamatory

3:15-3422-CMC, 2016 WL 613896, at *2 (D.S.C. Feb. 16, 2016) (quoting *Am. Canoe Ass'n*, 326 F.3d at 514-15). Rule 54(b) is the mechanism a party **must** employ to challenge an interlocutory order. See *Fayetteville Inv'rs v. Commercial Builders, Inc.*, 936 F.2d 1462, 1470 (4th Cir. 1991). See also *United States v. Duke Energy Corp.*, 218 F.R.D. 468, 473-74 (M.D.N.C. 2003) ("A court may revisit interlocutory orders at **any time** prior to final judgment under Fed. R. Civ. P. 54(b) or its inherent authority."). A denial to allow Plaintiff to amend his complaint as stated in the July 24, 2020 would represent a manifest injustice. [bold for emphasis]

OTHER ISSUES

A. Rule 15(a) SCRCPP

Rule 15(a) SCRCPP provides that when a party asks to amend his pleading, "leave shall be freely given when justice so requires and does not prejudice any other party." Rule 15(a), SCRCPP. "This rule strongly favors amendments and the court is encouraged to freely grant leave to amend." *Parker v. Spartanburg Sanitary Sewer Dist.*, 362 S.C. 276, 286, 607 S.E.2d 711, 717 (Ct. App. 2005) (citing [804 S.E.2d 262] *Jarrell v. Seaboard Sys. R.R., Inc.*, 294 S.C. 183, 186, 363 S.E.2d 398, 399 (Ct. App. 1987))." Rule 15(a) is substantially the same as the Federal Rule," Rule 15(a), SCRCPP notes, and the Supreme Court of the United States has referred to the Rule's "freely given" provision as a "mandate" that "is to be heeded," *Foman v. Davis*, 371 U.S. 178, 182, 83 S. Ct. 227, 230, 9 L.Ed.2d 222, 226 (1962). [bold for emphasis]

The Foman Court continued:

If the underlying facts or circumstances relied upon by a plaintiff may be a proper subject of relief, he ought to be afforded an opportunity to test his claim on the merits. In the absence of any apparent or declared reason—such as undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, futility of amendment, etc.—the leave sought should, as the rules require, be "freely given." *Id.* (citing Fed. R. Civ. P.

15(a)); accord *Forrester v. Smith & Steele Builders, Inc.*, 295 S.C.504, 507, 369 S.E.2d 156, 158 (Ct. App. 1988).

While the South Carolina Supreme Court has consistently held that a circuit court's ruling on a Rule 15 motion to amend is within its discretion, **a court's failure to exercise its discretion is itself an abuse of discretion.** *Angela Patton, Alexia L. v. Gregory A. Miller, M.D., Rock Hill Gynecological & Obstetrical Assocs., P.A.*, 804 S.E.2d 252 (S.C., 2017) *State v. Hawes*, 411 S.C. 188, 191, 767 S.E.2d 707, 708 (2015) (quoting *Samples v. Mitchell*, 329 S.C. 105, 114, 495 S.E.2d 213, 218 (Ct. App. 1997)). [bold for emphasis]

Under Rule 15(a), the circuit court must consider whether the defendants are prejudiced by the amendment, or whether there was some other substantial reason to deny it. The Circuit Court cannot deny a motion to amend based upon merit-based arguments concerning the amended complaint. *Angela Patton, Alexia L. v. Gregory A. Miller, M.D., Rock Hill Gynecological & Obstetrical Assocs., P.A.*, 804 S.E.2d 252 (S.C., 2017) See *Tanner v. Florence Cty. Treasurer*, 336 S.C. 552, 558-60, 521 S.E.2d 153, 156-57 (1999).

While permitting the amendment would cause the defendants to face the merits of the amended complaint, the defendants' opportunity to defend the claim on the merits is no different than it would have been if Plaintiff had originally brought the same claims against both of them. There was no new issues presented by Plaintiff's proposed amendment that would have caused the defendants any disadvantage as to the merits they did not already face, and therefore, there is no prejudice.

While Rule 15 grants Plaintiff no special standing to compel the Court to grant Plaintiff's Leave to Amend, but after almost eighteen (18) months, and having read the South Carolina Supreme Court's assertion that **"a court's failure to exercise its discretion is itself an abuse of discretion"** Plaintiff is compelled to bring to the Court's attention as to why, for whatever reason, addressed pro se Plaintiff's Motion has not been addressed in any manner. Additionally, as there is no scheduling

order in this case, the Court has not issued a deadline for the filing of motions to amend. Further, there is significant discovery pending for Defendants to address any issues contained in the requested Second Amended Complaint. Lastly, but importantly, Defendants have not at any time objected to Plaintiff's Motion for Leave to Amend since its filing in July 2020. To do so now would be disingenuous gamesmanship by Defendants and only for purposes of delay. [bold for emphasis]

CONCLUSIONS AND REQUESTS OF THE COURT

Wherefore, based on the clarifications, pleadings, hearings, Orders and case law; Plaintiff respectfully requests pursuant to SCRCR Rule 54(b) that the Court alter/amend or reconsider the Order of February 9, 2022 as to Summary Judgement as to Maples and email discovery; and secondly, grant Plaintiff's Pending Motion for Leave to Amend his First Amended Complaint pursuant to SCRCR Rules 15 and 15(a) filed July 24, 2020, and give Plaintiff no less than twenty (20) days to file his Second Amended Complaint.

Respectfully submitted,

March 1, 2022

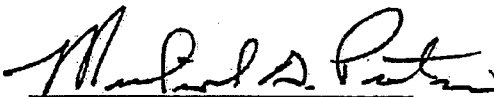

Michael Gene Putnam
1108 S. Main St., Unit 355
Greenville, SC 29601-3377
Phone: 864-420-9624
Fax: 864-751-4365
Email: mputnam2006@gmail.com

EXHIBIT 7

May 14, 2021

By email and hand delivery to the Court

The Honorable Judge Perry H. Gravely
305 E. North St., Ste. 300
Greenville, SC 29601

Re: Case No. 2020-CP-23-01450 Putnam vs. Maples and Purkerson

Subject: Clarification of time frames discussed during the hearing before the Honorable Judge Perry H. Gravely on May 12, 2021 as to providing answers to Interrogatories as to Defendant Maples pursuant to an Order by Judge Sprouse.

MORE IMPORTANTLY: DISCLOSURE AND PUBLICATION OF AN UN-REDACTED SEX CRIME INVESTIGATION REPORT BY BOTH DEFENDANTS NOW VIEWABLE TO THE WORLD ON THE PUBLIC INDEX OF THIS CASE

Dear Judge Gravely,

I will start by addressing the concerns of the Court as to the responses to interrogatories per Judge Sprouse's Order. I have to admit that trying to hold a phone and shuffling papers was like being a one-arm paper hanger. One of the very ++key points, where you ask me if I had provided interrogatories to Maples by the due date in Judge Sprouse's Order, and my answer was no. You indicated that I was in contempt of the Order. Although I did not have them in my hands at the hearing on May 12, 2021; the reason the answer was "no", was because they had already been provided to Chace Campbell.

Here are the relevant dates, events, and Exhibit references.

1. Exhibit A – On December 22, 2020, I get an updated request from Chace Campbell as the first request for interrogatories and production were based on the "Original Complaint", and not the First Amended Complaint. The letter and Certificate of Mailing are in this Exhibit A.
2. Exhibit B – On January 13, 2021, I write Chace Campbell working on issues of mutual discovery, Certified Mail receipt and email copy enclosed.
3. Exhibit C – On January 20, 2021, Defendant Maples, through Chace Campbell files a Motion to Compel Plaintiff as to discovery related to both Interrogatories and Production of Documents. Hearing is scheduled for February 2, 2021 before Judge Sprouse.

4. Exhibit D – Plaintiff Putnam provides answers to **ALL** interrogatories, except those noted as unavailable or subject to an attorney/client relationship between the guardian ad litem and her attorney, Mr. Charles Marchbanks, Jr. The Certified Mail receipt and Proof of Delivery to Mr. Cambell are included. Also, a copy of the email of January 22, 2021 from myself to Mr. Campbell, which indicates the documents attached to the email, and is shown shown on the last page of Exhibit D.

In the last sentence on page 10 of the letter to Mr. Campbell, I indicated that that my efforts were in anticipation of the hearing of February 2, 2021 before Judge Sprouse, and to have answered all interrogatories in good faith to satisfy Judge Sprouse and Mr. Campbell. Further, my effort in the ten-page answers to interrogatories was to avoid any possibility of being in contempt. So, when being pressed for a “yes” or “no” answer about whether had I provided **additional** answers to interrogatories after Judge Sprouse’s Order, I had to answer “no”. I would perjure myself if I said yes, as it was my belief that the ten (10) pages of answers provided in my January 22, 2021 letter was more than sufficient.

