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May 29 2024

SC Court of Appeals

RECORD ON APPEAL

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Bentley Price, Circuit Court Judge

Case No. 2021-CP-10-2862
Case No. 2021-CP-10-2848

Pet Helpers, Inc.....Respondent

v

Janet L. Frisco,.....Appellant

v

Melissa Susko,.....Third-Party Defendant

Janet L. Frisco
203 Cardinal Drive
Summerville, South Carolina 29485
(843)804-0875
Pro Se Appellant

Stephan V. Futeral
534 Johnnie Dodds Blvd., Suite 202
Mt. Pleasant, South Carolina 29464
843-284-5500
Attorney for the Respondent

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STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

PET HELPERS, INC.,

Plaintiff,

vs.

JANET FRISCO,

Defendant.

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NO.: 2021-CP-10-02682

**EX PARTE INJUNCTION AND
RESTRAINING ORDER**

This matter came before the court upon an *Ex Parte* application by Plaintiff for a restraining order and injunction against Defendant. After reviewing Plaintiff's pleadings and supporting affidavit, this court rules that the issuance of an *Ex Parte* Restraining Order and Injunction is necessary for the protection of Plaintiff's rights during the course of this litigation, that Plaintiff will suffer irreparable injury without the issuance of this order, that there is no adequate remedy at law, and that Plaintiff is likely to prevail on the merits of its action.

WHEREFORE, it is hereby

ORDERED, ADJUDGED AND DECREED as follows:

1. Defendant is temporarily restrained and enjoined from making defamatory statements, whether orally or in writing, that:
 - a. Plaintiff and its staff were cruel to Defendant's dog;
 - b. Plaintiff and its staff euthanized Defendant's dog;
 - c. Plaintiff and its staff are cruel to animals; or
 - d. Plaintiff and its staff euthanize animals.

2. Defendant shall immediately set her social media postings to her personal page and her group pages to viewable only to Defendant and non-viewable to any third parties or the public, while preserving evidence in this matter, that claim or imply that:

- a. Plaintiff and its staff were cruel to Defendant's dog;
- b. Plaintiff and its staff euthanized Defendant's dog;
- c. Plaintiff and its staff are cruel to animals; or
- d. Plaintiff and its staff euthanize animals.

These social media posts are including, but not limited to:

- a. June 9, 2021 Video Post
<https://www.facebook.com/janet.frisco/videos/4373768725975295/>
- b. June 9, 2021 Text Post (made on Facebook Group "The Real Dorchester County Watchdog Group")
<https://www.facebook.com/photo?fbid=4372487419436759&set=gm.165641802197733>
- c. June 5, 2021 Video Post
<https://www.facebook.com/janet.frisco/videos/4362304657121702>
- d. June 5, 2021 Video Post
<https://www.facebook.com/janet.frisco/videos/4356514411034060>
- e. June 3, 2021 Video Post
<https://www.facebook.com/janet.frisco/videos/4356514411034060>
- f. June 3, 2021 Text Post
<https://www.facebook.com/photo?fbid=4354669251218576&set=a.964410813577787>
- g. June 1, 2021 Video Post
<https://www.facebook.com/janet.frisco/videos/4327803420571826>
- h. June 1, 2021 Video Post (made on Facebook Group "The Real Dorchester County Watchdog Group")
<https://www.facebook.com/groups/1480789522086545>
- i. May 29, 2021 Video Post
<https://www.facebook.com/janet.frisco/videos/4341909919161176>

- j. May 25, 2021 Video Post
<https://www.facebook.com/janet.frisco/videos/4327803420571826>

3. Defendant shall immediately change the settings of following Facebook Group Page, "Justice for Toby," <https://www.facebook.com/groups/162011289227451>, to private and viewable only to Defendant and non-viewable to any third parties or the public.

4. A hearing upon this application for Restraining Order and Injunction shall be held within ten (10) days after entry of said Order, as required by Rule 65 of the South Carolina Rules of Civil Procedure, before the presiding Judge, Court of Common Pleas for Charleston County, on the 17th day of June, 2021 at 1:00 o'clock pm.

5. A copy of this Order along with the Summons and Complaint in this matter, inclusive of motions, shall be served upon Defendants in accordance with Rule 65, SCRPC and Rule 4, SCRPC.

The Plaintiff is hereby ordered to post bond of \$500.00 with the Clerk of Court.

AND IT IS SO ORDERED!

ELECTRONIC SIGNATURE PAGE TO FOLLOW



Charleston Common Pleas

Case Caption: Pet Helpers Inc VS Janet Frisco

Case Number: 2021CP1002682

Type: Order/Temporary Restraining Order

It is so ordered.

/s Roger M. Young, Sr. S.C. Circuit Judge 2134

Electronically signed on 2021-06-11 10:24:53 page 4 of 4

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

PET HELPERS, INC.,

Plaintiff,

vs.

JANET FRISCO,

Defendant.

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NO.: 2021-CP-10-2682

**INJUNCTION AND RESTRAINING
ORDER**

This matter came before the court upon Plaintiff's *Ex Parte* application by Plaintiff for a restraining order and injunction against Defendant. After reviewing Plaintiff's pleadings, affidavits, and hearing arguments of counsel and Defendant, this court rules that the issuance of a Restraining Order and Injunction is necessary for the protection of Plaintiff's rights during the course of this litigation, that Plaintiff will suffer irreparable injury without the issuance of this order, that there is no adequate remedy at law, and that Plaintiff is likely to prevail on the merits of its action.

WHEREFORE, it is hereby

ORDERED, ADJUDGED AND DECREED as follows:

1. Until further order of the court, Defendant is temporarily restrained and enjoined from making defamatory statements, whether orally or in writing, that:
 - a. Plaintiff and its staff were cruel to Defendant's dog;
 - b. Plaintiff and its staff euthanized Defendant's dog;
 - c. Plaintiff and its staff are cruel to animals;
 - d. Plaintiff and its staff euthanize animals;

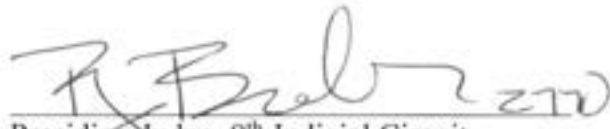
- e. That the adoption of "Toby" was a hoax or staged; or
- f. That the adoption of any other animal was a hoax or staged.

2. Defendant shall immediately set her social media postings to her personal page and her group pages to viewable only to Defendant and non-viewable to any third parties or the public, while preserving evidence in this matter, that claim or imply that:

- a. Plaintiff and its staff were cruel to Defendant's dog;
- b. Plaintiff and its staff euthanized Defendant's dog;
- c. Plaintiff and its staff are cruel to animals;
- d. Plaintiff and its staff euthanize animals;
- e. That the adoption of "Toby" was a hoax or staged; and
- f. That the adoption of any other animal was a hoax or staged.

AND IT IS SO ORDERED!

Dated: 6/17/21
Charleston, South Carolina


Presiding Judge, 9th Judicial Circuit
Charleston County Court of Common Pleas

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Pet Helpers, Inc.,

Plaintiff,

vs.

Janet Frisco,

Defendant.

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT

C/A NO.: 2021-CP-10-02682

**ORDER EXTENDING 2ND ORDER FOR
INJUNCTION AND TEMPORARY
RESTRAINING ORDER TEN (10) DAYS**

The Plaintiff Pet Helpers, Inc. filed a 2nd Motion for Emergency/Ex Parte Restraining Order and Injunctive Relief on July 23, 2021. The Honorable R. Kirk Griffin conducted a hearing on July 29, 2021. The Court entered 2nd Order for Injunction and Temporary Restraining Order on July 30, 2021, requiring a hearing to be held in-person within ten (10) days of entry of the Order. A hearing is scheduled in-person before the Honorable Bentley Price on August 16, 2021 at 2:00 pm at the Charleston County Courthouse. Therefore, the Court hereby extends the 2nd Order for Injunction and Temporary Restraining Order ten (10) days.

AND IT IS SO ORDERED.

ELECTRONIC SIGNATURE PAGE TO FOLLOW



Charleston Common Pleas

Case Caption: Pet Helpers Inc VS Janet Frisco

Case Number: 2021CP1002682

Type: Order/Other

It is so ordered.

/s Roger M. Young, Sr. S.C. Circuit Judge 2134

Electronically signed on 2021-08-04 16:35:49 page 2 of 2

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

PET HELPERS, INC.,

Plaintiff,

vs.

JANET FRISCO,

Defendant.

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NO.: 2021-CP-10-2682

**ORDER ON PLAINTIFF'S MOTION
TO RECONSIDER**

Hearing Date:	September 23, 2021
Presiding Judge:	The Honorable Bentley D. Price
Plaintiff's Attorney:	Stephan V. Futeral
Defendant's Attorney:	Pro Se
Court Reporter:	Circuit Court DCRP

This matter came before the court upon Plaintiff's Motion to Reconsider Order on Plaintiff's 2nd Motion for Temporary Restraining Order and Injunctive Relief and Rule to Show Cause for Contempt filed on August 27, 2021. After reviewing the filed pleadings, supporting documents, and hearing the argument of counsel and the pro se Defendant, this court rules as follows:

RESTRAINING ORDER AND INJUNCTION

The issuance of a Restraining Order and Injunction is necessary pending the outcome of this case for the protection of Plaintiff's rights during the course of this litigation, that Plaintiff will suffer irreparable injury without the issuance of this order, that there is no adequate remedy at law, and that Plaintiff is likely to prevail on the merits of its action.

THEREFORE, pending the outcome of this case, Defendant is immediately restrained and enjoined from the following:

a. Communicating to third parties, whether orally or in writing, about this action and the matter of Janet Frisco vs. Pet Helpers, Inc. et. al. 2021-CP-10-2848 except for allowing Defendant to speak to: (1) witnesses in conjunction with the preparation and presentation of the aforementioned cases to attorneys, (2) potential expert witnesses, (3) counselors, (4) priests or rabbis, and (5) Defendant's physicians or mental health care professionals;

b. Communicating to third parties, whether orally or in writing, about Pet Helpers, Inc., Melissa Susko, Executive Director for Pet Helpers, Inc., its staff or its legal representatives except for allowing Defendant to speak to: (1) witnesses in conjunction with the preparation and presentation of the aforementioned cases to attorneys, (2) potential expert witnesses, (3) counselors, (4) priests or rabbis, and (5) Defendant's physicians or mental health care professionals;

c. Communicating to third parties, whether orally or in writing, that Defendant is the owner of the canine known as Toby/Slim Jim;

d. Posing as the current owner of the canine known as Toby/Slim Jim;

e. Attempting to register the canine through any tracking services, such as Pet Link or 24 Pet Watch;

f. Attempting to track, follow, identify, or contact the current owner of the canine who wishes to remain private and who does not wish to be similarly harassed by Defendant; and

g. Entering onto Plaintiff's property.

Consistent with this order, Defendant shall remove all Facebook posts, the “Justice for Toby” group page, any similar pages, all social media posts, and any other posts on any websites regarding this litigation or references any of the matters listed in paragraphs a through g above.

SANCTIONS AGAINST DEFENDANT

During the course of this hearing, Defendant admitted that she willfully violated this court’s Injunction and Restraining Order filed on June 17, 2021, the 2nd Order for Injunction and Restraining Order filed on July 30, 2021, and this court’s oral ruling of August 16, 2021. As a consequence for her willful violations of this court’s orders, this court sanctions Defendant for Plaintiff’s attorney’s fees for the hearing on August 16, 2021 (\$2,402.50), Plaintiff’s attorney’s fees for the hearing on September 23, 2021 (\$2,555.00), and for costs related to both hearings for filing fees (\$95.22), service of process costs (\$115.00), transcript costs (\$230.00), and other fees (\$36.62) totaling \$5,434.34.

Within thirty (30) days from the date of this hearing, Defendant shall pay Plaintiff’s attorney’s fees and costs in the amount of \$5,434.34 directly to Plaintiff’s counsel.

AND IT IS SO ORDERED!

The Honorable Bentley D. Price
Presiding Judge, 9th Judicial Circuit
Charleston County Court of Common Pleas

Dated: _____
Charleston, South Carolina



Charleston Common Pleas

Case Caption: Pet Helpers Inc VS Janet Frisco

Case Number: 2021CP1002682

Type: Order/Other

IT IS SO ORDERED!

/s Hon. Bentley D. Price, Circuit Judge 2766

Electronically signed on 2021-10-12 11:53:59 page 4 of 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2021-CP-10-2682

Pet Helpers Inc

Janet Frisco

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

Attorney for : ☐ Plaintiff ☐ Defendant
or
☐ Self-Represented Litigant

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. ☐ See Page 2 for additional information.
- ☐ **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:

Janet Frisco is held in Contempt for admitting she violated my Court Orders in excess of 80 times. She is committed to the Al Cannon Detention Center for a term of Thirty (30) days and

ORDER INFORMATION

This order ☐ ends ☒ does not end the case.

Additional Information for the Clerk :

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**

E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.


Circuit Court Judge

2766
Judge Code

11.5.21
Date

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this _____ day of _____, 20____ to attorneys of record or to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

Court Reporter:

E-Filing Note: In E-Filing counties, 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 judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRPC.

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

may be released at anytime upon payment
of \$ 5,434.32 to opposing counsel
Stephan Fateral.

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

PET HELPERS, INC.,

Plaintiff,

vs.

JANET FRISCO,

Defendant.

