RECEIVED
May 29 2024
SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

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

Case No. 2020-CP-23-01450

Michael Gene Putnam.....Appellant,

v.

Robert Henry Purkerson.....Respondent.

FINAL BRIEF OF RESPONDENT

Laura C. Tesh
Langdon Cheves III
Willson, Jones, Carter & Baxley
325 Rocky Slope Road, Suite 201
Greenville, South Carolina 29607
(864)272-2660
lctesh@wjcblaw.com

Attorneys for Respondent

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Statutes

Court Rules

Cases- South Carolina

Cases- Other Jurisdictions

Other Authority

STATEMENT OF ISSUES ON APPEAL

1. All of Appellant's arguments were raised for the first time in his successive motions to reconsider and thus are not preserved on appeal.

2. An inadvertent filing, by Respondent's attorney in the instant case, of a governmental agency's investigative report as an exhibit to a discovery motion on the public index is not defamation, and any alleged statutory violation does not create a private right of action.

3. Summary judgment was properly granted because Appellant failed to prove publication and damages sufficient to support defamation.

4. The motion to amend Appellant's complaint had been withdrawn prior to hearing. In the alternative, the amendment was tried by consent, so Appellant suffered no prejudice.

STATEMENT OF THE CASE

This case has a long and tortuous history. It was first filed in Greenville County Common Pleas in 2019, then removed to federal court based on diversity jurisdiction. R.20 The federal court held that Respondent was fraudulently added to defeat diversity and dismissed the case without prejudice. R.20, 238-257 After the time for appeal had expired, Appellant then re-filed in state court. R.20-21, 39-62 Respondent first filed a motion for summary judgment on April 13, 2021. R.149-150 Judge Verdin denied summary judgment at that time but ordered Appellant to "provide with specificity the names of 'mutual friends or acquaintances in Greenville, SC'" referred to in the complaint. R.21 Respondent was required to file motions to compel discovery and to compel Appellant's deposition. R.151-152, 177-179 This case has been before multiple judges, and all prior co-defendants were dismissed by prior orders. R.565

A hearing on Respondent's motion for renewed summary judgment was held on June 21, 2022, before Judge Doc Morgan. R.563-615 On July 8, 2022, he issued a Form 4 order granting summary judgment and directing Respondent's counsel to draft the order. R.13-15 On July 25, 2022, Appellant *pro se* filed a Rule 59(e) motion to reconsider. R.393-476 On August 17, 2022, Judge Morgan filed the order granting summary judgment. R.19-38 On August 29, 2022, Appellant's counsel filed another Rule 59(e) motion to reconsider. R.477-485 On September 8, 2022, Judge Morgan entered a Form 4 order denying both of Appellant's motions. R.16-18 On October 11, 2022, Appellant filed his Notice of Appeal appealing only "the Order of the G.D. Morgan, Jr., Circuit Court Judge, dated September 8, 2022, denying Plaintiff's Motion to Reconsider the Order Granting Defendants' Motion for Summary Judgment dated August 17, 2022, that are attached hereto." R.486 The only order under appeal is the order denying the motion to reconsider, <u>not</u> the order granting summary judgment.

STATEMENT OF THE FACTS

At bottom, this is a personal dispute among family members about a child. The child, an 11-year-old at the time, reported certain behavior to school faculty. R.63-68, 566 In the summer of 2016, DSS and the Sheriff's office conducted an investigation based on what the child told her school teacher and counselor. R.102-105, 161-162, 166-168 Appellant mostly alleges that Respondent has engaged in actions to alienate him from child. Respondent is the father of Appellant's ex-wife and grandfather to the child.

This is simply not a defamation action. To support his case for defamation, Appellant produced no evidence, but only allegations. To defend, Respondent produced multiple witness affidavits. R.263-268, 350-358, 373 Appellant's allegations versus Respondent's evidence is a prevailing theme of this case. Plaintiff failed to provide evidence, other than bald statements of law and basic facts surrounding criminal investigation.