5. I have requested a copy of the transcript from the February 2, 2021 hearing before Judge Sprouse as my recollection was that he was satisfied with my responses to discovery, and I was shocked at the Order compelling Plaintiff to produce **additional** answers to interrogatories, when the “well” was dry, after delivering discovery on January 22, 2021 to Mr. Campbell. The Order issued which addressed Motions not scheduled for February 2, 2021 was confusing, and as Mr. Campbell stated in his Motion for Reconsideration was “ambiguous”.
6. Further, Maples painted himself as a poor sole just trying to get by. Maples is a millionaire who resides in a \$750,000 house in a private gated community while the Plaintiff lives off Social Security disability. Purkerson is backed by an insurance company.
7. So where are we as to significant findings of the Court:
 - a. Defendants’ Motion for 180 Days of Additional Discovery Time, was granted, but per my Motion in Opposition was reduced to sixty (60) days by Order of the Honorable Judge Alex Kinlaw, Jr.. (Exhibit E)
 - b. On April 12, 2021 by Order of Judge Kinlaw, Jr., the Court granted Plaintiff’s Motion to Compel Discovery as to defendant Maples. (Exhibit F) Maples has 45 days from April 9, 2021 to provide discovery to Plaintiff.
 - c. Also on April 12, by Judge Alex Kinlaw, Jr., the Court granted Plaintiff’s Motion to Compel Mediation and Mediation/ADR is now set for June 1, 2021. (Exhibit G)

- d. On April 27, 2021, Defendant Purkerson's Motion for Summary Judgement was denied by the Honorable Judge Latitia H. Verdin. (Exhibit H)

Since no order has been issued as to the May 12, 2021 hearing before you, I would ask the following:

- a. That the Court consider Plaintiff's fully complete January 22, 2021 delivery of complete answers to interrogatories when considering putting your verbal order of Contempt by Plaintiff, to one that is in writing. I suppose I could have, and should have simply resubmitted the January 22, 2021 letter one more time after Judge Spouse's Order. I respectfully request relief from that.
- b. That Defendant Maples one paragraph Motion for Summary Judgement which is based on an un-supported request for thirty-eight thousand dollars (\$38,000) in attorney fees be summarily denied. That the Affidavits of Service filed by Maples do not lie, as they are time-stamped by the Clerk and by the Sheriff's Civil Service Division the very next day, after Maples under oath says he served the filing on Plaintiff personally, three minutes after it was filed with the Court. And personally, Plaintiff believes the Court should provide no less than a warning, as to filing and attesting to improper and disingenuous filings.

EXTREMELY IMPORTANT

LASTLY, but most importantly. This defamation action arose from false allegations by Defendants Maples and Purkerson that resulted in the Plaintiff being subject to a sex crime investigation by the Greenville County Sheriff's Office. This was as to my precious daughter, age (12) at the time. After the six most gut wrenching and painful months of my life, the case was determined to be totally "unfounded". (Exhibit I) Both Defendants produced copies of the completely "**unredacted**" investigation file to Plaintiff through Chace Campbell. This file was ordered to be sealed and not subject to public review/disclosure, or even the Freedom of Information Act by the Honorable Family Court Judge Thomas T. Hodges on June 14, 2019. Frankly, I would rather be accused of murdering someone than the accusations of the defendants. The Sheriff's Office has no idea how they obtained the report.

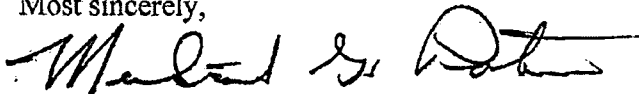
On May 3, 2021, at 1:17 p.m., Defendant Maples, with the blessings of his wife (the Mother of my child) and her grandfather, defendant Purkerson, filed with the Clerk of Court of Greenville County, and as referenced in (Exhibit J) and for the world to see; an **UN-REDACTED COPY OF THE SEX CRIME INVESTIGATION FILE**. I have received messages and phone calls from a number of people asking me if I knew that the "Report" was out there. It is embarrassing and humiliating. Perhaps the most egregious consequence

is the disclosure of information related to my precious child that could haunt her for rest of her life. It will likely affect her educational opportunities and job prospects in the future. But that says nothing as to the emotional effects when she either reads it or someone throws it up in her face.

I will be asking again that this Court grant Plaintiff's Motion of July 24, 2020 for Leave to Amend Plaintiff's First Amended Complaint later this week which should be freely granted. I have asked the investigation filing be removed, but told go see an attorney as it's not your filing. I will reserve disclosure of other relief or protection of my child I intend to seek as I will be seeking assistance of counsel to as to among the worst things that a mother, grandfather, and Maples could possibly do.

I hope this case can move expeditiously to trial before a jury of my peers.

Most sincerely,



Michael G. Putnam – Plaintiff - *Pro se*
1108 S. Main St., #355
Greenville, SC 29601-3377
Cell – 864-420-9624
Fax – 864-751-4365
Email: mputnam2006@gmail.com

CC by email and Certified Mail to: Robin Maples – Pro se, and Wes Shull – Counsel for Defendant Purkerson

By email to Laura D. Colwell - Judge Gravely's Admin. Assistant

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

2021 MAY 17 PM 12:22

IN THE COURT OF COMMON PLEAS

THIRTEENTH JUDICIAL CIRCUIT

MICHAEL GENE PUTNAM

Plaintiff,

vs.

Robin Cary Maples, Robert Henry
Purkerson, (et al. - Inactive).

Defendants.

FILED-CLERK OF COURT
PAUL B. WICKENSIMER
GREENVILLE, SC

C.A. No. 2020-CP-23-01450

**AFFIDAVIT AND CERTIFICATE OF
MAILING AND EMAILING AND
VERIFICATION AS TO A LETTER TO
JUDGE PERRY H. GRAVELY**

Personally, appeared and duly sworn, Plaintiff Michael Gene Putnam, hereby states and affirms under penalty of perjury, that the letter and information sent to the Honorable Judge Perry H. Gravely dated May 14, 2021, contains true and accurate statements and information to the very best of my knowledge. Further, that a copy of the letter and attachments will be emailed and mailed by Certified Mail to Defendant Robin Maples, and Wes Shull, counsel for Defendant Robert Purkerson this 17th day of May, 2021.

Further, affiant sayeth not,

Date: May 17, 2021



Michael G. Putnam
Plaintiff - Pro se

Sworn to before me this 17th day of May, 2021

[Signature]
NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission expires: 12-8-29

EXHIBIT 8



Michael G. Putnam - CPA <mputnam2006@gmail.com>

Pre-Hearing Brief 2020-CP-23-01450 Scheduled for 3:00PM - May 12 2021
Before the Honorable Judge Perry H. Gravely

4 messages

Michael G. Putnam - CPA <mputnam2006@gmail.com>

Wed, May 12, 2021 at 1:45 PM

To: pgravelysc@sccourts.org, pgravelylc@sccourts.org, "Wes J. Shull" <wjshull@wjcblaw.com>, "Julie A. Brown" <jabrown@wjcblaw.com>, Rob Maples <rmaples91@gmail.com>

Please find attached Plaintiff's Pre-hearing Brief - Putnam v. Maples and Purkerson

Regards,

Michael Putnam

—
Michael G. Putnam
1108 S. Main St. Apt. 355
Greenville, SC 29601-3382

864-420-9624

mputnam2006@gmail.com

 Pre-Hearing Brief 5-12-2021 Final.pdf
6304K

Gravely, Perry H. Secretary (Laura D. Colwell) <pgravelysc@sccourts.org> Wed, May 12, 2021 at 2:13 PM
To: "Michael G. Putnam - CPA" <mputnam2006@gmail.com>, "Gravely, Perry H. Law Clerk ()" <pgravelylc@sccourts.org>, "Wes J. Shull" <wjshull@wjcblaw.com>, "Julie A. Brown" <jabrown@wjcblaw.com>, Rob Maples <rmaples91@gmail.com>

Mr. Putnam,

Did you e-file these documents?