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NO.: 2021-CP-10-2682

ORDER ON MOTIONS

Hearing Date:	December 17, 2021
Presiding Judge:	The Honorable R. Ferrell Cothran, Jr.
Plaintiff's Attorney:	Stephan V. Futeral
Defendant's Attorney:	Pro Se
Court Reporter:	Cathy Provost

This matter came before the court upon several motions filed by the parties. After reviewing the filed pleadings, supporting documents, and hearing the argument of counsel and the pro se Defendant, this court rules as follows:

PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

Plaintiff filed its Motion for Partial Summary Judgment on June 16, 2021. Defendant filed a return claiming that although this action has been pending for seven (7) months, she has not had an opportunity to complete her discovery. During the hearing, Plaintiff voluntarily moved to continue the summary judgment motion to give Defendant additional time to complete her discovery. Plaintiff's request to continue the summary judgment motion is hereby granted.

PLAINTIFF'S MOTION TO COMPEL DISCOVERY

Plaintiff filed and served its Motion to Compel Discovery on July 27, 2021. Defendant's responses to Plaintiff's interrogatories and requests for production were due

on or before July 23, 2021. Upon Defendant's request, Plaintiff gave Defendant an extension of time to respond by July 30, 2021. However, on July 26, 2021, Defendant corresponded to Plaintiff's counsel regarding her discovery responses "Don't hold your breath for the discoveries."

This Court hereby grants Plaintiff's Motion to Compel Discovery. Defendant shall fully respond to Plaintiff's interrogatories and requests to produce within thirty (30) days from the date of this hearing. Plaintiff's request for attorney's fees and costs on its Motion to Compel in the amount of \$1,214.24 is granted, and Defendant shall pay this sanction within thirty (30) days from the date of this hearing.

DEFENDANT'S MOTION TO DISMISS AND CONSOLIDATE

Defendant filed a Motion to Dismiss and Consolidate on July 22, 2021. Inasmuch as this matter was consolidated with the matter of Janet L. Frisco v. Pet Helpers, et al., case number 2021-CP-10-2848 by Order of this Court filed December 15, 2021, Defendant's Motion to Consolidate is moot.

As to Defendant's Motion to Dismiss, this Court previously found that Plaintiff is likely to prevail on the merits of this action in this Court's Injunction and Restraining Order filed on June 17, 2021, and the Order on Plaintiff's Motion to Reconsider filed on October 12, 2021. Inasmuch as this Court has twice found that Plaintiff is likely to prevail on the merits of this action, Defendant's Motion to Dismiss is denied.

DEFENDANT'S MOTION TO AMEND ORIGINAL ANSWER

Defendant's Motion to Amend Answer was filed on October 19, 2021. After reviewing the pleadings, this Court noted that Defendant failed to submit a proposed amended answer and failed to respond to Plaintiff's request to review any proposed

amended answer. Furthermore, the relief sought within Defendant's Motion to Amend Answer was a dismissal of Plaintiff's Complaint. Accordingly, Defendant's Motion to Amend Answer is without merit and is therefore denied. Plaintiff's request for fees and costs related to Defendant's Motion to Amend Answer in the amount of \$560.00 is granted, and Defendant shall pay this sanction within thirty (30) days from the date of this hearing.

PLAINTIFF'S REQUEST FOR SANCTIONS

During the hearings, Plaintiff requested for attorney's fees and costs on its Motion to Compel in the amount of \$1,214.24 and \$560.00 for Defendant's Motion to Amend Answer. During oral argument, this court ruled that it was inclined to hold Plaintiff's request for sanctions, totaling \$1,774.24 in abeyance. After the hearing, Defendant responded to Plaintiff's request for attorney's fees and costs by writing to Plaintiff's counsel, Stephan Futeral, that his wife and his paralegal should seek employment as prostitutes. Accordingly, Defendant is ordered to pay to Plaintiff's counsel \$1,774.24 within thirty (30) days from the date of the hearing.

AND IT IS SO ORDERED!

The Honorable R. Ferrell Cothran, Jr.
Presiding Judge, 9th Judicial Circuit
Charleston County Court of Common Pleas

Dated: _____
Charleston, South Carolina



Charleston Common Pleas

Case Caption: Pet Helpers Inc VS Janet Frisco

Case Number: 2021CP1002682

Type: Order/Other

So Ordered

s/ R. Ferrell Cothran, Jr., 2144

Electronically signed on 2022-01-10 16:26:40 page 4 of 4

The South Carolina Court of Appeals

Pet Helpers, Inc., Respondent,

v.

Janet L. Frisco, Appellant.

Appellate Case No. 2022-000021

ORDER

Appellant failed to timely serve her notice of appeal pursuant to Rule 203(b)(1), SCACR, which provides "[a] notice of appeal shall be served on all respondents within thirty (30) days after receipt of written notice of entry of the order or judgment." Accordingly, this appeal is dismissed. *See Elam v. S.C. Dep't of Transp.*, 361 S.C. 9, 14-15, 602 S.E.2d 772, 775 (2004) ("The requirement of service of the notice of appeal is jurisdictional, *i.e.*, if a party misses the deadline, the appellate court lacks jurisdiction to consider the appeal and has no authority or discretion to 'rescue' the delinquent party by extending or ignoring the deadline for service of the notice."). The remittitur will be sent as provided by Rule 221(b), SCACR.



FOR THE COURT

Columbia, South Carolina

cc:
Janet L. Frisco
Stephan Victor Futeral, Esquire

FILED
Mar 02 2022

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

Pet Helpers, Inc.,

Plaintiff,

vs.

Janet Frisco,

Defendant,

vs.

Melissa Susko,

Third-Party Defendant.

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NO.: 21-CP-10-02682

**ORDER ON MOTIONS HEARING
HELD ON APRIL 22, 2022**

This matter came before the court on April 22, 2022, for: (1) a Motion for Partial Summary Judgment on behalf of Plaintiff and Third-Party Party Defendant Melissa Susko [hereinafter Susko], (2) a Motion for Sanctions against Defendant Frisco for failure to comply with an order compelling discovery, (3) Defendant Frisco's Second Motion to Amend, and (4) Defendant Frisco's Third Motion to Amend. Plaintiff's counsel, Susko, and Janet Friso, *pro se*, attended the hearing. After reviewing the record in this case, the pleadings, affidavits, and memorandums filed by the parties, and hearing the arguments of Plaintiff's counsel and of Defendant Frisco, this court makes the following findings of fact and conclusions of law.

BACKGROUND

Plaintiff is a non-profit "no-kill" pet adoption center and spay/neuter clinic. On April 13, 2021, Defendant relinquished ownership of a dog to Plaintiff. On May 8, 2021, the canine was adopted by a third party. After relinquishing ownership of the dog to Plaintiff, Defendant demanded the dog's return. When Plaintiff declined to return the dog to Defendant, Defendant

threatened to bring “God’s Army” to Plaintiff’s business location. Defendant also threatened that she would “light up the internet” regarding Defendant’s grievances. Thereafter, Defendant engaged extensive campaign of publishing numerous social media posts and videos, protesting in front of Plaintiff’s business, and claiming that, as a matter of fact:

- a) Plaintiff killed the dog;
- b) Plaintiff cruelly euthanize other animals in its shelter;
- c) Plaintiff was cruel to the dog;
- d) Plaintiff is cruel to other animals in its shelter; and
- e) Plaintiff “staged” the dog’s adoption.

Additionally, after the dog’s adoption and during a portion of this litigation, Defendant sent numerous emails to third parties, including the Post & Courier, making the same factual allegations regarding Plaintiff and Susko. This action followed.

PROCEDURAL HISTORY

1. Plaintiff’s Complaint and First Injunction

On June 9, 2021, Plaintiff initiated this action by filing a Summons, Complaint and Motion for Emergency *Ex Parte* Restraining Order. In its Complaint, Plaintiff asserted causes of action for slander, libel, and a permanent and temporary injunction against Defendant.

On June 11, 2021, this court issued an *Ex Parte* Restraining Order and Injunction against Defendant enjoining her from making the statements set forth above. Thereafter, on June 17, 2021, the court issued and filed a Temporary Restraining Order and Injunction after a hearing regarding the *Ex Parte* Restraining Order and Injunction was held the same day.

2. Defendant's Complaint and Consolidation

On June 17, 2021, Defendant filed a Summons and Complaint, Janet Frisco v. Pet Helpers, Inc., Case Number 2021-CP-10-2848, against Plaintiff and Susko. The gravamen of Defendant's claims can be summed up by the following allegation - "I suffered severe depression and grief and am still suffering due to the separation [Plaintiff and Susko] needlessly created by not returning the dog to me." Plaintiff and Susko answered and counterclaimed for malicious prosecution. Upon motion by Plaintiff, Frisco v. Pet Helpers, Inc. was consolidated with this action by order of this court filed on January 6, 2022.

3. Second Restraining Order Against Defendant

On October 12, 2021, this court issued a second Order for Injunction and Temporary Restraining Order expanding the prohibitions listed in the first Order for Injunction and Temporary Restraining Order. Additionally, this court sanctioned Defendant for \$5,434.34 for violating the first Order for Injunction and Temporary Restraining Order. However, Defendant failed to comply with the first and second Orders for Injunction and Temporary Restraining Order and to pay the sanction.

4. Defendant's Contempt of Court

On November 5, 2021, this court held Defendant in contempt for violating the Injunction and Restraining Orders more than eighty (80) times and sentenced Defendant to thirty (30) days in jail purgeable upon payment of \$5,434.32 to Plaintiff's counsel. Defendant spent approximately four days in jail before paying the sanction.

5. Defendant's First Motion to Amend

On October 19, 2021, Defendant filed her first motion to amend. On January 11, 2022, the court issued an order denying Defendant's motion because Defendant failed to submit a proposed

amended pleading for the court's review and because Defendant sought inappropriate relief such as the dismissal of Plaintiff's lawsuit. Additionally, the court ordered Defendant to pay \$560 in sanctions to Plaintiff for filing a meritless motion. As of April 22, 2022, Defendant has failed to pay the sanctions to Plaintiff.

6. Defendant's Failure to Comply with Order of Discovery

Defendant refused to answer Plaintiff's Interrogatories and Requests for Production that were due on or before July 23, 2021. On December 17, 2021, this court ordered Defendant to respond to Plaintiff's discovery by January 17, 2022, and financially sanctioned Defendant for \$1,214.24 for her refusal to respond to Plaintiff's discovery.

On January 21, 2022, Plaintiff filed a Motion for Sanctions for Defendant's Failure to Comply with the Order Compelling Discovery. As April 22, 2022, Defendant still refuses to comply with the order compelling discovery or to pay the financial sanctions to Plaintiff.

7. Defendant's Second Motion to Amend

On February 28, 2022, Defendant filed a "Return to Defendant's Motion to Amend Answer Pursuant [sic] to SCRCF 15(b) and Counterclaim for Malicious Prosecution." This motion is, in essence, Defendant's second Motion to Amend. Like Defendant's first Motion to Amend, Defendant failed to submit to this court a proposed amendment for this court's review. Moreover, Defendant sought additional relief, including:

- 1) Reimbursement of the sanctions placed on Defendant resulting from the court's finding of contempt of court;
- 2) Return of the dog that Defendant admits she legally transferred ownership to Plaintiff and was adopted by a third party nearly a year ago; and
- 3) Payment of \$50,000.00.

Lastly, as noted herein, as of April 22, 2022, Defendant had not complied with the court's order regarding Defendant's first Motion to Amend to pay \$560 in sanctions to Plaintiff.

8. Defendant's Third Motion to Amend

On March 24, 2022, Defendant filed a "Motion for Leave to Supplement Answer to Plaintiff's Complaint Pursuant [sic] to SCRCF Rule 15(d) and Amended Counterclaim for Malicious Prosecution." This motion is, in essence, Defendant's third Motion to Amend. Like Defendant's first and second Motions to Amend, Defendant failed to submit to this court a proposed amendment for this court's review. Again, Defendant sought relief such as the return of the dog and an award of \$50,000.

9. Motion for Partial Summary Judgment

On June 16, 2021, Plaintiff filed its Motion for Partial Summary Judgment that was initially scheduled to be heard by the court on December 17, 2021. In her return to Plaintiff's Motion for Summary Judgment, Defendant claimed to need additional time to complete discovery. However, Defendant had not submitted interrogatories or requests for production since the initiation of this lawsuit. Nevertheless, to afford Defendant extra time to engage in discovery, Plaintiff voluntarily moved to continue the summary judgment motion. Defendant opposed Plaintiff's motion to continue the summary judgment hearing, but the court granted Plaintiff's continuance request. Since the hearing date of December 17, 2021, Defendant has not engaged in discovery.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Defendant's Second and Third Motions to Amend

It is well established that a motion to amend is addressed to the circuit court's sound discretion, and the party opposing the motion has the burden of establishing prejudice. Foggie v. CSX Transp., Inc., 313 S.C 98, 431 S.E.2d 587 (1993). Here, Defendant's 2nd Motion is based on

Rule 15(b), SCRCPP that provides “[w]hen issues not raised by the pleadings are tried by express or implied consent of the parties, they shall be treated in all respects as if they had been raised in the pleadings.” (emphasis added). Since there has been no trial in this case, Defendant’s second Motion to Amend is without merit.

Additionally, Defendant failed in both her second and third Motions to Amend to submit a proposed amendment to the court or to Plaintiff’s counsel. Without a proposed amended pleading, this court cannot determine the merits of Defendant’s motion, and Plaintiff and Susko are prejudiced in their ability to respond meaningfully to Defendant’s motions. Additionally, in her motions, Defendant seeks frivolous relief such as the dog’s return and \$50,000 in damages. Lastly, this court holds that because Defendant has failed to pay \$560 in sanctions arising from her 1st Motion to Amend, the interests of justice would not be served by allowing Defendant to avoid the court-ordered sanctions while allowing Defendant to amend her pleadings. Accordingly, this court denies Defendant’s second and third Motions to Amend.