The order granting summary judgment amply sets forth all the evidence before the lower court, and Respondent will not repeat it here. R.19-38 Only three statements were arguably published to third parties, all family members. R.297-332, 336, 379, 385 One told Appellant to contact only Respondent about this case, and copied two other parties and family members. R.336 There was nothing defamatory in it. The second was text messages to Nikki Fleming. R.297-332 At his deposition, Appellant could point to no defamatory content. R. 274-291, 616-736 The third was an email to Jeff Fleming (Respondent's daughter's and Appellant's ex-wife's ex-husband) that expressed the opinion that Appellant was "a sick and desperate man" who is "manipulating you big time." R.379 Both Nikki and Jeff Fleming submitted affidavits that Respondent had made no defamatory statements to them, nor did they have any knowledge of defamatory statements. R.350-351, 353-354

STANDARD OF REVIEW

"An appellate court reviews the granting of summary judgment under the same standard applied by the trial court under Rule 56(c), SCRCP." *Sea Cove Dev., LLC v. Harbourside Community Bank*, 387 S.C. 95, 101, 691 S.E.2d 158, 161 (2010). "Summary judgment is appropriate when it is clear there is no genuine issue of material fact, and the moving party is entitled to judgment as a matter of law. In determining whether any triable issues of fact exist, the evidence and all inferences which can be reasonably drawn from the evidence must be viewed in the light most favorable to the nonmoving party." *Silvester v. Spring Valley Country Club*, 344 S.C. 280, 285, 543 S.E.2d 563, 566 (Ct. App. 2001). "Under Rule 56, SCRCP, when a party makes a motion for summary judgment and supports it by affidavits, the adverse party may not rest on the allegations of his pleadings but must respond by affidavits or other evidence demonstrating a genuine issue of material fact." *Klippel v. Mid-Carolina Oil, Inc.*, 303 S.C. 127, 129, 399 S.E.2d 163, 164 (Ct. App. 1990). "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).

ARGUMENT

I. ALL OF APPELLANT'S ARGUMENTS WERE RAISED FOR THE FIRST TIME IN HIS SUCCESSIVE MOTIONS TO RECONSIDER AND THUS ARE NOT PRESERVED ON APPEAL.

Summary judgment was granted by order filed on August 17, 2022. R.19-38 Appellant filed successive motions to reconsider—one on July 25, 2022, and one on August 29, 2022. R.393-485 The second was filed when Appellant finally retained an attorney and was clearly designed to set up the issues for appeal. However, our case law is clear that issues cannot be

raised for the first time in a motion to reconsider. Absolutely none of these arguments were made to the lower court.

Appellant's Notice of Appeal states that he is appealing only the denial of the motion to reconsider. Significantly, it does not state that he is appealing the actual Order Granting Summary Judgment. So he is limited on appeal to those grounds raised in his successive motion to reconsider, none of which were raised to the trial court below and none of which are preserved on appeal. "[A] party cannot use Rule 59(e) to present to the court an issue the party could have raised prior to judgment, but did not." *C.A.H. v. L.H.*, 315 S.C. 389, 434 S.E.2d 268 (1993). *See also Hickman v. Hickman*, 301 S.C. 455, 392 S.E.2d 481 (1990); *Anderson Mem'l Hosp. v. Hagen*, 313 S.C. 497, 443 S.E.2d 399 (Ct. App. 1994).

The seminal case on error preservation is *Elam v. S.C. DOT*, 361 S.C. 9, 602 S.E.2d 772 (2004).

> [A] second motion for reconsideration under Rule 59(e) is appropriate only if it challenges something that was altered from the original judgment as a result of the initial motion for reconsideration.

Id. at 15, 602 S.E.2d at 774.

> [A] losing litigant is not entitled to return to trial court indefinitely hoping for change of heart or a more sympathetic judge, or string out arguments one at a time over months because "there must be finality, a time when the case in the trial court is really over and the loser must appeal or give up."

Id. at 20, 602 S.E.2d 777-78.