From: Michael G. Putnam - CPA <mputnam2006@gmail.com>

Sent: Wednesday, May 12, 2021 1:45 PM

To: Gravely, Perry H. Secretary (Laura D. Colwell) <pgravelysc@sccourts.org>; Gravely, Perry H. Law Clerk () <pgravelylc@sccourts.org>; Wes J. Shull <wjshull@wjcblaw.com>; Julie A. Brown <jabrown@wjcblaw.com>; Rob Maples <rmaples91@gmail.com>

Subject: Pre-Hearing Brief 2020-CP-23-01450 Scheduled for 3:00PM - May 12 2021 Before the Honorable Judge Perry H. Gravely

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

[Quoted text hidden]

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---

**Michael G. Putnam - CPA** <mputnam2006@gmail.com>

Wed, May 12, 2021 at 2:32 PM

To: "Gravely, Perry H. Secretary (Laura D. Colwell)" <pgravelysc@sccourts.org>

Cc: "Gravely, Perry H. Law Clerk ()" <pgravelylc@sccourts.org>, "Wes J. Shull" <wjshull@wjcblaw.com>, "Julie A. Brown" <jabrown@wjcblaw.com>, Rob Maples <rmaples91@gmail.com>

Ms. Colwell, since I am pro-se, I emailed the complete package to all parties. The two motions today are both Mr. Maples, but everyone has been provided my documents. And per my previous email, there is a hard copy in Judge Gravely's bin outside the door where the phone is.  
Many thanks,

Michael

[Quoted text hidden]

---

**Michael G. Putnam - CPA** <mputnam2006@gmail.com>

Wed, May 12, 2021 at 4:39 PM

To: "Gravely, Perry H. Secretary (Laura D. Colwell)" <pgravelysc@sccourts.org>, "Gravely, Perry H. Law Clerk ()" <pgravelylc@sccourts.org>, "Wes J. Shull" <wjshull@wjcblaw.com>, "Julie A. Brown" <jabrown@wjcblaw.com>, Rob Maples <rmaples91@gmail.com>

Ms. Colwell, Judge Gravely indicated during the hearing today that he had not received my Pre-Hearing Package. Could you see that he gets that as he considers potential orders from the hearing today? There is also the envelope of original documents left in his bin at the Greenville Courthouse. I used this guidance from Rule 16 SCRCP which state that a pre-trial brief should not be filed to become part of the record.

From Rule 16 -

**"(c) Pre-trial Briefs.** At or prior to a pre-trial hearing, counsel for each party shall provide to the judge a uniform brief containing the matters listed below. The pre-trial brief shall be provided to the judge and served on all parties or counsel of record at the same time and by the same means.

(1) A concise, non-argumentative statement of the facts of the case.

(2) An objective statement of the facts in controversy.



(3) The legal issues involved. This includes the law applicable to the cause of action and the defense.

(4) A listing of exhibits, indicating those to which there is disagreement and a listing of witnesses who may be called and, if available, their address and phone number.

(5) Any unusual problems relating to evidence to be introduced, such as "Business Records as Evidence Act," hearsay, use of depositions, etc.

(6) Any unusual question or matter which should be brought to the attention of the court.

(7) A statement that settlement negotiations were attempted before the date of the pre-trial hearing and the status of settlement negotiations.

**The pre-trial brief is solely for the use of the court at the pre-trial hearing, and shall not be filed with or made part of the record in the action."**

I have attached another copy for your convenience.

Most sincerely,

Michael G. Putnam

[Quoted text hidden]

---

 Pre-Hearing Brief 5-12-2021 Final.pdf  
6304K



Michael G. Putnam - CPA <mputnam2006@gmail.com>

---

**Pre-Hearing Brief - 2020-CP-23-01450**

3 messages

---

Michael G. Putnam - CPA <mputnam2006@gmail.com>  
To: pgravelysc@sccourts.org, pgravelylc@sccourts.org

Wed, May 12, 2021 at 1:53 PM

Good afternoon. I dropped a hard copy in a white envelope in Judge Gravely's box. The hard copy contains tabs identifying the Exhibits to be referenced, and hopefully easier for the Judge. If you could confirm receipt of that, I would appreciate it.

Regards,

Michael

--  
Michael G. Putnam  
1108 S. Main St. Apt. 355  
Greenville, SC 29601-3382

864-420-9624

mputnam2006@gmail.com

---

Gravely, Perry H. Secretary (Laura D. Colwell) <pgravelysc@sccourts.org>  
To: "Michael G. Putnam - CPA" <mputnam2006@gmail.com>

Wed, May 12, 2021 at 1:58 PM

Mr. Putnam,

Did you leave this in Pickens County or Greenville County?

**From:** Michael G. Putnam - CPA <mputnam2006@gmail.com>  
**Sent:** Wednesday, May 12, 2021 1:54 PM  
**To:** Gravely, Perry H. Secretary (Laura D. Colwell) <pgravelysc@sccourts.org>; Gravely, Perry H. Law Clerk () <pgravelylc@sccourts.org>  
**Subject:** Pre-Hearing Brief - 2020-CP-23-01450

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Michael G. Putnam - CPA <mputnam2006@gmail.com>

Wed, May 12, 2021 at 2:33 PM

To: "Gravely, Perry H. Secretary (Laura D. Colwell)" <pgravelysc@sccourts.org>

Greenville County, in his bin on the third floor.

[Quoted text hidden]

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS

MICHAEL GENE PUTNAM,)
)
 PLAINTIFF,)
)
 -VS-)
)
 ROBIN CARY MAPLES, ET AL.,)
)
 DEFENDANTS.)
 _____)

2020-CP-23-01450

TRANSCRIPT OF RECORD

MAY 12, 2021
GREENVILLE, SOUTH CAROLINA
VIA WEBEX

BEFORE:

THE HONORABLE PERRY H. GRAVELY

APPEARANCES:

ATTORNEY FOR PLAINTIFF:

MICHAEL PUTNAM (PRO SE)

ATTORNEY FOR DEFENDANTS:

ROBIN MAPLES (PRO SE)
WESLEY J. SHULL, ESQ.

SUSAN W. HUDGINS
CIRCUIT COURT REPORTER

1 grounds that -- concerning the pleadings and discovery in this
2 case. There's no genuine issue as to any material fact. And
3 defendant is entitled to a judgment in favor -- as a matter of
4 law to include legal fees in the amount of thirty-eight
5 thousand dollars (\$38,000.00).

6 THE COURT: What's the general basis? What are you
7 asking? I mean, what is the, I mean, I know that's the
8 standard and that's what the motion for summary judgment says,
9 but what law are you relying on that says that you're entitled
10 to judgment? And I realize you're not an attorney, but,
11 still.

12 MR. MAPLES: Yes, sir. Rule 37 (b) states that when
13 you're ordered as Mr. Putnam has been to provide discovery and
14 you violate a court order, then it clearly states that motion
15 for sanctions [sic] -- sanctions, excuse me, are appropriate.
16 So I'm asking for, as I had indicated earlier, I still owe
17 Chase Campbell eighteen thousand dollars (\$18,000.00). I've
18 paid about half ---

19 THE COURT: All right. Well, let me ask you this.
20 There's a little difference here. There's a motion for
21 sanctions, which is something that can be granted based on
22 failure of discovery. But is your motion for summary judgment
23 strictly based on his failure to provide discovery?

24 MR. MAPLES: Yes. Yes, Your Honor.

25 THE COURT: All right. Mr. Putnam, your response to

1 that?

2 MR. PUTNAM: Well, do you have my prehearing brief?
3 Pretrial hearing brief?

4 THE COURT: What date -- when was it filed?

5 MR. PUTNAM: Well, I sent it to your law clerk, your
6 secretary and all the defendants.

7 THE COURT: Have you -- has it not been filed?

8 MR. PUTNAM: It wasn't a prehearing -- I didn't file it
9 with the clerk, but ---

10 THE COURT: All I have -- what's been filed with the --
11 that's in the clerk's record, the public index.

12 MR. PUTNAM: Okay. Well, on April the 12th Mr. Maples
13 filed an affidavit. And that was also when he was referring
14 -- asking about his motion for summary judgment. He filed --
15 he filed an affidavit of service (technological interference)
16 that's in the record on April 12th. And he indicates that --
17 he signs it that he was the deponent that actually served that
18 motion on me. That's -- that motion -- that affidavit of
19 service was filed three minutes after he filed this motion.
20 So this is a fraudulent affidavit of service.

21 The next day, and it's in the record, it's time stamped
22 by being received by the Greenville County Sheriff's Office
23 Civil Division on April the 13th. And I went by and I got a
24 notice, a red tag on my door, and I picked that up the 23rd or
25 24th.

Certificate of Reporter

I, the undersigned, Susan W. Hudgins, Official Court Reporter for the Thirteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the trial/hearing of the captioned case, relative to appeal, in the Circuit Court for Greenville County, South Carolina, on the 12th day of May 2021.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

September 3, 2021

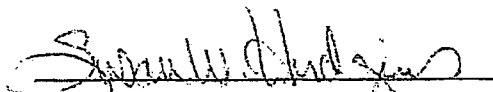

Circuit Court Reporter

EXHIBIT 9



Michael G. Putnam - CPA <mputnam2006@gmail.com>

Pre- Hearing Brief

10 messages

Michael G. Putnam - CPA <mputnam2006@gmail.com>

Tue, Feb 2, 2021 at 1:29 PM

To: "Sprouse, R. Scott Law Clerk (Jacob Allen)" <rssprouselc@sccourts.org>, rssprousesc@sccourts.org

Cc: Chace Campbell <chace@chacelaw.com>, MJ Jones <MJ@chacelaw.com>, Hannah Kituku <Hannah@chacelaw.com>

Sorry to be tardy, multiple attachments.