2. Plaintiff’s Motion for Partial Summary Judgment

Summary judgment is appropriate “if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.” Rule 56(c), SCRCPP. “[T]he evidence and all reasonable inferences therefrom must be viewed in the light most favorable to the non-moving party.” Osborne v. Adams, 346 S.C. 4, 7, 550 S.E.2d 319, 321 (2001).

To oppose a motion for summary judgment, “the nonmoving party must demonstrate the likelihood that further discovery will uncover additional relevant evidence and that the party is ‘not merely engaged in a fishing expedition.’” Dawkins v. Fields, 354 S.C. 58, 69, 580 S.E.2d 433,

439 (2003) (quoting Baughman v. American Tel. and Tel. Co., 306 S.C. 101, 112, 410 S.E.2d 537, 544 (1991)). Moreover, “it is not sufficient for a party to create an inference that is not reasonable or an issue of fact that is not genuine.” Town of Hollywood v. Floyd, 403 S.C. 466, 477, 744 S.E.2d 161, 166 (2013).

Here, Defendant did not submit anything to the court, such as the affidavit of a witness, to create a genuine issue of material fact to substantiate any of Defendant’s claims or defenses. Instead, on April 21, 2022, Defendant filed a Memorandum in Opposition to Plaintiff’s Motion for Partial Summary Judgment and filed an Affidavit by Defendant. In her Affidavit, Defendant claims:

I, Janet Frisco, pursuant to SCRCP Rule 56(f) request additional time to submit discovery requests to Plaintiff which is essential to justify my opposition to their Motion for Partial Summary Judgement. I cannot present by affidavit facts concerning the staged adoption of my dog Toby and Pet Helper’s fraud soliciting donations and subsidies without their discovery disclosures.

Rule 56(f), SCRCP provides:

Should it appear from the affidavits of a party opposing the motion that he cannot for reasons stated present by affidavit facts essential to justify his opposition, the court may refuse the application for judgment or may order a continuance to permit affidavits to be obtained or depositions to be taken or discovery to be had or may make such order as is just.

Regarding Defendant’s affidavit, Rule 56(g), SCRCP provides:

Should it appear to the satisfaction of the court at any time that any of the affidavits presented pursuant to this rule are presented in bad faith or solely for the purpose of delay, the court shall forthwith order the party employing them to pay to the other party the amount of the reasonable expenses which the filing of the affidavits caused him to incur, including reasonable attorney’s fees, and any offending party or attorney may be adjudged guilty of contempt.

Here, Defendant claims in her Memorandum opposing summary judgment that “I never claimed on any filed document I needed more time for discovery.” However, Defendant twice

claimed she needed more time for discovery. On December 8, 2021, Defendant filed two memoranda in opposition to Plaintiff's motion for partial summary judgment. In her memoranda, Defendant claimed, "I have not . . . had the opportunity to pose interrogatories to the Plaintiff," and "I have not been able . . . to request interrogatories or production from the Plaintiff. . . ." As previously stated, the court continued Plaintiff's summary judgment motion from December 17, 2021 until the date of this hearing to give Defendant additional time to initiate and complete discovery. Accordingly, Defendant's argument that she "never claimed on any filed document" for more time to conduct her discovery is meritless.

Additionally, under Rule 56(g), this court holds that Defendant filed her affidavit on April 21, 2022, in bad faith and solely for delay. Instead of engaging in discovery since December 17, 2021, Defendant sent numerous pejorative and disparaging emails to Plaintiff's counsel and his staff, such as:

- 1) I realize that your wife wouldn't hang around with an old fart that wasn't loaded so you have to bleed people who earn their money honestly. As for [the paralegal of Plaintiff's counsel] maybe she and your wife and can start a bordello. It's a lot more honest than what they're doing now for money.
- 2) [Y]ou [the paralegal of Plaintiff's counsel] are guilty of trying to cover up Pet Helpers fraud. The longer you perpetuate the lie and the malicious prosecution, the greater the repercussions will be when the truth comes out. As I said previously, you're going to need to get an honest job once Mr. Futeral loses his license to practice law.

Accordingly, this court denied Defendant's request to continue the summary judgment hearing.

"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). "The tort of defamation allows a plaintiff to recover for injury to her reputation as the result of the defendant's

communication to others of a false message about the plaintiff. Slander is a spoken defamation while libel is a written defamation or one accomplished by actions or conduct.” Holtzscheiter v. Thomson Newspapers, Inc., 332 S.C. 502, 508, 506 S.E.2d 497, ____ (S.C. 1998). “If a defamation is actionable *per se*, then under common law principles the law presumes the defendant acted with common law malice and that the plaintiff suffered general damages.” Id. at 510, 506 S.E.2d at ____.

Libel 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’ In other words, if the trial judge can legally presume, because of the nature of the statement, that the plaintiff’s reputation was hurt as a consequence of its publication, then the libel is actionable *per se*. Essentially, all libel is actionable *per se*.

Id. at 510-11, 506 S.E.2d at ____ (quoting Lesesne v. Willingham, 83 F. Supp. 918, 921 (E.D.S.C. 1949)) (citation omitted).

Slander is actionable *per se* if the defendant “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.” Holtzscheiter, 332 S.C. 502, 511, 506 S.E.2d at ____.

Here, the record shows that Defendant made numerous defamatory statements on social media via text and video, during Defendant’s in-person protests regarding Plaintiff and Susko, and emails to third persons and organizations such as the Post & Courier. Defendant’s statements include:

- a) “[T] hey’re, they’re just cruel. And they’re dishonest, and they’re deceptive.”

- b) “[Pet Helpers are] despicable, just horrible, horrible human beings... . They didn’t help Toby. They hurt Toby. They made him suffer. And I’m sure he’s not the only one.”
- c) “Melissa [Susko], she has licensed euthanize and she has euthanized other dogs are ordered that they be euthanized even though they were not sick, or aggressive. But she’s all about corporate greed.”
- d) “I think they’re killing other dogs, because I’ve heard people who are former employees here, and they told me that they, they’re killing dogs.”
- e) “I think they had, you know, a plan for him a death plan for him the whole time... I’m talking about Melissa [the Executive Director of Pet Helpers] because she’s she’s got a certification to kill dogs. And she’s done it herself. And she’s ordered dogs killed too ... I’m sure that’s just the tip of the iceberg here.”
- f) “[My] sign says, corporate greed kills my dog, Toby. Corporate greed. And the other side says Pet Helpers killed Slim Jim May 11th ... And I’m not going to stop until first of all these people, a bunch of people here, Melissa, Katie, and intake, and anybody else that knew and the guy that killed him, anybody else, they’ll all be fired. If this company cares, this place will be shut down and reopened by somebody who really cares about animals. . . . But it’s really a kill shelter.”
- g) “And most of these dogs will not make it out of here alive. They really won’t. Toby did not make it out of this place alive... And then they killed him. They killed Toby. They killed my dog.”

- h) "I'm here to tell you it's not so quick giving them money. Don't give them any more money. You don't ever surrender a dog to any shelter. And if they claim to be no kill, don't believe them."
- i) "But my sign, I'm protesting Janet Frisco is protesting Pet Helpers in their cruelty to my dog and probably too many other dogs. But my sign says Pet Helpers killed Slim Jim May 11th."
- j) "[Pet Helpers] killed him because they didn't adopt him to anyone. They killed him. And I know they did."
- k) "[Pet Helpers] just let him suffer and then they, you know, we're taking a lot of pictures of him and you know, and they just let him suffer here for a whole month."
- l) "[Plaintiff] used [Toby] as a marketing tool to solicit donations and then euthanized him after they staged an adoption the weekend of May 7-11, 2021."

Defendant's statements include allegations that Plaintiff is engaged in the criminal offense of animal cruelty and that Plaintiff and Susko are unfit for their profession. This court holds that these and other written and spoken statements by Defendant are actionable *per se*. Accordingly, the law presumes Defendant acted with common law malice and that Plaintiff suffered general damages.

Plaintiff submitted affidavits and exhibits to the court to show that Defendant's claims that Plaintiff killed the dog were false. Moreover, in Defendant's answers to requests for admission, the only discovery request Defendant responded to, Defendant conceded that her claims that Plaintiff and Susko killed the dog are untrue.

Defendant's counterclaims against Plaintiff and Susko can be summed up by the following allegation: "I suffered severe depression and grief and am still suffering due to the separation [Plaintiff and Susko] needlessly created by not returning the dog to me." Additionally, after

learning the dog was still alive, Defendant pivoted her case to claim that Plaintiff had “staged” the dog’s adoption by allowing one of Plaintiff’s staff, Blaine John, to adopt the dog to prevent Defendant from reclaiming the dog.

Assuming, *arguendo*, that Defendant has asserted a viable cause of action regarding a “staged” adoption. Defendant has not produced even a scintilla of evidence to substantiate her allegations. As is well-settled under South Carolina law, our courts do not allow cases to proceed to trial based on “speculation and conjecture” McKnight v. S.C. Dept. of Corrections, 684 S.E.2d 566, ___ 385 S.C. 380, 389 (S.C. Ct. App. 2009). Moreover, Plaintiff submitted affidavits, including the affidavit of Blaine John, refuting Defendant’s accusation.

Before the hearing, Defendant emailed the court, “Why doesn’t [the court] ask to see the unredacted adoption application of May 8, 2021 and see if John Blaine’s name is on it as the adopter? That would determine whether Pet Helpers staged the adoption of [the dog].” During the hearing, Defendant repeated her request that the court conduct an *in-camera* review of the adoption paperwork. Plaintiff voluntarily provided the dog’s adoption contract for the court’s *in camera* review, and the contract confirmed that the adopter was not Plaintiff’s employee Blaine John. This court then asked Defendant why her claims should proceed to trial. Defendant responded that she sought damages for emotional harm because, in essence, Plaintiff did not capitulate to Defendant’s demands to reclaim ownership of the dog from the adopter and transfer ownership back to Defendant. However remorseful Defendant may feel for transferring ownership of the dog to Plaintiff, Defendant has asserted no legal or equitable claim that would be actionable under South Carolina law against Plaintiff or Susko for such regret.

Defendant also claims that Plaintiff should be liable to Defendant because she was unaware that the dog would be featured during a “low cost” adoption event. As the dog’s owner, Plaintiff

could exercise its own discretion regarding potential adopters for the dog. Defendant has neither the standing to complain about how Plaintiff selects a potential adopter nor does she assert a recognizable claim under South Carolina law.

Accordingly, this court grants summary judgment to Plaintiff on its causes of action for libel and slander. Also, this court holds that Plaintiff's claims for libel and slander are *per se* actionable and that Defendant is liable to Plaintiff for damages in an amount to be determined by a jury. Additionally, after reviewing Defendant's counterclaims against Plaintiff and Susko, this court holds that Defendant has not stated any viable causes of action. Moreover, as set forth herein, this court strikes all claims and defenses asserted by Defendant for her willful failure to comply with court-ordered discovery and grants a default judgment against Defendant for Plaintiff's and Susko's claims for malicious prosecution.

3. Plaintiff's Motion for Sanctions for Defendant's Failure to Comply with Court-Ordered Discovery

Plaintiff properly served interrogatories and requests for production, and Defendant's responses were due by July 23, 2021. Defendant requested an extension of time to answer to discovery, and Plaintiff extended the deadline until July 30, 2021. However, on July 26, 2021, Defendant corresponded with Plaintiff's counsel regarding her discovery responses and wrote to Plaintiff's counsel that he should seek mental health treatment and "Don't hold your breath for the discoveries."

On January 11, 2022, this court issued an Order Compelling Discovery. Specifically, the court ordered Defendant to answer Plaintiff's Interrogatories and Requests for Production and pay to Plaintiff's counsel sanctions of \$1,214.24 within thirty (30) days of the hearing date on December 17, 2021.

On January 18, 2022, Plaintiff's counsel wrote to Defendant and inquired about the overdue discovery responses and payment of sanctions. Defendant responded by writing "I'm willing to lose everything I own to expose the evil of corporations like Pet Helpers, lawyers, law enforcement and the courts if need be." To date, Defendant has neither answered Plaintiff's outstanding discovery nor paid sanctions to Plaintiff.

Rule 37(b)(2), SCRCF provides, in part:

If a party . . . party fails to obey an order to provide or permit discovery . . . the court in which the action is pending may make such orders in regard to the failure as are just, and among others the following:

(A) An order that the matters regarding which the order was made or any other designated facts shall be taken to be established for the purposes of the action in accordance with the claim of the party obtaining the order;

(B) An order refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting him from introducing designated matters in evidence;

(C) An order . . . or dismissing the action or proceeding or any part thereof, or rendering a judgment by default against the disobedient party;

* * *

In lieu of any of the foregoing orders or in addition thereto, the court shall require the party failing to obey the order 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.

In Davis v. Parkview Apartments, our Supreme Court affirmed the trial court's issuance of a dismissal order as a sanction. 409 S.C. 266, 283, 762 S.E.2d 535, 544 (2014). The court held that the sanctions imposed were not unduly harsh considering the appellant's

willful and repeated failure to comply with various orders of the trial court, which resulted in unnecessary delay and prejudice to the respondents. Id.