While a motion to reconsider tolls the 30-day time limit for filing a notice of appeal, successive motions to reconsider do not. However, since both motions were denied in one order, this argument is not about the appeal being time barred. It is about what issues Appellant is limited to raising on appeal. "Issues and arguments are preserved for appellate review only when they are raised to and ruled on by the lower court." *Id.* at 23, 602 S.E.2d at 780-81. *See also*

Wilder Corp. v. Wilke, 330 S.C. 71, 76, 497 S.E.2d 731, 733 (1998). "[A]ll parties should raise all necessary issues and arguments to the lower court and attempt to obtain a ruling." *I'On, L.L.C. v. Town of Mt. Pleasant*, 338 S.C. 406, 421, 526 S.E.2d 716, 724 (2000), ***quoted with approval in Elam***, 361 S.C. at 24, 602 S.E.2d at 780. As such, the only issues before this Court are those raised in Appellant's successive motion to reconsider.

II. AN INADVERTENT FILING OF A GOVERNMENTAL AGENCY'S INVESTIGATIVE REPORT AS AN EXHIBIT TO A DISCOVERY MOTION IN THE INSTANT CASE ON THE PUBLIC INDEX IS NOT DEFAMATION, AND ANY STATUTORY VIOLATION DOES NOT CREATE A PRIVATE RIGHT OF ACTION.

On December 22, 2021, a partially redacted version of the Greenville County Sheriff's investigation report was filed on the public index as part of Exhibit A to Respondent's motion to compel. However, Respondent's attorney was not aware of this until the hearing. On January 22, 2022, when it was first brought to the attention of Respondent's attorney by Appellant at the hearing, Respondent, per the instruction and permission of the judge hearing the motions, immediately drafted an order to remove that material, which was signed by the trial judge on February 3, 2022. R.10-12 Appellant submits that this document is still available on the public index; however, Counsel for Respondent has thoroughly searched the public index. On Respondent's motion to compel of January 11, 2022, the motion has no exhibits on the public index. R.743-753 On Respondent's motion of December 22, 2021, the entire motion has been removed from the public index. R.743-753 As such, this issue is moot. The court can provide no further relief.

This argument was never raised to the lower court as part of the defamation cause of action. It was raised to the court as something that needed to be removed, and it was, by court order.

The elements required to prove defamation are:

> At common law, a plaintiff can recover damages for a false spoken or written statement which damages his reputation if he can show that the statement (1) had a defamatory meaning; (2) was published with actual or implied malice; (3) was false; (4) was published by the defendant; (5) concerned the plaintiff; and (6) resulted in presumed damages or in special damages to the plaintiff.

RRR v. Evening Post Publ'g Co., 317 S.C. 236, 242-43, 452 S.E.2d 640, 644 (Ct. App. 1994).

> "To establish a defamation claim, a plaintiff must prove: (1) a false and defamatory statement was made; (2) the unprivileged statement was published to a third party; (3) the publisher was at fault; and (4) either the statement was actionable regardless of harm or the publication of the statement caused special harm."

Garrard v. Charleston Cty. Sch. Dist., 429 S.C. 170, 838 S.E.2d 698 (Ct. App. 2019).

The document was not false. This was a partially redacted version of the Greenville County Sheriff's investigation. So, no defamatory statement was made. Nor does this rise to the level of publication required to support defamation. First, this document was, for a temporary time, buried on the public index in an exhibit to a motion in a case with voluminous filings. R.743-753 Appellant has made no showing that anyone who is not a party has accessed it, nor that he suffered any damage from the brief time it was available on the public index. It was promptly removed when brought to the court's and other party's attention. R.10-12 Second, while this may violate Rule 41.2, SCRCP, it does not give rise to a private cause of action. Specifically, Rule 41.2(a), SCRCP states that a person filing on the public index must redact: (1) social security numbers, taxpayer identification numbers, driver's license numbers, passport numbers or any other personal identifying numbers; (2) names of minor children; (3) financial account numbers, including any type of bank account numbers, personal identification number (PIN) code, or passwords; (4) home addresses of minors, sexual assault and abuse and neglect victims, and non-parties; and (5) date of birth. *Id.* Out of these items that should be redacted under this Rule, the only information that was contained in the partially redacted Sheriff's Office

report submitted by Respondent was Appellant's date of birth. Rule 41.2, SCRCP anticipates that mistakes will likely be made by persons filing on the public index and provides for a remedy under Rule 41.2(e), SCRCP by which an individual can request that the time be removed from the public index.