Regards,

Michael

 Exhibits H-L.pdf

Michael G. Putnam

1108 S. Main St. Apt. 355

Greenville, SC 29601-3382

864-420-9624

mputnam2006@gmail.com

4 attachments

 Pre-Hearing Cover Letter 2-2-2021.pdf
434K

 EXHIBITS A -c PRE-TRIAL.pdf
7166K

 EXHIBITS D -f PRE-TRIAL BRIEF.pdf
8059K

 Exhibits F - J 2.pdf
5349K

Chace Campbell <chace@chacelaw.com>

Tue, Feb 2, 2021 at 5:44 PM

To: "Michael G. Putnam - CPA" <mputnam2006@gmail.com>

Cc: "Sprouse, R. Scott Law Clerk (Jacob Allen)" <rssprouselc@sccourts.org>, MJ Jones <MJ@chacelaw.com>

Jacob (with a copy to Michael Putnam),

I did not receive anything submitted to Judge Sprouse by the deadline of 5 pm today, so I understand that the record is now closed.

Chace Campbell

On Feb 2, 2021, at 1:30 PM, Michael G. Putnam - CPA <mputnam2006@gmail.com> wrote:

[Quoted text hidden]

<Pre-Hearing Cover Letter 2-2-2021.pdf>

<EXHIBITS A -c PRE-TRIAL.pdf>

<EXHIBITS D - f PRE-TRIAL BRIEF.pdf>

<Exhibits F - J 2.pdf>

Michael G. Putnam - CPA <mputnam2006@gmail.com>

Tue, Feb 2, 2021 at 9:08 PM

To: Chace Campbell <chace@chacelaw.com>

Cc: "Sprouse, R. Scott Law Clerk (Jacob Allen)" <rssprouselc@sccourts.org>, MJ Jones <MJ@chacelaw.com>

Judge Sprouse was provided the complete package this afternoon.

I didn't think I needed to copy Chace as they acknowledged they had the complete package.

Be safe, and enjoy your week.

Michael Putnam

[Quoted text hidden]

Chace Campbell <chace@chacelaw.com>

Wed, Feb 3, 2021 at 9:08 AM

To: "Michael G. Putnam - CPA" <mputnam2006@gmail.com>

Cc: "Sprouse, R. Scott Law Clerk (Jacob Allen)" <rssprouselc@sccourts.org>, MJ Jones <MJ@chacelaw.com>

Jacob,

Could you send me what Mr. Putnam sent to Judge Sprouse after the hearing so we can review it and ensure that it was the same items that we had received. Mr. Putnam has a history of post-hearing ex parte communication, and we need to review it.

Chace Campbell

From: Michael G. Putnam - CPA <mputnam2006@gmail.com>

Date: Tuesday, February 2, 2021 at 9:08 PM

To: Chace Campbell <chace@chacelaw.com>

Cc: Sprouse, R. Scott Law Clerk (Jacob Allen) <rssprouselc@sccourts.org>, MJ Jones <MJ@chacelaw.com>

Subject: Re: Pre- Hearing Brief

Judge Sprouse was provided the complete package this afternoon.

I didn't think I needed to copy Chace as they acknowledged they had the complete package.

Be safe, and enjoy your week.

Michael Putnam

On Tue, Feb 2, 2021, 5:44 PM Chace Campbell <chace@chacelaw.com> wrote:

Jacob (with a copy to Michael Putnam),

I did to receive anything submitted to Judge Sprouse by the deadline of 5 pm today, so I understand that the record is now closed.

Chace Campbell

On Feb 2, 2021, at 1:30 PM, Michael G. Putnam - CPA <mputnam2006@gmail.com> wrote:

Sorry to be tardy, multiple attachments.

Regards,

Michael

📎 Exhibits H-I.pdfError! Filename not specified.

-

Michael G. Putnam

1108 S. Main St. Apt. 355

Greenville, SC 29601-3382

864-420-9624

mputnam2006@gmail.com

[Quoted text hidden]

Sprouse, R. Scott Law Clerk (Jacob Allen) <rssprouselc@sccourts.org>

Wed, Feb 3, 2021 at 9:15 AM

To: Chace Campbell <chace@chacelaw.com>, "Michael G. Putnam - CPA" <mputnam2006@gmail.com>

Cc: MJ Jones <MJ@chacelaw.com>

Good Morning

Please find the documents I received attached to this email.

Best,

Jacob L. Allen

Law Clerk to the Honorable R. Scott Sprouse

Tenth Judicial Circuit

Phone: (864) 916-7308

E-mail: rssprouselc@sccourts.org

From: Chace Campbell <chace@chacelaw.com>

Sent: Wednesday, February 3, 2021 9:09 AM

To: Michael G. Putnam - CPA <mputnam2006@gmail.com>

Cc: Sprouse, R. Scott Law Clerk (Jacob Allen) <rssprouselc@sccourts.org>; MJ Jones <MJ@chacelaw.com>

Subject: Re: Pre- Hearing Brief

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 **Case No - 2020-CP-23-01450 FOR Judge Sprouse 2-2-2021.pdf**
24414K

Chace Campbell <chace@chacelaw.com>

Wed, Feb 3, 2021 at 9:19 AM

To: "Sprouse, R. Scott Law Clerk (Jacob Allen)" <rssprouselc@sccourts.org>, "Michael G. Putnam - CPA" <mputnam2006@gmail.com>

Cc: MJ Jones <MJ@chacelaw.com>

Thank you. Chace

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

Regards,

Michael

 Image removed by sender. Exhibits H-I.pdfError! Filename not specified.

-

Michael G. Putnam

1108 S. Main St. Apt. 355

Greenville, SC 29601-3382

864-420-9624

mputnam2006@gmail.com

<Pre-Hearing Cover Letter 2-2-2021.pdf>

<EXHIBITS A -c PRE-TRIAL.pdf>

<EXHIBITS D - f PRE-TRIAL BRIEF.pdf>

<Exhibits F - J 2.pdf>

[Quoted text hidden]

Michael G. Putnam - CPA <mputnam2006@gmail.com>

Wed, Feb 3, 2021 at 3:12 PM

To: Chace Campbell <chace@chacelaw.com>

Cc: "Sprouse, R. Scott Law Clerk (Jacob Allen)" <rssprouse@cscourts.org>, MJ Jones <MJ@chacelaw.com>

Chace, what discrepancies did you find in the documents sent by Jacob as opposed to what you had already received?

Michael

[Quoted text hidden]

Michael G. Putnam - CPA <mputnam2006@gmail.com>

Wed, Feb 3, 2021 at 4:23 PM

To: Chace Campbell <chace@chacelaw.com>

Cc: "Sprouse, R. Scott Law Clerk (Jacob Allen)" <rssprouse@cscourts.org>, MJ Jones <MJ@chacelaw.com>

Bcc: rssprouse@cscourts.org

Chace, do you find making disparaging email comments about me as you did this morning; when there are other people copied, to give you some kind of internal

<EXHIBITS D - f PRE-TRIAL BRIEF.pdf>

<Exhibits F - J 2.pdf>

[Quoted text hidden]

Michael G. Putnam - CPA <mputnam2006@gmail.com>

Thu, Feb 4, 2021 at 4:36 AM

To: Chace Campbell <chace@chacelaw.com>

Cc: MJ Jones <MJ@chacelaw.com>

All parties were copied. Michael

[Quoted text hidden]

EXHIBIT 10

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

MICHAEL GENE PUTNAM
Plaintiff,

vs.

ROBIN CARY MAPLES AND
ROBERT HENRY FURKERSON, ET. AL.

Defendants.

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

C.A. No. 2020-CP-23-01450

PLAINTIFF'S OPPOSITION TO DEFENDANT
ROBIN MAPLES' MOTION FOR
SUMMARY JUDGEMENT

JURY TRIAL DEMANDED

TO: THE HONORABLE PERRY H. GRAVELY, AND
DOUGLAS CHURDAR, COUNSEL FOR DEFENDANT ROBIN CARY MAPLES

COMES NOW Michael Gene Putnam, *Pro se* Plaintiff (hereinafter "Plaintiff"), pursuant to Rule 56, of the South Carolina Rules of Civil Procedure (SCRCP), submits this Memorandum in Opposition to Defendant Robin C. Maples' (hereinafter referred to as "Maples") Motion for Summary Judgment. For the reasons cited below, and the verified affidavit of Plaintiff incorporated by reference herein, the Defendant's Motion for Summary Judgment should be forthwith denied, and this matter should proceed to trial.

Maples, through counsel, filed his MOTION FOR SUMMARY JUDGEMENT (hereinafter referred to as the "Motion") on November 2, 2021. The Motion spends most of its language asserting that "Plaintiff has had two (2) years and four (4) months from the time he filed his first case and one (1) year and eight (8) months from the time he filed this case to obtain

some evidence,.....and further that "Plaintiff has no evidence to support his allegations - no statements or affidavits from any of the people he has named as witnesses, including unnamed "counselors" or the Flemings." It goes on to state "Defendant Maples, on the other hand, denies Plaintiff's allegations both in his Answer and in the attached affidavit."