Here, Defendant provided no justification or other circumstance regarding Defendant's failure to comply with court-ordered discovery. It is clear to this court that Defendant is willfully disobeyed the court, is purposefully delaying this case, and is seeking to prejudice Plaintiff's right to have its claims and defenses heard.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

- 1) This court grants summary judgment to Plaintiff on its causes of action for libel and slander. Also, this court holds that Plaintiff's claims for libel and slander are actionable *per se* and that Defendant is liable to Plaintiff for damages in an amount to be determined by a jury. Lastly, this court grants Plaintiff and Third-Party Defendant Susko summary judgment regarding Defendant's counterclaims.
- 2) As an additional basis for this court's ruling, under Rule 37(b)(2)(C), this court grants judgment by default against Defendant for Plaintiff's claims for libel and slander *per se*, and Defendant's claims against Plaintiff and Susko are hereby dismissed with prejudice.
- 3) Under Rule 37(b)(2)(C), this court grants judgment by default against Defendant for Plaintiff's malicious prosecution claim, and Defendant is liable to Plaintiff for damages regarding the malicious prosecution claim to be determined by a jury.
- 4) Under Rule 37(b)(2)(C), this court grants judgment by default against Defendant for Plaintiff's claim for a permanent injunction. Defendant is permanently enjoined from:

- a. Communicating to third parties outside of the judicial process, whether orally or in writing, about this action and the matter of Janet Frisco vs. Pet Helpers, Inc. et. al. 2021-CP-10-2848 except for allowing Defendant to speak to: (1) her attorney should she hire one; (2) her priests or rabbis, and (3) Defendant's physicians or mental health care professionals;
- b. Communicating to third parties outside of the judicial process, whether orally or in writing, about Pet Helpers, Inc., Melissa Susko, Executive Director for Pet Helpers, Inc., its staff or its legal representatives except for allowing Defendant to speak to: (1) her attorney should she hire one; (2) her priests or rabbis, and (3) Defendant's physicians or mental health care professionals;
- c. Making any statements, written or verbal, regarding this lawsuit, the parties involved, or their legal counsel, stating or implying that (1) Plaintiff or its staff euthanized the dog, (2) that Plaintiff or its staff mistreated the dog in any way, (3) that Plaintiff or its staff euthanizes other animals, (4) that Plaintiff or its staff mistreats the animals in their care in any way, or (5) that Plaintiff or its staff stage fake adoptions;
- d. Communicating to third parties, whether orally or in writing, that Defendant is the owner of the canine known as Toby/Slim Jim;
- e. Posing as the current owner of the canine known as Toby/Slim Jim;
- f. Attempting to register the canine through any tracking services, such as Pet Link or 24 Pet Watch;

- g. Attempting to track, follow, identify, or contact the current owner of the canine;
 - h. Disparaging Plaintiff, its staff, or its legal counsel;
 - i. Contacting Plaintiff and its staff;
 - j. Coming onto Plaintiff's property; and
 - k. Communicating with Plaintiff's counsel or his staff in a derogatory or disrespectful manner.
- 5) Under Rules 37(b)(2)(C) and 56(g), in addition to the sanctions previously ordered by the court in the amount of \$1,774.24, this court orders Defendant to directly to Plaintiff's counsel additional sanctions in the amount of \$9,638.48 within thirty (30) days of the date of this order.

The Honorable Bentley D. Price
Presiding Judge, 9th Judicial Circuit
Charleston County Court of Common Pleas

Dated: _____
Charleston, South Carolina



Charleston Common Pleas

Case Caption: Pet Helpers Inc VS Janet Frisco

Case Number: 2021CP1002682

Type: Order/Summary Judgment

IT IS SO ORDERED!

/s Hon. Bentley D. Price, Circuit Judge 2766

Electronically signed on 2022-05-05 12:07:51 page 18 of 18

The South Carolina Court of Appeals

Pet Helpers, Inc., Respondent,

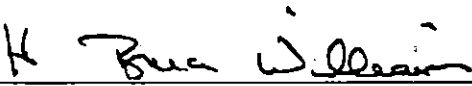
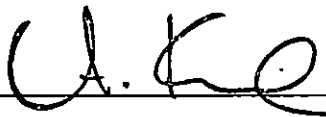
v.

Janet L. Frisco, Appellant.

Appellate Case No. 2022-000021

ORDER

After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.

 C. J.
 J.
 J.

Columbia, South Carolina

cc:
Janet L. Frisco
Stephan Victor Futeral, Esquire

FILED
May 12 2022

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

PET HELPERS, INC.,

Plaintiff,

vs.

Janet Frisco,

Defendant

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NO.: 2021-CP-10-2682

**MOTION FOR PARTIAL
SUMMARY JUDGMENT**

YOU WILL PLEASE TAKE NOTICE that the undersigned will move before the presiding Judge, Court of Common Pleas for Charleston County, within ten (10) days or as soon thereafter as counsel may be heard, for an Order, pursuant to Rule 56, SCRPC, granting partial summary judgment to Plaintiff, on the issue of liability for defamation, against Defendant.

The grounds for this motion are as follows:

BACKGROUND

On April 13, 2021, Defendant relinquished ownership of a hound mix dog "Toby" to Plaintiff (see **Exhibit A to Complaint**). After "Toby" was surrendered by Defendant, Plaintiff changed the dog's name to "Slim Jim." On May 8, 2021, "Slim Jim" was adopted by a third party.

On May 10, 2021, adoption photographs of "Slim Jim" and his new owner were posted to Plaintiff's Facebook page. On May 11, 2021, Defendant sent an email to Plaintiff stating that she was going to "light up the internet with this story..." and threatening to call the Humane Society and PETA if Plaintiff did not get the dog back from his new owner (see **Exhibit B to Complaint**).

On May 12, 2021, Plaintiff contacted the City of Charleston Police Department due to Defendant's erratic behavior and threats towards Plaintiff and Plaintiff's staff. Meanwhile,

beginning on May 13, 2021, Defendant began posting defamatory statements about Plaintiff to social media sites such as Facebook and reviewing websites such as Yelp. On May 15, 2021, the City of Charleston Police Department issued a no contact/no trespass order on Defendant due to her threatening and harassing behavior towards Plaintiff.

On June 9, 2021, Plaintiff filed this action against Defendant along with a Motion for an *Ex Parte* Restraining Order. On June 11, 2021, this court issued an *Ex Parte* Restraining Order and Injunction against Defendant that Plaintiff served on Defendant June 11, 2021. As of the filing of this motion, Defendant has not answered the complaint, and the parties are scheduled for a hearing regarding the *Ex Parte* Restraining Order on June 17, 2021. This motion follows.

LAW/ANALYSIS

STANDARD OF REVIEW

Summary judgment is appropriate “if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.” Rule 56(c), SCRPC. “[T]he evidence and all reasonable inferences therefrom must be viewed in the light most favorable to the non-moving party.” *Osborne v. Adams*, 346 S.C. 4, 7, 550 S.E.2d 319, 321 (2001). Although summary judgment is a drastic remedy and must not be granted until the opposing party has had a full and fair opportunity to complete discovery, the nonmoving party must demonstrate the likelihood that further discovery will uncover additional relevant evidence and that the party is “not merely engaged in a fishing expedition.” *Dawkins v. Fields*, 354 S.C. 58, 69, 580 S.E.2d 433, 439 (2003).

I. THE COURT SHOULD GRANT PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT BECAUSE THERE IS NO-GENUINE ISSUE OF MATERIAL FACT THAT DEFENDANT PUBLISHED TO THIRD-PARTIES FALSE STATEMENTS OF FACT THAT, AMONG OTHER STATEMENTS, THE DOG WAS MISTREATED AND EUTHANIZED WHEN THE DOG IS ALIVE AND WELL.

The tort of defamation allows a plaintiff to recover for injury to her reputation as the result of the defendant's communication to others of a false message about the plaintiff. Slander is a spoken defamation while libel is a written defamation or one accomplished by actions or conduct. . . . The defamatory meaning of a message or statement may be obvious on the face of the statement, in which case the statement is defamatory *per se*. An example of defamation *per se* is "A is a thief." If the defamatory meaning is not clear unless the hearer knows facts or circumstances not contained in the statement itself, then the statement is defamatory *per quod*. . . . If a defamation is actionable *per se*, then under common law principles the law presumes the defendant acted with common law malice and that the plaintiff suffered general damages.

Holtzscheiter v. Thomson Newspapers, Inc., 332 S.C. 502, 508, 506 S.E.2d 497, ____ (S.C. 1998) (citations omitted). Moreover, under South Carolina law, libel 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" Id. at 510, 506 S.E. 2d at ____ (quoting Lesesne v. Willingham, 83 F. Supp. 918, 921 (E.D.S.C. 1949)).

Here, there is no genuine issue of material fact that the dog in issue, "Toby/Slim Jim," is alive and well as shown from the video taken June 15, 2021 and other affidavits on file with the court. Additionally, there is no genuine issue of fact that Plaintiff does not mistreat or euthanize the animals in its care. Lastly, there is no genuine issue of material fact that during the months of May and June 2021, Defendant falsely published to third-parties, both verbally and in writing, that following statements about Plaintiff:

1. [Pet Helpers] is "just cruel. And they're dishonest, and they're deceptive."

2. "[Pet Helpers are] despicable, just horrible, horrible human beings... They didn't help Toby. They hurt Toby. They made him suffer. And I'm sure he's not the only one."
3. "Melissa [Executive Director of Pet Helpers], she has licensed euthanize and she has euthanized other dogs are ordered that they be euthanized even though they were not sick, or aggressive. But she's all about corporate greed."
4. "[Pet Helpers] killed him because they didn't adopt him to anyone. They killed him. And I know they did."
5. "I think they're killing other dogs, because I've heard people who are former employees here, and they told me that they, they're killing dogs."
6. "I think they had you know a plan for him a death plan for him the whole time... I'm talking about Melissa [the Executive Director of Pet Helpers] because she's she's got a certification to kill dogs. And she's done it herself. And she's ordered dogs killed too ... I'm sure that's just the tip of the iceberg here."
7. "[My] sign says, 'corporate greed kills my dog, Toby.' Corporate greed. And the other side says 'pet helpers killed Slim Jim May 11th'"
8. "And most of these dogs will not make it out of here alive. They really won't. Toby did not make it out of this place alive... And then they killed him. They killed Toby. They killed my dog."
9. "They're monsters...Yeah, you've got a no trespass notice on me. I'm not trespassing. I'm on the right away. And I'll be here as long as I have to be until I get justice from from Toby. And people know what you're really doing here because you're putting on a big charade. It's an evil charade too."

10. "But my sign, I'm protesting Janet Frisco is protesting Pet Helpers in their cruelty to my dog and probably too many other dogs. But my sign says 'Pet Helpers killed Slim Jim May 11th.'"
11. "[Pet Helpers] just let him suffer and then they, you know, we're taking a lot of pictures of him and you know, and they just let him suffer here for a whole month."
12. "[Pet Helpers] used [Toby] as a marketing tool to solicit donations and then euthanized him after they staged an adoption the weekend of May 7-11, 2021."

Accordingly, Defendant engaged in both slander and libel as a matter of law. Moreover, the defamatory meaning of Defendant's statements are obvious on their face making them defamatory *per se*.

II. THE COURT SHOULD GRANT PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT BECAUSE THERE IS NO GENUINE ISSUE OF MATERIAL FACTS THAT DEFENDANT ACTED WITH MALICE TO CAUSE HARM TO PLAINTIFF AND ITS STAFF.

In addition to the law presuming that the Defendant acted with common law malice, Defendant made statements unequivocally showing malice. Specifically, there is no genuine issue of material fact that Defendant published the following statement on social media with malice and for the purpose of intentionally harming Plaintiff:

1. "And I'm not going to stop until first of all these people, a bunch of people here, Melissa, Katie, and intake, and anybody else that knew and the guy that killed him, anybody else, they'll all be fired. If this company cares, any and all this place will be shut down and reopened by somebody who really cares about animals... But it's really a kill shelter."

2. "I'm here to tell you it's not so quick giving them money. Don't give them any more money. . . . And if they claim to be no kill, don't believe them."

CONCLUSION

There is no genuine issue of material fact that Defendant published, both orally and in writing, defamatory statements that are actionable *per se* regarding Plaintiff and that Defendant published these statements with malice. Accordingly, Plaintiff respectfully requests that this court grant Plaintiff partial summary judgment as follows:

1. Issuing an order that, as a matter of law, Defendant's statements, both written and verbal, are defamatory statements that are actionable *per se* as slander and libel;
2. Issuing an order establishing that Defendant is liable to Plaintiff for in an amount to be determined at a jury trial on the sole issue of Plaintiff's damages.
3. Issuing an order granting a permanent injunction against Defendant from making any statements, written or verbal, stating or implying that Plaintiff or its staff euthanized the dog, that Plaintiff or its staff mistreated the dog in any way, that Plaintiff or its staff euthanizes other animals, that Plaintiff or its staff mistreats the animals in their care in any way, or that Plaintiff or its staff stages fake adoptions to generate funds.
4. Issuing an order granting a permanent injunction against Defendant prohibiting her from contacting Plaintiff and its staff, prohibiting Defendant from coming onto Plaintiff's property, and prohibiting Defendant from attempting, directly or indirectly, contacting the dog's new owner.

ATTORNEY SIGNATURE PAGE TO FOLLOW

FUTERAL & NELSON, LLC

s/ Stephan V. Futeral
Stephan V. Futeral
S.C. Bar ID 66427
1004 Anna Knapp Blvd, 2nd Floor
Mt. Pleasant, South Carolina 29465
Telephone (843) 284-5500
Facsimile (843) 284-5501
email to: sfuteral@charlestonlaw.net

Dated: 6/15/2021

Attorney for Plaintiff

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the document referenced below was served on the following individual via email and US Mail with sufficient postage on the 15th day of June, 2021 as follows:

Document Served: Motion for Partial Summary Judgment

Served Upon: Janet Frisco
203 Cardinal Drive
Summerville, SC 29485
Via email to: janetfrisco@yahoo.com



Stephanie M. Smith
Paralegal to Stephan V. Futeral, Esq.