Courts have held that HIPAA violations do not create a private right of action. *See, e.g., Fox v. Medical Univ. of S.C.*, Case No. 2016-CP-10-0636 (Charleston County Court of Common Pleas, J. Dennis, 2017) (citing *Logan v. Dep't of Veterans Affairs*, 357 F.Supp.2d 149, 155 (D.D.C. 2004); *Wilkerson v. Shinseki*, 606 F.3d 1256, 1267 n.4 (10th Cir. 2010); *Acara v. Banks*, 470 F.3d 569, 571 (5th Cir. 2006)). Similarly, our courts questioned whether a criminal violation of unlawful use of the telephone under S.C. Code Ann. § 16-17-430 created a private right of action, though the question was not preserved for appellate review. *See RRR, Inc. v. Toggas*, 378 S.C. 174, 185, 662 S.E.2d 438, 443 (Ct. App. 2008), *aff'd* 381 S.C. 490, 674 S.E.2d 170 (2009). Likewise, the court should hold here that an inadvertent disclosure that was quickly removed should not give rise to a private right of action. This was a report generated by a government agency that contained no defamatory statements.

III. SUMMARY JUDGMENT WAS PROPERLY GRANTED BECAUSE APPELLANT FAILED TO PROVE FALSITY, PUBLICATION, AND DAMAGES SUFFICIENT TO SUPPORT DEFAMATION.

"[T]he United States Supreme Court cases [have concerned] the balancing of the interests of persons to speak freely…[as they] struggled with the proper parameters of state defamation law in light of first amendment rights." *Holtzscheiter v. Thomson Newspapers*, 306 S.C. 297, 304, 411S.E.2d 664, 667 (1991) (A.J. Toal, dissenting). Opinions are not actionable.

> "Under the First Amendment, there is no such thing as a false idea. However pernicious an opinion may seem, we depend for its correction not on the conscience of judges and juries but on the competition of other ideas. But there is no constitutional value in false statements of fact." …Therefore, an expression of

> opinion that conveys a false and defamatory statement of fact can be actionable...."[A] wholesale defamation exemption" was not created "for anything that might be labeled 'opinion'" because "it would ... ignore the fact that expressions of 'opinion' may often imply an assertion of objective fact."
>
> There are certain "statements that cannot 'reasonably [be] interpreted as stating actual facts' about an individual."...Statements such as opinion, satire, epithets, or rhetorical hyperbole cannot be the subject of liability for defamation.

Garrard v. Charleston Cty. Sch. Dist., 429 S.C. 170, 198-99, 838 S.E.2d 698, 713 (Ct. App. 2019) (citations omitted). These are opinions, not false statements of fact.

What is missing here is any causal link from Respondent's statements to damage of Appellant's reputation. "The tort of defamation allows a plaintiff to recover for injury to his or her reputation *as the result of* the defendant's communications to others of a false message about the plaintiff." *Swinton Creek Nursery v. Edisto Farm Credit, ACA*, 334 S.C. 469, 484, 514 S.E.2d 126, 133 (1999)(emphasis added). "The very essence of an action for defamation is that the plaintiff has suffered damage as a result of the injurious effect of the defamation upon his reputation." *Capps v. Watts*, 271 S.C. 276, 283, 246 S.E.2d 606, 610 (1978). "The element which determines if a publication... is actionable is whether the plaintiff was injured...." *Id.* In some cases, "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...." *Id.* at 286, 246 S.E.2d at 611.

In *Capps*, the director of an organization referred in a newspaper article to an activist in the same organization as a "paranoid sonofabitch" in 1978, when newspapers were still read and a main source of information for the community. Notably, the court stated that "each case must rest upon its 'own bottom.'" *Id.* (citing *Garrard v. Cox*, 172 S.C. 101, 172 S.E. 761, 762 (1934)). Appellant has the burden of proving special damages unless the statement "falls within the four special categories of defamatory statements of: (1) crime, (2) loathsome disease, (3) unfitness for

business, trade or profession, and (4) unchastity." *Holtzscheiter* at 308, 411 S.E.2d at 670 (A.J. Toal, dissenting). This does not fall under any of those four. Moreover, "a sufficient defense to libel is made out where the evidence demonstrates that the statement was ***substantially*** true." *Id.* (citing *Dauterman v. State-Record Co.*, 249 S.C. 512, 154 S.E.2d 919 (1967)). "The publication of a statement is defamatory if it tends to harm the reputation of another as to lower him in the estimation of the community or to deter third persons from associating or dealing with him." *Fleming v. Rose*, 350 S.C. 488, 494, 567 S.E.2d 857, 860 (2002).