While the Motion/Affidavit makes blatantly false assertions as to Plaintiff's responses to discovery; Plaintiff believes Maples' Motion for Summary Judgement is fatally flawed and should be summarily dismissed by the Court. Plaintiff's Verified Affidavit of the Plaintiff provides numerous issues that demonstrate blatantly false and/or contradictory statements and/or admissions by Maples that overwhelmingly should satisfy the Court as to disputes of genuine issues as to material facts.

STANDARD OF REVIEW

Summary judgment is only appropriate when there is "no genuine issue as to any material fact and [...] the moving party is entitled to judgment as a matter of law." Rule 56, SCRCF (emphasis added). "The party moving for summary judgment has the burden of clearly establishing the absence of a genuine issue of material fact." Miller v. Blumenthal Mills, Inc., 365 S.C. 204, 220, 616 S.E.2d 722, 729 (Ct. App. 2005). "In determining whether any triable issues of fact exist, the evidence and all inferences which can reasonably be drawn from the evidence must be viewed in the light most favorable to the non-moving party." Belton v. Cincinnati Ins. Co., 360 S.C. 575, 578, 602 S.E.2d 389, 391 (2004). "[I]n cases applying the preponderance of the evidence burden of proof, the non-moving party is only required to submit a mere scintilla of evidence in order to withstand a motion for summary judgment." Hancock v. Mid-South Mgmt. Co., 381 S.C. 326, 330, 673 S.E.2d 801, 803 (2009). "Since it is a drastic remedy, summary judgment should be cautiously invoked so that a litigant will not be

improperly deprived of a trial on disputed factual issues." *Conner v. City of Forest Acres*, 348 S.C. 454, 462, 560 S.E.2d 606, 610 (2002). "Summary judgment is not appropriate where further inquiry into the facts of the case is desirable to clarify the application of the law." *Stewart v. State Farm Mut. Auto. Ins. Co.*, 341 S.C. 143, 149, 533 S.E.2d 597, 600 (Ct. App. 2000). Under the summary judgment standard, all inferences arising from the evidence and credibility must be construed most strongly against Maples.

PLAINTIFF'S LEGAL ARGUMENT

In Maples' Motion for Summary Judgement, which is one long paragraph, Maples states on line five (5), and refers to "Plaintiff filed his original Summons and Complaint in this case on 3/6/2020; "Plaintiff alleges therein that Defendant Maples has defamed him, specifically "making false and defamatory statements about Plaintiff in the presence of and directly to [his child]" and "encourage[ing] [his child] to either exaggerate or make up stories defamatory to the Plaintiff",....". He goes on to say as to a timeframe in line 11 of the one page paragraph, that Plaintiff had "one (1) year and eight (8) months from the time he filed this case to obtain some evidence.". So, Maples continues to reference the Complaint filed on March 6, 2020. In Exhibit A (Docket Filing Listing), page 1, the initial Summons and Complaint referred to by Maples in his Motion validates the March 6, 2020 date he refers to in his Motion. However, on page two (2) of Exhibit A, the Docket Index clearly shows that the Plaintiff filed a "First Amended Complaint" on April 6, 2020. No where in Maples Motion for Summary Judgement does he even acknowledge the existence of an Amended Complaint filed by Plaintiff as a matter of course, and as provided for in Rule 15(a), (SCRCP) which states in part ""A party may amend his pleading once as a matter of course at any time before or within 30 days after a responsive pleading is served or, if the pleading is one to which no responsive pleading is required

A timely filed amended pleading supersedes the original pleading. *Young v. City of Mount Ranier*, 238 F.3d 567, 573 (4th Cir. 2001) (As a general rule, "an amended pleading ordinarily supersedes the original and renders it of no legal effect." (quoting *Crysen/Montenay Energy Co. v. Shell Oil Co. (In re Crysen/Montenay Energy Co.)*, 226 F.3d 160, 162 (2d Cir. 2000))); see also 6 Charles Alan Wright et al., *Federal Practice and Procedure* § 1476 (3d ed. 2011) ("A pleading that has been amended . . . supersedes the pleading it modifies Once an amended pleading is interposed, the original pleading no longer performs any function in the case"). As a result, motions directed at the superseded pleading generally are to be denied as moot. See, e.g., *Hall v. Int'l Union, United Auto., Aerospace & Agric. Implement Workers of Am., UAW*, 2011 WL 4014315, at *1 (W.D.N.C. June 21, 2011) (citing *Colin v. Marconi Commerce Sys. Emps.' Ret. Plan*, 335 F. Supp. 2d 590, 614 (M.D.N.C. 2004); *Turner v. Kight*, 192 F. Supp. 2d 391, 397 (D. Md. 2002)) (denying as moot the defendants' motions to dismiss because the second amended complaint rendered moot the defendants' pending motions to dismiss, which were related to the superseded complaint); *McCoy v. City of Columbia*, 2010 WL 3447476, at *1-2 (D.S.C. Aug. 31, 2010) (adopting the magistrate judge's report and recommendation to the extent it recommended that the motion to dismiss be found as moot because the amended complaint superseded the original complaint and rendered any attack upon it moot); *Rowley v. City of N. Myrtle Beach*, 2009 WL 750406, at *2-3 (D.S.C. Mar. 16, 2009) (finding as moot the defendants' motion". Plaintiff has no obligation to defend a Motion made by Maples as to a Complaint that has been superseded and amended out of existence. The First Amended Complaint filed April 6, 2020, and not referred to by Maples, contains

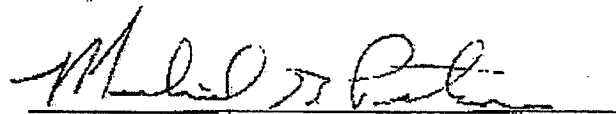
substantial changes from the Original Complaint including twenty-one paragraphs with changes. Mr. Maples is Count Three (3) in the Original Complaint beginning on page eleven (11), and Count four (4) starting on page sixteen (16) of the First Amended Complaint. The defendants' have an obligation to address the one and only Complaint in existence, being the First Amended Complaint filed April 6, 2020.

CONCLUSIONS

The Defendants' Motion For Summary Judgment should be summarily denied. Maples' Motion addresses a non-existent pleading, and even they had addressed the First Amended Complaint, Maples' assertions are not specific and in effect say "generally speaking" Maples does not meet the burden of demonstrating there are no genuine issues of material fact. Plaintiff's Affidavit and Exhibits clearly show there remains contravening facts and disputes as to material issues that Plaintiff believes will be admissible and leave defendant Maples much explaining to do in front of a jury, for the same thing denied one place, and admitted in another. These issues are fatal to a motion for summary judgment and defendant Maples' Motion should be denied.

Respectfully submitted,

Dated: November 10, 2021



Michael Gene Putnam – Plaintiff
1108 S. Main St. Unit 355
Greenville, SC 29601-3377
Phone: 864-420-9624
Fax: 864-751-4365
Email: mputnam2006@gmail.com

EXHIBIT A

11/11/21, 7:00 AM

Public Index Search

Christian Academy				11:12		
Putnam, Michael Gene	Service/Affidavit Of Service S/C On Defendants	Filing		03/24/2020-16:05		
Wake Christian Academy	Notice/Notice of Appearance	Filing		03/23/2020-08:47		
Putnam, Michael Gene	Service/Affidavits Of Service S/C on Purkerson B Kormylo	Filing		03/09/2020-08:39		
Putnam, Michael Gene	Summons & Complaint	Filing		03/06/2020-15:37		