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

JANET FRISCO,

Plaintiff,

vs.

PET HELPERS INC. and MELISSA
SUSKO, individually,

Defendants.

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NO.: 2021-CP-10-2848

**MOTION TO CONSOLIDATE
PURSUANT TO RULE 42(a), SCRCF**

YOU WILL PLEASE TAKE NOTICE that the undersigned will move before the presiding Judge, Court of Common Pleas for Charleston County, within ten (10) days or as soon thereafter as counsel may be heard, for an Order, pursuant to Rule 42(a), SCRCF, consolidating this action with Pet Helpers, Inc. v. Janet Frisco, 21-CP-10-2682. The grounds for this motion are as follows:

BACKGROUND

On April 13, 2021, Plaintiff relinquished ownership of a hound mix dog "Toby" to Defendant, Pet Helpers, Inc. After "Toby" was surrendered by Plaintiff, Pet Helpers, Inc. changed the dog's name to "Slim Jim." On May 8, 2021, "Slim Jim" was adopted by a third party.

On May 10, 2021, adoption photographs of "Slim Jim" and his new owner were posted to Pet Helpers, Inc.'s Facebook page. On May 11, 2021, Plaintiff sent an email to Pet Helpers, Inc. stating that she was going to "light up the internet with this story..." and threatening to call the Humane Society and PETA if Pet Helpers, Inc. did not get the dog back from its new owner.

On May 12, 2021 Defendant Susko contacted the City of Charleston Police Department due to Plaintiff's erratic behavior and threats towards Pet Helpers, Inc. and the staff of Pet Helpers, Inc. Meanwhile, beginning on May 13, 2021, Plaintiff began posting defamatory statements about Pet

Helpers, Inc., Defendant Susko, and the staff of Pet Helpers, Inc. to social media sites such as Facebook and reviewing websites such as Yelp including false claims that Pet Helpers, Inc. and/or its staff killed the dog. On May 15, 2021, the City of Charleston Police Department issued a no contact/no trespass order on Plaintiff due to her threatening and harassing behavior towards Defendants.

On June 11, 2021, Defendant Pet Helpers, Inc. served Plaintiff with a lawsuit for defamation in the matter of Pet Helpers, Inc. v. Janet Frisco, 21-CP-10-2682, a copy of which is attached hereto as **Exhibit A**. On June 11, 2021, this court issued an *Ex Parte* Restraining Order and Injunction against Plaintiff that was served upon Plaintiff on June 11, 2021. Thereafter, on June 17, 2021, the court issued and filed a Temporary Restraining Order and Injunction after a hearing was held the same day.

On June 16, 2021, Plaintiff threatened Defendants that unless Defendants returned to Plaintiff the dog that Plaintiff surrendered to Defendant Pet Helpers, Inc. and that was already adopted by a third party, Plaintiff would file this lawsuit. Thereafter, on June 17, 2021, Plaintiff filed this lawsuit alleging claims surrounding the facts and circumstances set forth in the matter of Pet Helpers, Inc. v. Janet Frisco, 21-CP-10-2682.

LAW/ANALYSIS

Pursuant to Rule 42(a), SCRCivP, "When actions involving a common question of law or fact are pending before the court, it may order a joint hearing or trial of any or all matters in issue in the action; it may order all the actions consolidated; and it may make such orders concerning proceedings therein as may tend to avoid unnecessary costs or delay." Here, Plaintiff alleges the exact same facts and circumstances as alleged in the matter Pet Helpers, Inc. v. Janet Frisco, 21-CP-10-2682. Indeed, Plaintiff's complaint alleges the same facts and circumstances as set forth

in Plaintiff's answer to the complaint in Pet Helpers, Inc. v. Janet Frisco, 21-CP-10-2682, a copy of which is attached hereto as **Exhibit B**.

CONCLUSION

Defendants respectfully requests that this court grant Defendants' motion to consolidate Plaintiff's action with Pet Helpers, Inc. v. Janet Frisco, 21-CP-10-2682.

FUTERAL & NELSON, LLC

s/Stephan V. Futeral
Stephan V. Futeral
S.C. Bar ID: 66427
1004 Anna Knapp Blvd., 2nd Floor
Mount Pleasant, South Carolina 29464
(843) 284-5500 (843) 284-5501 fax
email to: sfuteral@charlestonlaw.net
Attorney for Defendants

Dated: July 9, 2021

CERTIFICATE OF SERVICE

The foregoing document *Motion to Consolidate* was served on the following by email and U.S. Mail with sufficient postage affixed, this 9th day of July, 2021:

Janet Frisco
203 Cardinal Drive
Summerville, SC 29485
Janetfrisco@yahoo.com


Stephanie M. Smith
Paralegal to Stephan V. Futeral, Esq.

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTONPET HELPERS, INC.

Plaintiff,

vs.

JANET L. FRISCO

Defendant.

IN THE COURT OF COMMON PLEAS

JUDICIAL CIRCUIT

CASE NO.: 2021-CP-10-2682MOTION AND ORDER INFORMATION
FORM AND COVERSHEET

Plaintiff's Attorney: _____, Bar No. _____ Address: _____ Phone: _____ Fax: _____ E-mail: _____ Other: _____	Defendant's Attorney: <u>Janet L. Frisco</u> , Bar No. <u>Pro Se</u> Address: <u>203 CARDINAL DR SUMMERVILLE SC</u> Phone: <u>843-8040875</u> Fax: <u>N/A</u> E-mail: <u>janetfrisco@yahoo.com</u>																
☐ 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>DISMISS + CONSOLIDATE</u> Estimated Time Needed: <u>2 HOURS</u> 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.																	
<u>Janet L. Frisco</u> <u>July 22, 2021</u> Signature of Attorney for ☐ Plaintiff ☒ Defendant Date submitted																	
SECTION III: Motion Fee																	
☐ PAID - AMOUNT: \$ _____ ☐ EXEMPT: (check reason) <table style="width: 100%; border: none;"> <tr> <td>☐ Rule to Show Cause in Child or Spousal Support</td> <td>☐ State Agency v. Indigent Party</td> </tr> <tr> <td>☐ Domestic Abuse or Abuse and Neglect</td> <td>☐ Post-Conviction Relief</td> </tr> <tr> <td>☐ Indigent Status</td> <td>☐ Motion for Stay in Bankruptcy</td> </tr> <tr> <td>☐ Sexually Violent Predator Act</td> <td>☐ Motion for Execution (Rule 69, SCRCP)</td> </tr> <tr> <td colspan="2">☐ Proposed order submitted at request of the court; or,</td> </tr> <tr> <td colspan="2">reduced to writing from motion made in open court per judge's instructions</td> </tr> <tr> <td colspan="2">Name of Court Reporter: _____</td> </tr> <tr> <td colspan="2">☐ Other: _____</td> </tr> </table>		☐ Rule to Show Cause in Child or Spousal Support	☐ State Agency v. Indigent Party	☐ Domestic Abuse or Abuse and Neglect	☐ Post-Conviction Relief	☐ Indigent Status	☐ Motion for Stay in Bankruptcy	☐ Sexually Violent Predator Act	☐ 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: _____	
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☐ Indigent Status	☐ Motion for Stay in Bankruptcy																
☐ Sexually Violent Predator Act	☐ 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: _____, 20____																
CLERK'S VERIFICATION																	
Collected by: _____	Date Filed: _____, 20____																
☐ MOTION FEE COLLECTED: \$ _____ ☐ CONTESTED - AMOUNT DUE: \$ _____																	

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE #:2021-CP-10-2682

PET HELPERS, INC.,

DEFENDANT'S MOTION TO DISMISS
AND CONSOLIDATE

Plaintiff,

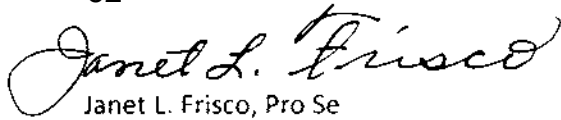
vs.

JANET L. FRISCO,

Defendant.

2021 JUL 22 PM 4:08
CLERK'S OFFICE
COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
BY 

I, Janet Frisco, defendant request that the plaintiff's case be dismissed because the defendants are guilty of fraud and their complaint is an attempt to conceal the fraudulent activity at Pet Helpers. They are staging adoptions and then soliciting donations on the internet. I surrendered my dog, Toby, to Pet Helpers for adoption purposes on April 13, 2021 (SEE Exhibit A). After viewing his pictures on their website, I became concerned about his despondent demeanor and asked to reclaim the dog through multiple phone calls and emails to Katie in the Intake Department the following week (SEE Exhibit B). I submitted an adoption application Katie sent me on the evening of May 7, 2021 and followed up with a phone call a day later. I was told by Katie that the dog had been adopted the morning of May 7, 2021. I went to Pet Helpers website and found a photograph of the alleged adopter who I later found out was an employee, John Blaine. I believe Melissa Susko, the executive manager, ordered the employee to "adopt" Toby on May 8, 2021 so I could not reclaim him (SEE EXHIBIT C). Pet Helpers then posted pictures of Toby in a "Happy Ending Update" and described his supposed new home on their website and on Facebook to solicit donations (SEE EXHIBIT D). If they had returned the dog to me, they could not have solicited donations for finding him a home. Soliciting donations under false pretenses is a form of fraud and Pet Helpers initiated their complaint against me after I began publicly exposing their fraudulent behavior by protesting in front of the business and posting on Facebook and other media sites. I also believe that my dog would have been euthanized if I had not protested his treatment and the alleged adoption. and this is probably not an isolated case. I ask the court to view the unredacted copy of the adoption submission by the other party on May 8th, 2021 and his supposed adoption of Toby/Slim Jim. If the name on the adoption submission and reregistered chip is John Blaine, a Pet Helpers employee, that will confirm my allegations that it was not a legitimate adoption and staged to solicit donations. Case #2021-CP-10-2682 should be dismissed and consolidated into Case #2021-CP-10-2848 because Pet Helpers, Inc. initiated their complaint to conceal illegal activity that I was exposing. I was not slandering them or committing libel when I protested or posted information exposing their fraudulent actions that were devised to solicit donations on my dog Toby's supposed new home.


Janet L. Frisco, Pro Se

Date: 7/22/21

CERTIFICATE OF SERVICE

The foregoing document, *DEFENDANT'S MOTION TO DISMISS AND CONSOLIDATE*, was served on the following by email and U.S. Mail with sufficient postage affixed, this 22nd day of July, 2021:

Stephan V. Futeral
1004 Anna Knapp Blvd., 2nd Floor
Mount Pleasant, SC 29464
843-284-5500
Email to: sfuteral@charlestonlaw.net

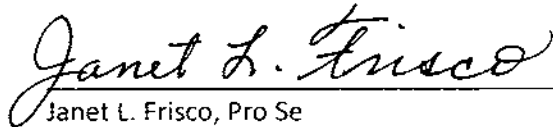

Janet L. Frisco, Pro Se

EXHIBIT A



EXHIBIT B

Sent from Yahoo Mail on Android

----- Forwarded Message -----

From: "Janet Frisco" <janetfrisco@yahoo.com>

To: "intake pethelpers" <intake@pethelpers.org>

Sent: Fri, Apr 23, 2021 at 2:06 PM

Subject: Re: Received Email Re: Toby

Katie, Could I please come there and get Toby back tomorrow. I thought I was doing the right thing for him, but he doesn't look happy at all in the pictures. He's had a rough life and I can't let him down like the hunter who previously owned him.

Janet Frisco

Sent from Yahoo Mail on Android

On Fri, Apr 23, 2021 at 2:06 AM, intake pethelpers
<intake@pethelpers.org> wrote:

Thank you for contacting the Intake Department at Pet Helpers. We have received your email and are working very hard finding animals homes and will get back to you with in 24 to 48 hours. If this is an emergency, please call the shelter directly 843-795-1110.

****Note in our "peak seasons" it may take us longer to respond.****

--

Intake Department
1417 Folly Rd Charleston, SC 29412
t: 843-795-1110 p: 843-631-8100

<http://www.pethelpers.org/>

Get Trey Taylor Tickets at:

<https://charleston.boltpetickets.com/events/111137472/an-intimate-evening-with-trey-taylor>

The information contained in this email, and any attachments hereto, is from Pet Helpers, Inc. and is intended only for use by the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this email, you are hereby notified that any dissemination, distribution, copying or use of the contents of this email, and any attachments hereto, is strictly prohibited. If you have received this email in error, please immediately notify me by reply email and permanently delete the original and any copy of this e-mail and any printout thereof.