Appellant incorrectly interprets the Restatement (Second) of Torts: Defamatory Communication Defined § 559 (1977), which was quoted by the Court in *Capps* and relied on by the trial judge in this matter. Specifically, Restatement (Second) of Torts: Defamatory Communication Defined § 559 cmt. e (1977) (standard by which defamation is determined) states, *inter alia*, "On the other hand, it is ***not*** 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." *Id.* (emphasis added) Appellant's mis-reading of the Restatement (Second) of Torts undermines his position with respect to the publication issue in this case and confirms the trial judge's holding that publication must be made to more than just a single individual or to family members.

A survey of South Carolina defamation cases reveals suits filed against newspapers, TV stations, and websites. Defamation requires that content be not only written, but also published. With this requirement in mind, defamation clearly does not apply to an email or a voicemail between private parties. Defamation involves matters of public concern, not matters stated between private parties. These are family members, and there is no demonstrable impact on Appellant's reputation. Nor has Appellant proven that he suffered damages.

Appellant argues that discovery was not yet complete. Yet, he had over two years to take Respondent's deposition and was himself subject to motions to compel because of Appellant's own noncompliance with discovery requests. He made no showing of what additional discovery that he wanted to add. In *Dawkins v. Fields*, our Supreme Court held that the nonmoving party could not rest on allegations and that, contrary to the assertion that discovery was incomplete, the trial court appropriately granted summary judgment. 354 S.C. 58, 70, 580 S.E.2d 433, 439 (2003).

Appellant points to: (1) text messages between Respondent and a family member, (2) an email from Respondent to a family member in which he referred to Appellant as a "sick, desperate man" and said he was "manipulating you big time," and (3) two emails from Respondent to Appellant, and (4) a voicemail from Respondent to Appellant. R.737-742 The latter two involved no third parties. The former two are simply not published.

Rule 56(e), SCRCP, states:

> 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....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.

In the text messages reviewed in his deposition, Appellant could not point to any defamatory statements. R.274-291 Respondent has produced an affidavit from Nikee Fleming, the family member, testifying that no defamatory statements were made to her. R.350-351 As to the second, those express personal opinions. R.379 Appellant has the burden of proving them to be false. Moreover, the only evidence from that family member, Jeff Fleming, is an affidavit

testifying that Respondent has not made any defamatory statements to him. R.353-354 Respondent would also argue that private emails to a family member produced in discovery are entitled to a certain degree of privilege in expressing private opinions about private matters. That simply is not publication for defamation purposes. Our courts have repeatedly held that there must be an unprivileged publication to a third party to be actionable. *See, e.g., McBride v. Sch. Dist. of Greenville County*, 389 S.C. 546, 698 S.E.2d 845 (Ct. App. 2010); *Williams v. Lancaster County Sch. Dist.*, 369 S.C. 293, 631 S.E.2d 286 (Ct. App. 2006).

Even if the court were to find that private emails and text messages constitute publication for purposes of defamation, Appellant has failed to prove that he suffered any damages. These are family members and friends who all submitted affidavits that Respondent had made no defamatory statements to them. All the competent evidence in the record supports that there was no publication and no damages.

Again and again at the motion hearing, the judge asked Appellant what evidence he had in opposition to the summary judgment motion. He had every opportunity to bring evidence up and did not. "[A] party cannot fail to offer any proof at trial and then come to this Court complaining of the insufficiency of the evidence to support the court's findings." *See C.A.H. v. L.H.*, 315 S.C. 389, 434 S.E.2d 268 (1993). *See also Honea v. Honea*, 292 S.C. 456, 357 S.E.2d 191 (Ct. App. 1987).