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Page 1

Academy						
Wake Christian Academy	Defs/Wake Christian Academy Motion/Dismiss Amended Complaint	Motion		04/15/2020-10:04	06/25/2020-10:04	
Putnam, Michael Gene	Plt Response To School Defs Motion/Dismiss & Exh 1	Filing		04/13/2020-16:14		
Putnam, Michael Gene	Plt Response To Def RHP Motion/Dismiss & Exh 1	Filing		04/13/2020-16:14		
Putnam, Michael Gene	Plt Response To Def VMK Motion/Dismiss & CoM	Filing		04/13/2020-16:13		
Putnam, Michael Gene	Service/Affidavit Of Service on Vanessa Hartman Kormylo	Filing		04/13/2020-15:58		
Putnam, Michael Gene	Service/Affidavit Of Service on Robert Henry Purkerson	Filing		04/13/2020-15:58		
Purkerson, Robert Henry	NEF(04-10-2020 04:03:25 PM) Motion/Dismiss	Filing		04/13/2020-09:48		
Maples, Robin Cary	NEF(04-10-2020 02:39:09 PM) Motion/Dismiss	Filing		04/13/2020-09:37		
Purkerson, Robert Henry	Def/Robert Henry Purkerson Motion/Dismiss	Motion		04/10/2020-16:03	06/25/2020-16:03	
Maples, Robin Cary	Def/Robin Cary Maples Motion/Dismiss	Motion		04/10/2020-14:39	06/25/2020-14:39	
Maples, Robin Cary	NEF(04-09-2020 01:18:47 PM) Notice/Notice of Appearance	Filing		04/09/2020-13:18		
Maples, Robin Cary	Notice/Notice of Appearance	Filing		04/09/2020-13:18		
Putnam, Michael Gene	Service/Certificate Of Service	Filing		04/07/2020-11:37		
Putnam, Michael Gene	Verification/Change or amended	Filing		04/07/2020-09:49		
Purkerson, Robert Henry	NEF(04-06-2020 10:34:52 AM) Service/Certificate Of Servi...	Filing		04/06/2020-11:03		
Purkerson, Robert Henry	Service/Certificate Of Service	Filing		04/06/2020-10:34		
Putnam, Michael Gene	Amended/First Amended Complaint	Filing		04/06/2020-10:10		
Vanessa Hartman Kormylo PA	NEF(04-03-2020 08:38:30 PM) Motion/Dismiss	Filing		04/03/2020-08:33		
Vanessa Hartman Kormylo PA	Def Vanessa Hartman Kormylo, P.A. Motion/Dismiss	Motion		04/03/2020-21:39	06/25/2020-21:39	
Vanessa Hartman Kormylo PA	Service/Certificate Of Service	Filing		04/03/2020-21:39		
Vanessa Hartman Kormylo PA	NEF(04-02-2020 05:51:01 PM) Notice/Notice of Appearance	Filing		04/02/2020-17:51		
Vanessa Hartman Kormylo PA	Notice/Notice of Appearance	Filing		04/02/2020-17:51		
Purkerson, Robert Henry	NEF(04-02-2020 10:09:34 AM) Motion/Dismiss	Filing		04/02/2020-11:32		
Purkerson, Robert Henry	Def/Robert Henry Purkerson Motion/Dismiss	Motion		04/02/2020-10:09	06/25/2020-10:09	
Maples, Robin Cary	NEF(04-02-2020 10:05:44 AM) Notice/Notice of Appearance	Filing		04/02/2020-10:05		
Maples, Robin Cary	Notice/Notice of Appearance	Filing		04/02/2020-10:05		
Wake Christian Academy	NEF(03-30-2020 02:48:25 PM) Motion/Dismiss	Filing		03/30/2020-15:29		
Wake Christian Academy	Defs/Wake Christian Academy Motion/Dismiss	Motion		03/30/2020-14:48	06/25/2020-14:48	
Wake Christian Academy	NEF(03-30-2020 11:12:35 AM) Notice/Notice of Appearance	Filing		03/30/2020-11:12		
Wake	Notice/Notice of Appearance	Filing		03/30/2020-		

Page 2



Michael G. Putnam - CPA <mputnam2006@gmail.com>

Case no. 2020-CP-23-01450

3 messages

Michael G. Putnam - CPA <mputnam2006@gmail.com>

Fri, Nov 12, 2021 at 11:12 AM

To: "Gravely, Perry H. Secretary (Laura D. Colwell)" <pgravelysc@sccourts.org>, "Gravely, Perry H. Law Clerk ()" <pgravelylc@sccourts.org>

Good morning to all. I put a verified Affidavit in support of my opposition to a Motion for Summary Judgement in the judge's bin on the 3rd floor. The motion is to be heard Monday at 9:30 am.

Just wanted to make sure it was available to Judge Gravely.

Please confirm receipt. Other parties have been emailed their copies.

Have a good weekend!

Michael G. Putnam - Plaintiff

Gravely, Perry H. Law Clerk (Destini Anderson) <pgravelylc@sccourts.org>

Fri, Nov 12, 2021 at 11:16 AM

To: "Michael G. Putnam - CPA" <mputnam2006@gmail.com>, "Gravely, Perry H. Secretary (Laura D. Colwell)" <pgravelysc@sccourts.org>

Thank you. We have received it.

Destini Anderson

Law Clerk to The Honorable Perry H. Gravely

13th Judicial Circuit

Pickens: 864-898-5624

Greenville: 864-467-8385

pgravelylc@sccourts.org

From: Michael G. Putnam - CPA <mputnam2006@gmail.com>

Sent: Friday, November 12, 2021 11:13 AM

To: Gravely, Perry H. Secretary (Laura D. Colwell) <pgravelysc@sccourts.org>; Gravely, Perry H. Law Clerk (Destini Anderson) <pgravelylc@sccourts.org>