EXHIBIT C



BLAINE JOHN

Animal Care Technician

Pet Helpers Adoption Shelter and Spay/Neuter Clinic
May 19 at 4:21 PM • 6

Here's the Happy Ending Update you've all been waiting for on recently-adopted staff favorite, Slim Jim! 🐾 We are thrilled to share that Slim Jim found the loving and attentive home he deserves. His new owner works from home, so Dad is always there to make sure Slim is getting all the care he needs. As an only dog, Slim Jim is the star of the show. Each day, they go on a long walk, so Slim can follow scents and explore his new neighborhood. 🐾

His adopter just can't get over how "majestic" Slim looks when the sunlight hits his shimmering coat. When these two best friends aren't working or going on mini-adventures, they like to cuddle up on the couch to watch all their favorite TV shows. Congratulations to Slim Jim and his new Dad! We know you two are going to have the best life together! 🐾🐾

Share your Happy Ending Updates pictures and stories with us in our DM's! Happy endings at Pet Helpers are just new beginnings for pets and their owners 🐾🐾

Make the next happy ending at pethelpers.org today 🐾

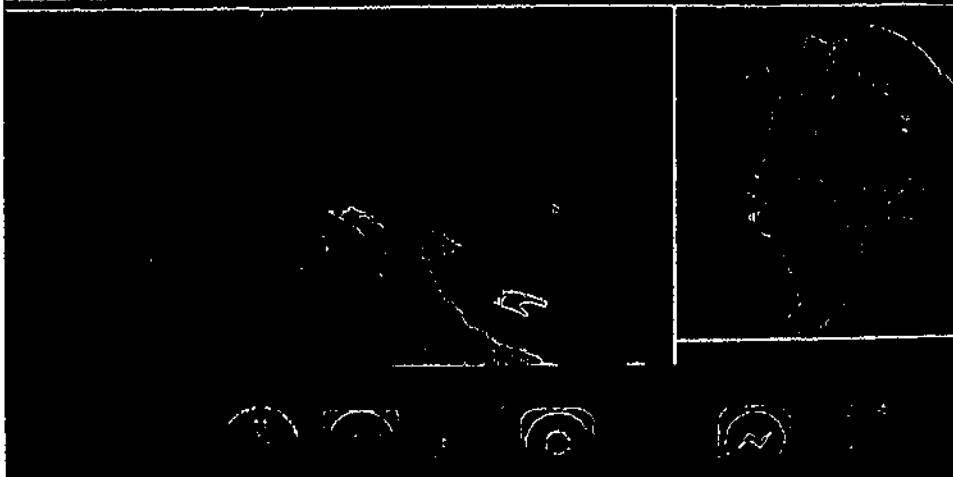


EXHIBIT D

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

PET HELPERS, INC.,

Plaintiff,

vs.

JANET FRISCO,

Defendant.

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NO.: 2021-CP-10-2682

**NOTICE OF MOTION AND MOTION
FOR RULE TO SHOW CAUSE**

TO: JANET FRISCO, DEFENDANT:

YOU WILL PLEASE TAKE NOTICE that the undersigned will move before the presiding Judge, Court of Common Pleas for Charleston County, within ten (10) days or as soon thereafter as counsel may be heard, for an Order directing Defendants to Show Cause, if any, why she should not be held in civil contempt for her failure to comply with this Court's Orders and for such other relief as the Court deems just and proper. The grounds for this motion are as follows:

VIOLATIONS OF 1st RESTRAINING ORDER

On June 11, 2021, this court issued an *Ex Parte* Restraining Order and Injunction that, among other things, required Defendant to “immediately” remove various defamatory posts **(Exhibit A)**. Defendant was served with this order on June 11, 2021 at 8:48 PM. **(Exhibit B)**. However, despite Plaintiff’s requests for immediate compliance, Defendant took approximately 11 hours from the time of service to remove all of the defamatory posts. Additionally, Defendant violated this Court’s order on June 16, 2021 by posting a defamatory statement on Reddit.com. **(Exhibit C)**. Thereafter, on June 17, 2021, the court issued an Injunction and Restraining Order **(Exhibit D)**.

VIOLATIONS OF 2nd RESTRAINING ORDER

On July 30, 2021, the court issued a 2nd *Ex Parte* Order for Injunction and Temporary Restraining Order **(Exhibit E)**. Defendant was given written notice of this order on July 30, 2021. Among other things, the second order restrains Defendant from publicly discussing the case. On August 5, 2021, the court issued an order extending the 2nd *Ex Parte* Order **(Exhibit F)**. Defendant was given written notice of this order on August 5, 2021.

On July 29, 2021, Defendant sent an email to counsel and the Court that she intended to violate the Court's 2nd *Ex Parte* Order. Defendant wrote:

I'm going to speak about whatever I want, to whomever I want about whatever I want anytime [sic] or place that I want. You're going to have to kill me to silence me which is probably something you're capable of. Im [sic] not complying at all with any more of your legal nonsense. You're nothing but tyrants drunk with power.

(Exhibit G).

Since July 30, 2021, despite numerous requests by Plaintiff for Defendant to comply with the 2nd *Ex Parte* Order, Defendant has intentionally violated this order by failing to remove her Facebook Post dated June 17, 2021 wherein Defendant publicly discussed this case **(Exhibit H)**. Moreover, Defendant intentionally violated the court's 2nd *Ex Parte* Order by continuing to comment on her post after July 30, 2021. For example, on July 30, 2021, Defendant intentionally violated this court's order by posting the following comment to her June 17, 2021 Facebook Post:

Mr. Futeral, Pet Helpers lawyers has people taking pictures of me protesting outside Pet Helpers. His monitoring anything I do on social media sites like FB, Reddit, YELP, etc. . . .[I]t seems suspicious that same day he quoted my comments in his legal briefs and submitted them to the court in the hearing he had initiated to put more restrictions on me with a second restraining order. I wish I was paranoid. I have a problem with any "professional" because what I have found is that their main motive is financial gain and that goes for lawyers like Mr. Futeral, psychologists, psychiatrists, doctors, teachers, etc. Yesterday another temporary restraining order was granted to Pet Helpers and I wasn't present at the hearing to defend myself because I couldn't log in. . . . I know that most people have no moral

compass and are mostly motivated by greed and the six other deadly sins? Can you name them?

(Exhibit I)

On July 30, 2021, Defendant violated the court's 2nd *Ex Parte* Order by sending an email to the Post and Courier, to counsel, and to the Court, as follows:

What should disturb all of us is that the courts can levy arbitrary restrictions on people's free speech at court proceedings where the defendant is not present. We should also be disturbed by the fact that the attorney for the plaintiff, Mr. Futeral, is covering up the criminal behavior of Pet Helpers through the lawsuit and restraining orders.

The hearing yesterday should not have proceeded without me being in attendance to defend myself. It should also have been continued or dismissed because Mr. Futeral included e-mails in his submissions designed to influence and prejudice the court. It should profoundly disturb us that the judicial system is not about meting out justice, but oppressing our God-given freedoms.

You said you put my objection to his 2nd Restraining order in the record yesterday which I hope is true, but I was not given the opportunity to review Mr. Futeral's last minute submissions which was blatantly wrong.

Mr. Futeral and the Charleston County courts are assisting the criminal behavior of Pet Helpers, i.e. fraud. In Dorchester County, government is assisting drug dealers and organized crime which I'm also having to deal with.

When my property ,Toby, is restored that was acquired and has been kept under false pretenses, and Pet Helpers apologizes to me and is held accountable, I'll stop protesting. In the meantime I'm not breaking any laws and the restraining orders were not legitimately imposed.

It's my patriotic and Christian duty to resist tyranny.

(Exhibit J). Thereafter, on August 4, 2021, the Honorable Roger Young, Jr. instructed Plaintiff's undersigned counsel to prepare this Rule to Show Cause.

Due to the Defendant's intentional refusal to comply with the court's orders, Plaintiff requests that the court issue an order as follows:

- 1) Holding Defendant in civil contempt for violation of this court's orders including up to a \$1,500 fine and a period of incarceration not to exceed one year.
- 2) Awarding Plaintiff attorney's fees and costs for this motion; and
- 3) Any other relief that this court deems just and proper.

Respectfully submitted,

FUTERAL & NELSON, LLC

/Stephan V. Futeral

Stephan V. Futeral

S.C. Bar ID: 66427

1004 Anna Knapp Blvd., Suite 3

Mt. Pleasant, South Carolina 29464

Telephone: (843) 284-5500

Facsimile (843) 284-5501

email to: sfuteral@charlestonlaw.net

Attorney for Plaintiff

Dated: 8/5/2021

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT COURT
CASE #:2021-CP-10-2682

**DEFENDANT'S MOTION TO AMEND ORIGINAL
ANSWER PERSUANT TO SCRPC RULE 15.(B)**

PET HELPERS INC, & MELISSA SUSKO,
PLAINTIFFS

Vs.

JANET L. FRISCO,

DEFENDANT

FILED
2021 OCT 19 PM 3:36
CLERK OF COURT
WCL

To: THE ABOVE-NAMED PLAINTIFFS, PET HELPERS, INC. AND MELISSA SUSKO:

Pursuant to SCRPC Rule 15 (B) AMENDMENTS TO CONFORM TO THE EVIDENCE when issues not raised by the pleadings are tried by express or implied consent of the parties, they shall be treated in all respects as if they had been raised in the pleadings. Such amendment of the pleadings as may be necessary to cause them to conform to the evidence and to raise these issues may be made upon motion of any party at any time, even after judgement, but failure so to amend does not affect the result of the trial on these issues.

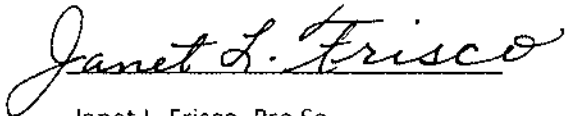
At the time I answered the plaintiff's complaint I was not aware of information that is critical to the handling of the case by the court. Since that filing I have evidence that the adoption of my dog, Toby, aka Slim Jim, was staged by Melissa Susko and her employee, John Blaine on May 8, 2021. The fake adoption was then advertised on their website in order to fraudulently solicit donations based on finding him a new home. Katie Leasure, in the Intake Department, and Ms. Susko lied about the date of the so-called adoption in order to prevent me from adopting my dog back after I submitted an online adoption application on the evening of May 7th that Ms. Leasure had sent me after I spoke with her on several occasions about reclaiming my dog. Ms. Susko, Ms. Leasure, and Mr. Blaine are all complicit in the aforementioned behavior intended to defraud their donors by faking Toby's adoption. Pet Helpers' legal counsel, Stephan V. Futeral, is guilty of attempting to conceal his client's fraudulent behavior through the lawsuit and its' actions. Pet Helpers' illegitimate

complaint (2021-CP-10-2682) should be dismissed and all the subsequent actions against me should be revoked by the court because it is an illicit attempt to cover up Pet Helpers' deception and fake adoption of my dog Toby in order to solicit donations after I surrendered him on April 13, 2021.

Exhibit A – Redacted Adoption submission dated May 8, 2021

Exhibit B - Adoption photograph of Toby with adopter & photograph of employee, John Blaine on Pet Helpers' website.

Exhibit C - Fabricated post adoption picture of Toby used to solicit donations on their website 5/11/21.



Janet L. Frisco, Pro Se

Dated: October 19, 2021

CERTIFICATE OF SERVICE

The foregoing document **PLAINTIFF'S MOTION TO AMEND ORIGINAL PLEADING** was served on the following by email and U.S. Mail with sufficient postage affixed, this 19th day of October 2021:

Stephan V. Futeral
1004 Anna Knapp Blvd. Suite 3
Mt. Pleasant, South Carolina 29464
sfuteral@charlestonlaw.net

Adoption Contract - May 8 2021

Tel.: 843-795-1110 | Fax: 843-795-8090

Exhibit A



Pet Helpers
1447 Folly Road
Charleston, South Carolina 29412 USA
msusko@pethelpers.org
<https://www.pethelpers.org/index.html>

Person ID: [REDACTED]

Animal Information

Animal ID: A47529858 Name: Slim Jim Types: Dog Gender: Male
ARN: Toby DOB: 4/13/2020 Breeds: Hound/Mix Altered: Yes
Chip #: 982091063428429 Current Age: 1 y 0 m 25 d Colors: Brown/White Size: Large
Type: 24PetWatch Age Group: Adult - 1 year and older Pattern: Tricolor Weight: 50.20 pound

I, [REDACTED] (hereinafter Adopter), acknowledge receiving from Pet
Helpers Adoption Center and Spay/Neuter Clinic (hereinafter Pet Helpers), custody of
Slim Jim (microchip #: 982 091 063428429), and, in return consideration
to Pet Helpers hereby promise and agree to the following:

1. Use as Companion Animal: [REDACTED] Adopter Initials

a. Adopter agrees that the animal will be kept only as a companion animal. The
above-named animal will not be used for fighting, breeding, racing, or
experimental/research purposes.

2. Animal Care: [REDACTED] Adopter Initials

- a. Adopter will, at his/her own expense, provide the adopted animal with adequate
and proper quantities of wholesome food and water, safe and adequate shelter,
proper and adequate exercise, training, appropriate veterinary attention, and, in
general, treatment in accordance with the humane and prudent practices of animal
care.
- b. Adopter shall comply with all city, county, and state laws and regulations,
including but not limited to, those relating to care, housing, licensing, ordinances,
etc.
- c. The animal adopted must live indoors and cannot be tethered or kennelled
outdoors.
- d. Although your adopted animal is microchipped, adopter agrees to have an ID tag
and collar on adopted animals at all times.
- e. Adopter shall provide heartworm and/or flea preventative for life of animal. If a
canine is returned to Pet Helpers, adopters agrees to provide current heartworm
test results at time of return. If tested positive, adopter shall be financially
responsible for heartworm treatment.
- f. Adopter is aware of maintenance needs of the species being adopted. Adopter
agrees that he/she will not declaw, crop, dock or otherwise mutilate any animal
he/she is adopting from Pet Helpers unless in cases of medical necessity.

- g. Adopter agrees that if any behavioral issues arise after adoption, the adopter will enlist help from the Pet Helpers staff by contacting our shelter immediately. Adopter also agrees to work with our shelter trainer who can assist in overcoming any issues that may arise.

3. Prior Animal Care Charges or Convictions: [REDACTED] Adopter Initials

- a. Adopter represents that he/she has never been subject to legal action for cruelty to or neglect of animals. Adopter further represents that he/she has never owned an animal that has been confiscated by any animal control or humane organization for violations of state or local animal control regulations or animal adoption agreements.

4. Full Household Consent: [REDACTED] Adopter Initials

- a. Adopter represents that all household members have agreed to the adoption of the animal and will abide by the terms of this agreement.