IV. THE MOTION TO AMEND HIS COMPLAINT HAD BEEN WITHDRAWN PRIOR TO HEARING. IN THE ALTERNATIVE, THE AMENDMENT WAS TRIED BY CONSENT, SO APPELLANT SUFFERED NO PREJUDICE.

At the hearing, the clerk indicated to the judge that the motion to amend the complaint (for the second time) had been withdrawn and was no longer pending. R.590 The court asked multiple times what Appellant wanted to amend his complaint to add. R.594, 596 Appellant gave

long, meandering, nonresponsive answers. R.594-596 Appellant raised no objection and thus deprived the trial judge of the opportunity to rule on it. Thus, this argument is not preserved on appeal. *Wilder Corp. v. Wilke*, 330 S.C. 71, 76, 497 S.E.2d 731, 733 (1998).

Moreover, Respondent argues that any amendment to conform to discovery was tried by consent, and Appellant suffered no prejudice. As an alternate sustaining ground, a motion to amend the complaint is within the sound discretion of the trial judge. *See, e.g., Sullivan v. Hawker Beechcraft Corp.*, 397 S.C. 143, 153, 723 S.E.2d 835, 838 (Ct. App. 2012).

On appeal, Appellant also argues his motion to seal was still pending. This relates back to the partially redacted DSS investigation. The judge issued an order taking it off the public index, and it was taken down. R.10-12 So that was already effectively been ruled on. There is nothing left to seal. Moreover, as noted by Appellant, the motion to seal was not pending at the time of the summary judgment hearing on June 21, 2022. It was not filed until July 7, 2022, the day before the Form 4 Order Granting Summary Judgment. As such, it was not properly pending before the court.

CONCLUSION

This lawsuit amounts to nothing more than an extension of an ongoing custody battle that was being fought between Appellant and Respondent's daughter and son-in-law in Family Court. Respondent has spent a substantial amount of money defending this matter. As such, if Respondent prevails on appeal, he respectfully requests that the costs and attorney's fees be assessed against Appellant.

First, none of Appellant's arguments are preserved on appeal. Second, an inadvertent partially redacted report of a government investigation filed, in the instant case by Respondent's attorney, as an exhibit to a discovery motion that contained no false statements does not rise to

the level of publication required for defamation, nor does it give rise to a private right of action. Third, regarding emails and voicemails, summary judgment was properly granted because those were no false statements and do not rise to the level of publication required for defamation, nor has Appellant shown he has suffered damages. Fourth, Appellant's motion to amend his complaint had been previously withdrawn or was tried by consent such that he suffered no prejudice.

Courts have long recognized that defamation must be balanced against protected First Amendment free speech rights. This is that case. To hold otherwise would chill reporting concerning behavior to the appropriate authorities. The loser in this whole case is the child, who is caught in the middle. Respondent's statements are not actionable. As such, Respondent respectfully requests that this court uphold the grant of summary judgment.

Respectfully submitted,

WILLSON, JONES, CARTER & BAXLEY

Laura C. Tesh
Langdon Cheves III
Willson, Jones, Carter & Baxley
325 Rocky Slope Road, Suite 201
Greenville, South Carolina 29607
(864)272-2660
lctesh@wjcblaw.com

Attorneys for Respondent

May 29, 2024

RECEIVED
May 29 2024
SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Circuit Court

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

Case No. 2020-CP-23-01450

Michael Gene Putnam.....Appellant,

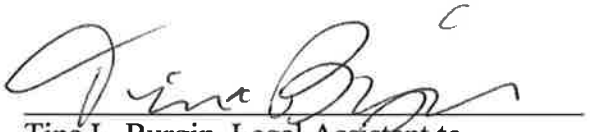
v.

Robert Henry Purkerson.....Respondent.

PROOF OF SERVICE

I certify that I have served a copy of the Respondent's Final Brief on T. Jeff Goodwin, Jr., counsel for Appellant, at 2309 Devine Street, Columbia, South Carolina 29205 by depositing a copy of the same in the U.S. Mail and via email to jgoodwyn@goodwynlaw.com on May 29, 2024.

WILLSON JONES CARTER & BAXLEY



Tina L. Burgin, Legal Assistant to
Laura C. Tesh
325 Rocky Slope Road, Suite 201
Greenville, South Carolina 29607

May 29, 2024