Subject: Case no. 2020-CP-23-01450

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

[Quoted text hidden]


~~~ 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.

---

Michael G. Putnam - CPA <mputnam2006@gmail.com>

Fri, Nov 12, 2021 at 11:24 AM

To: "Gravely, Perry H. Law Clerk (Destini Anderson)" <pgravelylc@sccourts.org>

Very good, take care.

Michael

[Quoted text hidden]



Michael G. Putnam - CPA <mputnam2006@gmail.com>

---

**Good morning Re: CA 2020-CP-23-01450**

1 message

---

**Michael G. Putnam - CPA** <mputnam2006@gmail.com>

Mon, Nov 15, 2021 at 9:48 AM

To: "Gravely, Perry H. Secretary (Laura D. Colwell)" <pgravelysc@sccourts.org>, "Gravely, Perry H. Law Clerk ()" <pgravelylc@sccourts.org>

A hard copy of my Pre-Trial brief for this morning is in Judge Gravely's bin on the third floor in case you didn't get my email.

Many thanks,

Michael Putnam

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

MICHAEL GENE PUTNAM

vs.

ROBIN CARY MAPLES

ROBERT HENRY PURKERSON, et al.

Plaintiff,

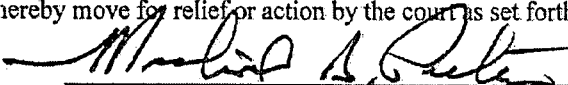
Defendants.

IN THE COURT OF COMMON PLEAS  
THIRTEENTH JUDICIAL CIRCUIT

CASE NO.: 2020-CP-23-01450

MOTION AND ORDER INFORMATION  
FORM AND COVERSHEET

22 JUL 25 PM 01  
Paul Winkler COC 601 SC

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |  |                                                                                                                                                                                                                                                                                                                                                   |  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <b>Plaintiff's Attorney:</b><br>Michael G. Putnam, Bar No. <i>Pro se</i><br>Address:<br>1108 S. Main St. Apt. 355<br>greenville, SC 29601<br>Phone: 864-420-9624 Fax 864-751-4365<br>E-mail: mputnam2006@gmail.com Other: _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |  | <b>Defendant's Attorney:</b><br><u>Wesley Shull</u> , for Purkerson, Doug Churdar for Maples<br>Address: <u>325 Rocky Slope Rd. Ste. 201 Greenville, SC 29607</u><br><u>314 Pettigru St. Greenville, SC 29601</u><br>Phone: (864) 527-3280 – Shull<br>E-mail: <u>wjshull@wjclaw.com</u> Other: _____<br>Churdar – <u>dachurdar@churdarlaw.com</u> |  |
| <input type="checkbox"/> MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)<br><input type="checkbox"/> FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)<br><input type="checkbox"/> PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |  |                                                                                                                                                                                                                                                                                                                                                   |  |
| <b>SECTION I: Hearing Information</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  |                                                                                                                                                                                                                                                                                                                                                   |  |
| Nature of Motion: <u>Motion to Alter/Amend or Reconsider and Issue Preservation</u><br>Estimated Time Needed: No hearing requested Court Reporter Needed: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |  |                                                                                                                                                                                                                                                                                                                                                   |  |
| <b>SECTION II: Motion/Order Type</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  |                                                                                                                                                                                                                                                                                                                                                   |  |
| <input checked="" type="checkbox"/> Written motion attached <u>Motion to Alter/Amend or Reconsider and Issue Preservation</u><br><input type="checkbox"/> Form Motion/Order - _____<br>I hereby move for relief or action by the court as set forth in the attached proposed order.<br><div style="text-align: center;"><br/>Signature of Attorney for <input checked="" type="checkbox"/> Plaintiff / <input type="checkbox"/> Defendant Date submitted <u>7-25-2022</u></div>                                                                                                                                                                                                                                                                                                                                     |  |                                                                                                                                                                                                                                                                                                                                                   |  |
| <b>SECTION III: Motion Fee</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |  |                                                                                                                                                                                                                                                                                                                                                   |  |
| <input checked="" type="checkbox"/> PAID – AMOUNT: \$ <u>0.00 25.00</u><br><input type="checkbox"/> EXEMPT: (check reason) <input type="checkbox"/> Rule to Show Cause in Child or Spousal Support<br><input type="checkbox"/> Domestic Abuse or Abuse and Neglect<br><input type="checkbox"/> Indigent Status <input type="checkbox"/> State Agency v. Indigent Party<br><input type="checkbox"/> Sexually Violent Predator Act <input type="checkbox"/> Post-Conviction Relief<br><input type="checkbox"/> Motion for Stay in Bankruptcy<br><input type="checkbox"/> Motion for Publication <input type="checkbox"/> Motion for Execution (Rule 69, SCRPC)<br><input type="checkbox"/> Proposed order submitted at request of the court; or,<br>reduced to writing from motion made in open court per judge's instructions<br>Name of Court Reporter: _____<br><input type="checkbox"/> Other: _____ |  |                                                                                                                                                                                                                                                                                                                                                   |  |
| <b>JUDGE'S SECTION</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  |                                                                                                                                                                                                                                                                                                                                                   |  |
| <input type="checkbox"/> Motion Fee to be paid upon filing of the attached order.<br><input type="checkbox"/> Other: _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |  | JUDGE CODE _____<br>Date: _____                                                                                                                                                                                                                                                                                                                   |  |
| <b>CLERK'S VERIFICATION</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |  |                                                                                                                                                                                                                                                                                                                                                   |  |
| Collected by: <u>DN</u> Date Filed: _____<br><input checked="" type="checkbox"/> MOTION FEE COLLECTED: \$ <u>25.00</u><br><input type="checkbox"/> CONTESTED – AMOUNT DUE: \$ _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |  |                                                                                                                                                                                                                                                                                                                                                   |  |

|                         |   |                              |
|-------------------------|---|------------------------------|
| STATE OF SOUTH CAROLINA | ) | IN THE COURT OF COMMON PLEAS |
|                         | ) |                              |
| COUNTY OF GREENVILLE    | ) | C.A. No.: 2020-CP-23-01450   |
|                         | ) |                              |
| MICHAEL GENE PUTNAM,    | ) | PLAINTIFF MICHAEL GENE       |
|                         | ) | PUTNAM'S MOTION TO ALTER OR  |
| Plaintiff               | ) | AMEND ORDER GRANTING         |
| vs.                     | ) | DEFENDANT ROBERT HENRY       |
|                         | ) | PURKERSON SUMMARY JUDGMENT   |
| ROBERT HENRY PURKERSON, | ) |                              |
|                         | ) |                              |
| Defendant               | ) |                              |
|                         | ) |                              |
|                         | ) |                              |

YOU WILL PLEASE TAKE NOTICE THAT the Plaintiff, by and through his undersigned counsel, pursuant to S.C.R.C.P. Rule 59(e) will move on the tenth day after service hereof, or as soon thereafter as counsel may be heard, for an Order of this Court granting Plaintiff's Motion to Reconsider the Court's Order (the "Order") Granting Summary Judgment to Robert Henry Purkerson ("Purkerson") entered August 17, 2022,

Plaintiff's Notice of Motion and Motion to Reconsider is based upon the grounds that the Court's Order was based on factual errors, as well as errors at law. The errors include, but are not limited to, the following:

1. THE STANDARD USED BY THE TRIAL COURT IN DETERMINING A CAUSE OF ACTION FOR DEFAMATION IS NOT THE STANDARD IN THIS CASE;
2. THE BASIS FOR THE DENIAL OF PLAINTIFF'S MOTION FOR LEAVE TO AMEND THE FIRST AMENDED COMPLAINT IS NOT THE STANDARD;
3. A GENUINE ISSUE OF MATERIAL FACT EXISTS REGARDING THE COURT'S FAILURE TO CONSIDER THE VOICEMAIL EVIDENCE AND AFFIDAVITS PRESENTED BY PLAINTIFF;

4. THE ORDER CONCLUDING DISCOVERY IS COMPLETE WHEN  
DEFENDANT PURKERSON HAS NOT BEEN DEPOSED AND PLAINTIFF'S  
OUTSTANDING MOTIONS HAVE NOT BEEN HEARD IS INCORRECT; AND
5. A GENUINE ISSUE OF MATERIAL FACT EXISTS REGARDING  
PURKERSON'S VIOLATION OF TITLE 63, CHAPTER 7 OF THE S.C.  
CHILDREN'S ACT (THE "ACT").

### STANDARD OF REVIEW

Summary judgment is not appropriate where further inquiry into the facts of the case is desirable to clarify the application of the law. Brockbank v. Best Capital Corp. 341 S.C. 372, 534 S.E.2d 688(2000).

In determining whether any triable issues of fact exist, as will preclude summary judgment, the evidence and all inferences which can be reasonably drawn therefrom must be viewed in the light most favorable to the nonmoving party. Vermeer Carolina's Inc. v. Wood/Chuck Chipper Corp., 336 S.C. 53, 518 S.E.2d 301 (S.C. App. 1999). If triable issues exist, those issues must go to the jury. Rothrock v. Copeland, 305 S.C. 402, 409 S.E.2d 366 (1991).

At the summary judgment stage of the proceedings, it is only necessary for the nonmoving party to submit a scintilla of evidence warranting determination by a factfinder for summary judgment to be denied. Hill v. York County Sheriff's Dept., 313 S.C. 303, 413 S.E.2d 179 (S.C. App. 1993); *See also* Hancock v. Mid-South Management Co., Inc., 381 S.C. 326, 673 S.E.2d 801 (2009) (holding the non-moving party is only required to submit a scintilla of evidence in order to withstand a motion for summary judgment).

Because it is a drastic remedy, summary judgment should be cautiously invoked so no person will be improperly deprived of a trial of the disputed factual issues. Carolina Alliance for Fair Employment v. South Carolina Dep't of Labor, Licensing and Regulation, 337 S.C. 476, 523 S.E.2d 795 (S.C. App. 1999).