5. Tenant and zoning: [REDACTED] Adopter Initials

- a. If the Adopter is a tenant, then Adopter agrees that he/she has permission from his/her landlord to own and possess this animal at his/her residence.
b. It is the responsibility of adopters to check local zoning and housing communities to ensure animal/breed is acceptable to live in such community.

6. No Guarantee Given Regarding Breed, Health or Temperament: [REDACTED] Adopter Initials

- a. Adopter acknowledges and understands that Pet Helpers makes no claims as to the temperament, health, disposition, or general condition of this animal. Pet Helpers has provided the adopter, to the fullest extent possible, information about the health, history and background of the animal. The Adopter understands that animals at Pet Helpers come from a rescue environment in which little may be known about the animal's past. Hence, Pet Helpers cannot guarantee that this animal is free from all illness despite the organization's best efforts and due diligence to minimize and prevent disease transmission. The adopter accepts responsibility for the animal based on the information available and provided at the time of this agreement.
b. Pet Helpers does not perform DNA testing to determine the breed of our animals. All breeds are 'best guessed' and opinion may vary.

7. Release of Liability: [REDACTED] Adopter Initials

- a. Adopter accepts possession of (subject to the conditions of the adoption contract), and responsibility for the animal adopted and agrees to release and discharge Pet Helpers, its agents, officers and directors, heirs or assignees forever from liability for any injury or damages to any person or property caused by the adopted animal, and from any causes of action, claims, suits, or demands whatsoever that may arise as a result of such injury or damages.

8. Transfer of Ownership: [REDACTED] Adopter Initials

- a. The Adopter agrees not to sell, trade, loan, or give away the animal without the prior written consent of Pet Helpers. This adoption agreement is non-transferable.
b. Adopter agrees to notify Pet Helpers via email of any address or phone number changes so that we can keep our records current in case your pet gets lost and we are notified.

9. Return of Animal to Pet Helpers: [REDACTED] Adopter Initials

- a. We at Pet Helpers seek forever homes for the animals that come through our shelter and encourage adopters to adopt our philosophy. Adopter can transfer the adopted animal into another home only after notifying Pet Helpers, giving us the first option of return and providing Pet Helpers with new adopters' information. Adopter will not be eligible for any refund of adoption donation fees or expenses.

However, if Pet Helpers can accept animal back into our shelter, all intakes are scheduled through our intake coordinator by appointment only.

10. Reservation of Rights: [REDACTED] Adopter Initials

- a. Pet Helpers reserves the right to an ongoing review of this adoption at random, to follow up on any complaints or reports to protect the welfare of this animal. If the Adopter does not satisfactorily uphold any of the terms of this Agreement and/or if any misrepresentations have been made to Pet Helpers in order to obtain the animal, Pet Helpers reserves the right to void this Agreement and take immediate possession of the animal, wherever it is located. At such time the adopter's rights shall be terminated and adopter agrees that he/she shall have no direct cause of action or claim against Pet Helpers, its officers, directors, staff, or volunteers regarding such removal and termination of rights. In the event the Adopter fails or refuses to return such animal upon demand, he/she hereby agrees to pay Pet Helpers reasonable attorneys' fees in the event an attorney is consulted or if suit is brought for the return of the animal.

11. Copy of Contract: [REDACTED] Adopter Initials

- a. Adopter acknowledges that he/she has received a copy of this Animal Adoption Contract signed by both parties.

I certify that I am over the age of 18 and lawfully competent to enter into this contract. I agree that all information provided in the Adoption Application and Adoption Contract is truthful to the best of my knowledge and belief. If it is found that any statements I have made on the Adoption Application and Contract are not true, the adopted animal can be confiscated.

[REDACTED]
Adopter Signature

05/08/21
Date

[REDACTED]
Signature
Agent, Pet Helpers Adoption Center

5/8/21
Date

EXHIBIT B



BLAINE JOHN

Animal Care Technician

EXHIBIT C

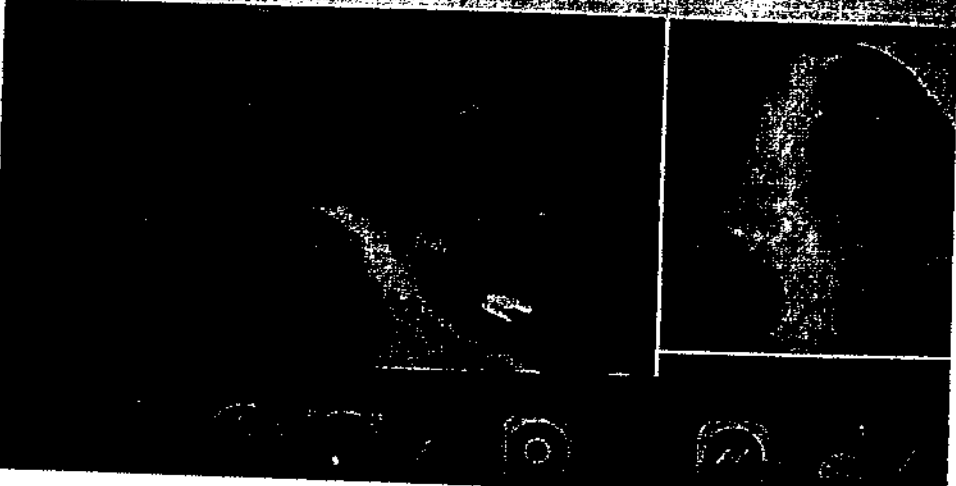
Pet Helpers Adoption Shelter and Spay/Neuter City
May 19 at 3:21 PM

Here's the Happy Ending Update you've all been waiting for on recently-adopted staff favorite, Slim Jim! 🐾 We are thrilled to share that Slim Jim found the loving and attentive home he deserves. His new owner works from home, so Dad is always there to make sure Slim is getting all the care he needs. As an only dog, Slim Jim is the star of the show. Each day, they go on a long walk, so Slim can follow scents and explore his new neighborhood. 🐾

His adopter just can't get over how "majestic" Slim looks when the sunlight hits his shimmering coat. When these two best friends aren't working or going on mini-adventures, they like to cuddle up on the couch to watch all their favorite TV shows. Congratulations to Slim Jim and his new Dad! We know you two are going to have the best life together! ❤️🌟❤️

Share your Happy Ending Updates pictures and stories with us in our DM's! Happy endings at Pet Helpers are just new beginnings for pets and their owners 🐾🐾

Make the next happy ending at pethelpers.org today 🌟



STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT COURT
CASE #:2021-CP-10-2682

**DEFENDANT'S AMENDED MOTION TO
RECONSIDER PLAINTIFF'S SANCTION
JUDGEMENT PERSUANT TO RULE SCRCP 15(A)**

PET HELPERS, INC.
PLAINTIFF

Vs.

JANET L. FRISCO,

DEFENDANT

To: THE ABOVE-NAMED PLAINTIFF, PET HELPERS, INC.

Pursuant to SCRCP Rule 15 (A), I am amending DEFENDANT'S MOTION TO RECONSIDER PLAINTIFF'S TWO RESTRAINING ORDERS AND SANCTION JUDGEMENT to reconsideration of the sanction judgement only since the time limit to appeal the restraining orders was 10 days. The sanction was imposed due to the fact I did not comply with the restraining orders. I did not comply with the restraining orders because the primary purpose for Pet Helpers' restraining orders was to prevent me from revealing the fraudulent behavior of their executive director, Melissa Susko, and her staff in staging an adoption of my dog Toby whom I had surrendered to them on April 13, 2021.

Pet Helpers' lawyer, Mr. Stephan Futeral, also made numerous false statements to obtain the restraining orders such as stating on his requests that I had violated Pet Helpers' *No Trespass Notice* on June 5, 2021 when two of her employees attempted to lure me on to their property and took pictures. Their legal counsel has exaggerated and made false statements in all of his motions and legal filings in order to defame my character. He also contends that I deliberately slandered and libeled them when I assumed and then publicly stated they had euthanized Toby after obtaining donations from the fake adoption. I came to that conclusion because they would not return the dog when I requested it, denied that he was unhappy at the shelter and continually lied to me. I also spoke to a former employee that told me Ms. Susko was certified to euthanize and had been involved in the deaths of at least two dogs she knew of, Dixie and Cody, that were not medically untreatable or aggressive.

If I had complied with the restraining orders, Pet Helpers would have been successful in concealing their fraudulent actions in the faking of Toby's adoption and the solicitation of donations based on finding him a good home. The subsequent sanction of \$5,434.34 for the plaintiff's court costs and legal fees resulting from me refusing to comply with the "gag order" should not have been levied against me because the restraining orders were based on false information provided by the plaintiffs and their desire to hide their criminal behavior.

On the evening of May 7th 2021, I submitted an adoption application electronically to Pet Helpers to adopt Toby. I called to follow up on the application and was told by Katie Leasure in the Intake Department that Toby/aka Slim Jim had been adopted on the morning of May 7th 2021 and Ms. Susko had also left me a voice message on my cell phone to that effect. I found out later from their legal counsel that the alleged adoption was on the May 8th. When I saw the adoption pictures on their website, I thought at first the adopter might be a hunter and I called them concerned about that. Later I

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2021 NOV - 1 PM 3:33
JULIE J. ARMSTRONG
CLERK OF COURT
DGR

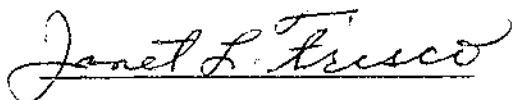
saw the "Happy Ending Update" pictures of Toby with a description of Toby's new life and I knew that it was all fabricated to solicit donations. He was still appeared to be at the shelter in the pictures they posted although they were saying he was in a happy new home. I obtained pictures of an employee, John Blaine, from their website and he looked like the adopter although his face was covered with a mask and he was wearing a hat (Exhibit A). On October 22, 2021 Mr. Futeral sent me pictures of Mr. Blaine after he has lost a substantial amount of weight since the May adoption and another person that he maintains is the actual adopter. Both men look more like mere handlers than caring owners as they hold Toby on a leash (Exhibit A & B). Note the difference when Toby is with me the day of the surrender (Exhibit C). I believe this claim is a continuation of the cover-up to conceal the fake adoption that Pet Helpers knows is criminal and to avoid related consequences. Ms. Susko, Ms. Leasure, Mr. Blaine and many others associated with Pet Helpers are all complicit in the aforementioned deceptive behavior intended to defraud their donors by faking Toby's adoption and prevent me from retrieving him. Pet Helpers' legal counsel, Stephan V. Futeral, is guilty of attempting to conceal his client's fraudulent behavior through the lawsuit and its' actions and should be disciplined.

In order to settle this matter, the adoption application of Toby dated May 8th, 2021 should be presented to the court along with a legitimate identification card of the alleged adopter by the plaintiffs. If it is determined after investigation that the adoption was not authentic, Pet Helpers complaint Case #2021-CP-10-2682 should be dismissed along with both restraining orders, the subsequent sanction against me and a criminal investigation into Pet Helpers unethical and criminal activities at their shelter should be conducted by the authorities.

Exhibit A – Photograph of Toby's Adoption on May 11, 2021 and photograph of employee John Blaine on Pet Helper's website May 2021.

Exhibit B – Photograph of John Blaine and photograph of alleged adopter both dated October 2021.

Exhibit C - Photographs of Toby and me day of surrender April 13, 2021.



Janet L. Frisco, Pro Se

Dated: Nov. 1, 2021

CERTIFICATE OF SERVICE

The foregoing document **DEFENDANT'S AMENDED MOTION TO RECONSIDER PLAINTIFF'S SANCTION JUDGEMENT** was served on the following by email and U.S. Mail with sufficient postage affixed, this 1st day of November 2021:

Stephan V. Futeral
1004 Anna Knapp Blvd. Suite 3
Mt. Pleasant, South Carolina 29464
sfuteral@charlestonlaw.net



BLAINE JOHN
Animal Care Technician

EXHIBIT A



EXHIBIT
Blaine John B

Oct 24 2021



Owner

Oct 23 2021



EXHIBIT C

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

PET HELPERS, INC.,

Plaintiff,

vs.

JANET FRISCO,

Defendant.

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NO.: 2021-CP-10-2682

**MOTION FOR SANCTIONS FOR
DEFENDANT'S FAILURE TO
COMPLY WITH AN ORDER OF
DISCOVERY**

TO DEFENDANT JANET FRISCO:

YOU WILL PLEASE TAKE NOTICE that the undersigned will move before the presiding Judge, Court of Common Pleas for Charleston County, within ten (10) days or as soon thereafter as counsel may be heard, for an Order, pursuant to Rule 37(b)(2)(a)-(c) SCRCF, sanctioning Defendant for her willful failure to comply with this court's Order Compelling Discovery filed on January 11, 2022 and served on Defendant on January 11, 2022.

BACKGROUND

On January 6, 2022, this court issued an order consolidating Frisco v. Pet Helpers, Inc. et. al., 2021-CP-10-2848. In these cases, Defendant has been willfully defiant of this court's orders and was held in contempt by order dated November 5, 2021 wherein the court sentenced Defendant to thirty (30) days in jail purgeable upon payment of \$5,434.32.

Plaintiff properly served interrogatories and requests for production, the responses to which were due on or before July 23, 2021. Defendant requested an extension of time to

answer to discovery, and Plaintiff extended the deadline until July 30, 2021. However, on July 26, 2021, Defendant corresponded with Plaintiff's counsel regarding her discovery responses and wrote to Plaintiff's counsel that he should seek mental health treatment and wrote "Don't hold your breath for the discoveries." (emphasis added). See email from Defendant attached hereto as **Exhibit A**.