### ARGUMENT

#### 1. THE STANDARD USED BY THE TRIAL COURT IN DETERMINING A CAUSE OF ACTION FOR DEFAMATION IS INACCURATE AND THERE IS NO STATUTORY OR CASE LAW SUPPORTING A FINDING THAT COMMUNICATIONS TO GENERAL FAMILY MEMBERS ARE PRIVILEGED.

The trial court held *Richardson v. State-Record Co.* 330 S.C. 562, 499 S.E.2d 822 (Ct. App. 1998) set the standard for an action sounding in defamation. However, *Richardson* involves actions for defamation involving public figures. The Plaintiff is not a public figure, and neither is Purkerson. Furthermore, the Court in its Form 4 Order filed July 8, 2022, sets forth a standard in *Capps v. Watts*, 271 S.C. 276, 246 S.E.2d 606 (1978) that is misguided. *Capps* does not speak to bring a defamation claim it must be published to someone other than a family member. In fact, the Form 4 Order does not cite any authority for this alleged requirement and Plaintiff knows of no authority standing for this proposition.

Accordingly, applying the wrong standard regarding actions sounding in defamation constitutes reversible error and the Court must reconsider its Grant of Summary Judgment to Purkerson and Grant Plaintiff's Motion to Reconsider.

The Order applied the standard used in *Richardson v. State-Record Co.*, 330 S.C. 562, 499 S.E.2d 822 (Ct. Appeals 1998) in granting Purkerson Summary Judgment. However, *Richardson* involves defamation of public figures. Neither Plaintiff nor Purkerson are public figures. Accordingly, the Order applying a misguided standard constitutes reversible error and the Court must reconsider its Order Granting Purkerson Summary Judgment and Grant Plaintiff's Motion to Reconsider.

A person makes a defamatory statement if the statement "tends to harm the reputation of another as to lower him in the estimation of the community or deter third persons from associating or dealing with him." *Fleming v. Rose*, 350 S.C. at 494, 567 S.E.2d at 860 (2002). Plaintiff has

submitted more than a scintilla of evidence to overcome the Order granting Purkerson Summary Judgment. Accordingly, the Court must reconsider its Order Granting Purkerson Summary Judgment and Grant Plaintiff's Motion to Reconsider.

Plaintiff's Affidavit/Affirmation in Opposition to Defendant Purkerson's Motion for Summary Judgment (the "Motion") is replete with evidence satisfying the scintilla standard. Exhibit 1 attached to Plaintiff's Motion contains an email from Purkerson to Jeffrey Fleming dated September 1, 2015, calling Plaintiff a "sick desperate man and is manipulating you big time." This email is **not** redacted as the Order states on page 7 but is dated September 1, 2015.

Such words tend to harm the reputation of another and to lower him in the community or deter third persons from associating or dealing with him. *See Fleming*. Plaintiff has not had the opportunity to take Purkerson's deposition to question Purkerson regarding this statement. Accordingly, discovery has not been completed and the Order Granting Purkerson Summary Judgment must be reconsidered and Plaintiff's Motion to Reconsider must be Granted.

**2. A GENUINE ISSUE OF MATERIAL FACT EXISTS REGARDING PLAINTIFF'S MOTION FOR LEAVE TO AMEND THE FIRST AMENDED COMPLAINT.**

Plaintiff filed a Motion for Leave to Amend Plaintiff's First Amended Complaint on July 24, 2020. This Motion has not been heard as of this date.

Rule 15(a) SCRPC provides that leave shall be freely given when justice so requires and does not prejudice any other party. This rule strongly favors amendments, and the court is encouraged to freely grant leave to amend. *Parker v. Spartanburg Sanitary Sewer Dist.*, 362 S.C. 276, 607 S.E.2d 711.

Plaintiff filed his Motion for Leave to File Second Amended Complaint over two (2) years ago. The Order is incorrect when it states that Discovery is complete when Plaintiff's Motion for Leave to Amend has not been heard or the Plaintiff's Motion to Seal filed July 7, 2022 has not

been heard. Plaintiff's right for leave to amend, is not only prejudicial to Plaintiff but flies in the face of Rule 15(a) where leave shall be freely granted when justice so requires. The Order is contrary to the holding in *Parker* favoring amendments and encourages freely grant leave to amend.

Plaintiff has not had the opportunity to depose Purkerson and has not had his Motion for Leave to amend Plaintiff's First Amended Complaint heard. Furthermore, Plaintiff's Motion to Seal, filed the day before the Form 4 Order Granting Purkerson Summary Judgment has not been heard, thereby depriving Plaintiff of Plaintiff's due process.

This fact, combined with discovery not being complete, constitutes reversible error and the Court must reconsider its Order Granting Purkerson Summary Judgment and Grant Plaintiff's Motion to. Reconsider.

**3. A GENUINE ISSUE OF MATERIAL FACT EXISTS REGARDING THE COURT'S FAILURE TO CONSIDER THE VOICEMAIL EVIDENCE PRESENTED BY PLAINTIFF OR THE AFFIDAVITS SUBMITTED BY PLAINTIFF**

Exhibits 3 and 4 to Plaintiff's Motion in Opposition to Purkerson's Motion for Summary Judgment are court reporter, transcribed copies of Purkerson's voice mail threats to Plaintiff. The Court did not consider the threats of Purkerson in Granting Purkerson Summary Judgment.

The threats by Purkerson are confirmed in the Affidavits of William D. Johnson and Michael R. Oster filed June 20, 2022. The Affidavits confirm the voice of Purkerson and also show how the threats by Purkerson are intended to denigrate Putnam's reputation in the community.

"[I]ibel is actionable *per se* if it involves written or printed words which tend to degrade a person, that is, to reduce his character or reputation in the estimation of his friends or acquaintances, or the public, or to disgrace him, or to render him odious, contemptible, or ridiculous." *Holtzscheiter v. Thomson Newspapers, Inc.*, 332 S.C. at 510-11, 506 S.E.2d at 502.



The Order, states on page 12 that Putnam had not obtained affidavits of any witnesses. However, this is not true given the Affidavits of Johnson and Oster. Plaintiff stated this in his deposition prior to the filing of the Affidavits of Johnson and Oster.

Plaintiff was representing himself at the time when his deposition was taken. Considering the fact that the law is more relaxed when a *pro se* party represents himself, the Plaintiff filed Affidavits after his deposition to support his claim. The Affidavits and the voicemail transcription create a question of fact meeting the scintilla of evidence standard set forth in *Hill* to defeat Purkerson's Motion for Summary Judgment.

In fact, the emails contained in Plaintiff's Memorandum in Opposition to Purkerson's Motion for Renewed Summary Judgement conflict with the Affidavits of Nicole and Jeffrey Fleming included as Exhibits K and L to Purkerson's Memorandum in support of Purkerson's Motion for Summary Judgment. The conflicting emails and Affidavits create a question of fact. Accordingly, the Court must reconsider its Granting of Motion for Summary Judgment as to Purkerson and Grant Plaintiff's Motion to reconsider.

This fact, combined with discovery not being complete, constitutes reversible error and the Court must reconsider its Order Granting Purkerson Summary Judgment and Grant Plaintiff's Motion to Reconsider.

**4. SUMMARY JUDGEMENT WAS DECIDED PREMATURELY SINCE DISCOVERY IS NOT COMPLETE WHEN DEFENDANT PURKERSON HAS NOT BEEN DEPOSED AND PLAINTIFF'S MOTIONS FOR LEAVE TO AMEND AND MOTION TO SEAL HAVE NOT BEEN HEARD.**

Rule 56 (c), SCRCP, provides that a trial court may grant a motion for summary judgment where the pleadings, depositions, answers to interrogatories and admission on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and the moving party is

entitled to a judgment as a matter of law. In determining whether a genuine issue of material fact exists, the evidence and inferences that can reasonably be drawn therefrom are to be viewed in the light most favorable to the non-moving party. *Quail Hill, LLC v. Cnty. of Richland*, 387 S.C. 223, 692 S.E.2d 299 (2010).

Because it is a drastic remedy, summary judgment should be cautiously invoked so no person will be improperly deprived of a trial of the disputed factual issues. *See Carolina supra*. Defendant Purkerson has not been deposed in spite of Plaintiff's efforts to schedule the deposition of Purkerson. Furthermore, Plaintiff's motions for leave to amend first amended Complaint and motion to seal have not been heard.

The fact that Purkerson has not been deposed, Plaintiff's Motions have not been heard support the fact that discovery is not complete. Other depositions including that of Oster and Johnson in support of their Affidavits setting forth questions of fact need to be taken to flesh out the factual issues in their Affidavits. The most compelling fact that supports discovery has not been concluded is the fact that Purkerson has not been deposed.

Because it is a drastic remedy, summary judgment should be cautiously invoked so no person will be improperly deprived of a trial of the disputed factual issues. *See Carolina supra*. In this case, discovery has not concluded and, accordingly, summary judgment is premature.

This fact, combined with discovery not being complete, constitutes reversible error and the Court must reconsider its Order Granting Purkerson Summary Judgment and Grant Plaintiff's Motion to. Reconsider.

**5. A GENUINE ISSUE OF MATERIAL FACT EXISTS REGARDING PURKERSON'S INVOLVMENT IN VIOLATING TITLE 63, CHAPTER 7 OF THE S.C. CHILDREN'S ACT (THE "ACT") WHEN DESSIMINATING UNREDACTED INFORMATION VIOLATIVE OF THE ACT.**

Title 63, Chapter 7 of the South Carolina Children's Act (the "Act"), establishes that a person is guilty of a crime, punishable by jail time and fines upon conviction of violating the Act. The Act also permits any person aggrieved by unlawful dissemination in violation of the Act has not only a constitutional right, but a South Carolina specific "statutory" right "to file a civil action against any parties breaching the rules related to protected information as defined by the Act.

Purkerson's unlawfully obtaining and disseminating a seventeen (17) page un-redacted copy of a sex crime investigation report (the "Report") by the Greenville County Sheriff's Office, which was determined to be "Unfounded."

In South Carolina, Slander is actionable *per se* "only when it charges the plaintiff with one of five types of acts or characteristics: (1) commission of a crime of moral turpitude; (2) contraction of a loathsome disease; (3) adultery; (4) unchastity; or (5) unfitness in one's business or profession." *Erickson*, 368 S.C. at 465–66 n. 7, 629 S.E.2d at 664 n. 7. However, "[l]ibel is actionable *per se* if it involves written or printed words which tend to degrade a person, that is, to reduce his character or reputation in the estimation of his friends or acquaintances, or the public, or to disgrace him, or to render him odious, contemptible, or ridiculous." *Holtzscheiter*, 332 S.C. at 510–11, 506 S.E.2d at 502 (citation omitted).

The Report contained in Purkerson's submissions to the Court, dated November 13, 2020, and included in the un-reviewed Motion to Seal document package which by hand delivery to the Court, before the Court issued the Order in Exhibit 1, clearly contains allegations of one or more of the five elements described above and cited in *Erickson*, 368 S.C. at 465–66. Plaintiff had no idea that the

Defendants, Purkerson and Maples, had unlawful possession of the "report" until Purkerson and Maples submitted the Report to Plaintiff (in separate filings) on the date above described. These submissions were over eighteen (18) months after the unfounded Report had been issued. This is a primary driver for Plaintiff's efforts to obtain the email discovery from Purkerson to view likely dissemination to third parties by both Purkerson. Plaintiff's inability to depose Purkerson is a violation of Plaintiff's rights pursuant to the rules set forth in SCRCF and constitute reversible error.

### CONCLUSION

For the reasons set forth herein, the Plaintiff respectfully request that this Court reconsider its Order Granting Purkerson's Motion for Summary Judgment and Grant Plaintiff's Motion for Reconsideration of its Order of August 17, 2022.

This motion shall be further based upon the statutory and common laws of the State of South Carolina, the South Carolina Rules of Civil Procedure, the pleadings heretofore filed, and any and all affidavits, memorandums and supporting material which may be served on or before the date of service hereon.

Respectfully submitted,

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