On December 17, 2021, this court conducted a hearing regarding Plaintiff's Motion to Compel Discovery. From the bench, the court ordered Defendant to fully answer Plaintiff's discovery requests within thirty (30) days of the hearing. Later that day, Defendant wrote to Plaintiff's counsel "I realize that your wife wouldn't hang around with an old fart that wasn't loaded so you have to bleed people who earn their money honestly. As for [your paralegal] maybe she and your wife can start a bordello. It's a lot more honest than what they're doing now for money." (emphasis added). See email from Defendant attached hereto as **Exhibit B**.

On January 11, 2022, this court issued an Order Compelling Discovery. Specifically, Defendant was ordered to completely answer Plaintiff's Interrogatories and Requests for Production and pay to Plaintiff's counsel sanctions of \$1,214.24 within thirty (30) days of the hearing date on December 17, 2021.

On January 18, 2022, Plaintiff's counsel wrote to Defendant and inquired as to the overdue discovery responses and payment of sanctions. Defendant responded by writing "I'm willing to lose everything I own to expose the evil of corporations like Pet Helpers, lawyers, law enforcement and the courts if need be." (emphasis added). See email from Defendant attached hereto as **Exhibit C**.

On January 20, 2022, Plaintiff's counsel again inquired as to Defendant's overdue discovery responses. Defendant responded by writing "Do whatever you need to do in order

to hide Pet Helper's fraud and your lcover [sic] up.” See email from Defendant attached hereto as **Exhibit D**.

LAW/ANALYSIS

This court may sanction a party pursuant to Rule 37(d), SCRPC:

If a party or an officer, director or managing agent of a party ... fails ... to serve answers or objections to interrogatories submitted under Rule 33, after proper service of the interrogatories, or . . . to serve a written response to a request for inspection submitted under Rule 34, after proper service of the request, the court in which the action is pending on motion may make such orders in regard to the failure as are just, and among others it may take any action authorized under paragraphs (A), (B), and (C) of subdivision (b)(2) of this rule.

The sanctions referenced above are as follows:

(A) An order that the matters regarding which the order was made or any other designated facts shall be taken to be established for the purposes of the action in accordance with the claim of the party obtaining the order;

(B) An order refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting him from introducing designated matters in evidence;

(C) An order striking out pleadings or parts thereof, or staying further proceedings until the order is obeyed, or dismissing the action or proceeding or part thereof, or rendering a judgment by default against the disobedient party
....

Rule 37(b)(2)(a)-(c), SCRPC.

In Davis v. Parkview Apartments, our supreme court affirmed the trial court's issuance of a dismissal order as a sanction. [409 S.C. 266, 283](#), [762 S.E.2d 535, 544](#) (2014).

The court held that the sanctions imposed were not unduly harsh considering the appellant's willful and repeated failure to comply with various orders of the trial court, which resulted in unnecessary delay and prejudice to the respondents. Id.

Here, as set forth above, Defendant continues to willfully disobey the court and is acting to delay and to prejudice Plaintiff's right to have the claim heard. Accordingly, Plaintiff respectfully requests this court issue an order:

- (1) Rendering a default judgment against Defendant for Plaintiff's claim of defamation;
- (2) Making the temporary injunctive order in this case permanent;
- (3) Dismissing Defendant's claims against Plaintiff;
- (4) Awarding Plaintiff all of its attorney's fees and costs in this case;
- (5) Holding Defendant in contempt and incarcerating Defendant until she pays \$1,214.24 in sanctions as previously ordered by the court; and
- (6) Dismissing Defendant's claims against Plaintiff.

FUTERAL & NELSON, LLC

s/ Stephan Futeral

Stephan V. Futeral, Esquire
S.C. Bar ID 66427
1004 Anna Knapp Blvd., Suite 3
Mt. Pleasant, South Carolina 29464
Telephone (843) 284-5500
Facsimile (843) 284-5501
email to: sfuteral@charlestonlaw.net
Attorney for Plaintiff

Dated: 1/21/2022

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT COURT
CASE #:2021-CP-10-2682

**RETURN TO DEFENDANT'S MOTION TO AMEND
ANSWER PURSUANT TO SCRCP RULE 15(B) AND
COUNTERCLAIM FOR MALICIOUS PROSECUTION**

Pet Helpers, Inc., Plaintiff

Vs.

Janet L. Frisco, Defendant

2022 FEB 28 AM 8:46
JULIE J. ARMSTRONG
CLERK OF COURT
DGR

FILED

To: THE ABOVE-NAMED PLAINTIFF, PET HELPERS, INC.:

YOU WILL PLEASE TAKE NOTICE that the undersigned will move before the presiding judge, Court of Common Pleas for Charleston County, within ten (10) days or as soon thereafter as Pro Se may be heard, to amend original answer to the Plaintiff's complaint and to counterclaim for malicious use of process in the wrongful initiation of a civil proceeding in order to seek relief of all sanctions, partial summary or default judgements and compensation for legal costs, sanction paid to the plaintiff's attorney, return of my dog Toby that they obtained under false pretenses and who was allowed to suffer separation from me contrary to their claims they try to keep pets and owners together or place them in good homes stated on their website and a settlement paid by Pet Helpers for the immense pain and duress inflicted on me by their lawsuit which included incarceration, intimidation, threats, multiple hearings, written and verbal false accusations, calumny, oppressive discovery requests, unjust restraining orders, calling police on me without reason and other abuse that I am still being subjected to through their malicious and fraudulent lawsuit.

"Pursuant to SCRCP Rule 15(B) AMENDMENTS TO CONFORM TO THE EVIDENCE when issues not raised by the pleadings are tried by express or implied consent of the parties, they shall be treated in all respects as if they had been raised in the pleadings. Such amendment of the pleadings as may be necessary to cause them to conform to the evidence and to raise these issues may be made upon motion of any party at any time, even after judgement, but failure so to amend does not affect the result of the trial on these issues."

BACKGROUND

At the time I answered the plaintiff's complaint I was not aware of information that is critical to any final decisions by the court. Since my original Answer to the Complaint, there is evidence that the adoption of my dog, Toby, a.k.a. Slim Jim, was staged by Melissa Susko and her employee, John Blaine on May 8, 2021. **(EXHIBIT A)**. The fake adoption was then advertised on their website in order to fraudulently solicit donations based on finding him a new home. **(EXHIBIT B)**. Katherine Leasure, in the Intake Department, and Ms. Susko lied about the date of the so-called adoption in order to prevent me from adopting my dog back after I submitted an online adoption application on the evening of May 7th 2021 **(EXHIBIT C)** that Ms. Leasure sent me after I called and emailed her on several occasions about reclaiming my dog days after his surrender. **(EXHIBIT D)**. Ms. Susko, Ms. Leasure, and Mr. Blaine are all complicit in the aforementioned behavior intended to defraud their donors by faking Toby's adoption in order to solicit donations from their donors and collect subsidies from the Bissell Pet Foundation.

CONCLUSION

Pet Helpers' legal counsel, Stephan V. Futeral, is guilty of attempting to conceal his client's fraudulent behavior through the lawsuit and its' actions and fraud upon the court for concealing evidence and making false statements on filed documents and in court hearings in order to cover up criminal fraud by Pet Helpers, Inc. He lied that I threatened employees, trespassed on the Pet Helper's property and committed defamation in order to obtain the restraining orders and file the complaint against me. The lawsuit filed by the plaintiff's constitutes malicious prosecution because there was no defamation against the plaintiff involved. The complaint against me is a ploy to conceal the plaintiff's criminal fraudulent actions. Everything I said was true except they hadn't killed my dog yet because I brought too much attention to their sinister actions through my public protests. I believed they had euthanized Toby shortly after the fake adoption because a former employee approached me as I was protesting in front of Pet Helpers and told me the executive manager, Melissa Susko, told her she was certified to euthanize and the former employee also said that Ms. Susko had been involved in the euthanasia of two dogs, Cody and Dixie who were not medically untreatable or aggressive when the employee worked at Pet Helpers. I truly believe they planned to kill him because I saw how they let him suffer for weeks after I left him there waiting for me to return when they knew I would come back for him and

then later denied in their Admits that dogs feel depression when abandoned. Plaintiffs have maliciously, with the assistance of their legal counsel, attempted to conceal a crime through the restraining orders and sanctions contained in the lawsuit when I reacted to their deception after unsuspectingly surrendering my dog Toby to them on April 13, 2021. They mislead me to believe that they would find him a good home and instead they faked his adoption and probably planned to kill him after they collected donations and subsidies. The ultimate goal of the lawsuit is to cover-up their crime of fraud by suppressing the truth about the fake adoption and to destroy me in the process if necessary. Pet Helpers has caused great injury to me by subjecting me to threats, intimidation, illegitimate restraining orders, calling the police for no reason, violation of my constitutional right to free speech, traumatizing me by incarceration, and causing me financial hardship through sanctions and currently a motion for a partial summary judgement when I have not committed libel or slander against them, but instead exposed the truth about what they did to my rescued hunting dog and to me with complete disregard for our suffering. Every time I looked at his pictures on their website, my heart broke because I could see, and so could they, how sad he was although they denied it when I called and emailed repeatedly after the surrender.

Their lawsuit has affected my health and overall well-being that may be a permanent condition when I was doing very well even starting my own landscaping business before I fell into Pet Helpers' trap that they set for the public and unwarily surrendered my dog to them. I have had to undergo almost a year of pain and suffering because they were only concerned with exploiting Toby in order to make money allowing him to suffer separation and then prosecuting me for exposing the fake adoption and disposal of dogs. They deliberately and maliciously tried to harm me financially through the lawsuit and possible physical harm through the incarceration in order to cover up their criminal actions.

Accordingly, the Defendant respectfully requests the following of this court:

1. Pet Helpers' illegitimate complaint Case # 2021-CP-10-2682 be dismissed and all associated restraining orders and sanctions rendered against me be immediately revoked and/or refunded.
2. I be reimbursed for all costs, pertaining to this case and my own complaint Case #2021-CP-10-2848 that was consolidated January 6, 2022 as well as the sanction of \$5432.34 I was forced to pay to be released from jail of November 9, 2021, a form of theft and extortion by the Plaintiff's attorney.

3. My dog Toby, who was not legitimately adopted, be returned to me as he should have been when I requested that Pet Helpers return him a week after the surrender.

4. Mr. Stephan Futeral, the Plaintiff's attorney, be reprimanded by the court and referred to the South Carolina Bar for his deceptive actions constituting fraud upon the court in this lawsuit.

5. I be compensated \$50,000 for my pain and suffering inflicted by the Plaintiff during the course of this malicious prosecution.

Janet L. Frisco

Janet L. Frisco, Pro Se

Dated: 2/28/22

CERTIFICATE OF SERVICE

The foregoing document ***RETURN TO DEFENDANT'S MOTION TO AMEND ANSWER AND COUNTERCLAIM FOR MALICIOUS PROSECUTION*** was served on the following by email and U.S. Mail with sufficient postage affixed, this 28th day of February 2022:

Janet L. Frisco

Janet L. Frisco, Pro Se

Stephan V. Futeral
1004 Anna Knapp Blvd. Suite 3
Mt. Pleasant, South Carolina 29464
sfuteral@charlestonlaw.net



BLAINE JOHN

Animal Care Technician



5/8/2021

Contract

Adoption Contract - May 8 2021

Tel.: 843-795-1110 | Fax: 843-795-8090



Pet Helpers
1447 Folly Road
Charleston, South Carolina 29412 USA
msusko@pethelpers.org
<https://www.pethelpers.org/index.html>

Person ID: [REDACTED]

Animal Information

Animal ID: A47529858 Name: Slim Jim Types: Dog Gender: Male
ARN: Toby DOB: 4/13/2020 Breeds: Hound/Mix Altered: Yes
Chip #: 982091063428429 Current Age: 1 y 0 m 25 d Colors: Brown/White Size: Large
Type: 24PetWatch Age Group: Adult - 1 year and older Pattern: Tricolor Weight: 50.20 pound

I, [REDACTED] (hereinafter Adopter), acknowledge receiving from Pet
Helpers Adoption Center and Spay/Neuter Clinic (hereinafter Pet Helpers), custody of
Slim Jim (microchip #: 982 091063428429), and, in return consideration
to Pet Helpers hereby promise and agree to the following:

1. Use as Companion Animal: [REDACTED] Adopter Initials

- a. Adopter agrees that the animal will be kept only as a companion animal. The above-named animal will not be used for fighting, breeding, racing, or experimental/research purposes.

2. Animal Care: [REDACTED] Adopter Initials

- a. Adopter will, at his/her own expense, provide the adopted animal with adequate and proper quantities of wholesome food and water, safe and adequate shelter, proper and adequate exercise, training, appropriate veterinary attention, and, in general, treatment in accordance with the humane and prudent practices of animal care.
- b. Adopter shall comply with all city, county, and state laws and regulations, including but not limited to, those relating to care, housing, licensing, ordinances, etc.
- c. The animal adopted must live indoors and cannot be tethered or kenneled outdoors.
- d. Although your adopted animal is microchipped, adopter agrees to have an ID tag and collar on adopted animals at all times.
- e. Adopter shall provide heartworm and/or flea preventative for life of animal. If a canine is returned to Pet Helpers, adopters agrees to provide current heartworm test results at time of return. If tested positive, adopter shall be financially responsible for heartworm treatment.
- f. Adopter is aware of maintenance needs of the species being adopted. Adopter agrees that he/she will not declaw, crop, dock or otherwise mutilate any animal he/she is adopting from Pet Helpers unless in cases of medical necessity.

EXHIBIT A

g. Adopter agrees that if any behavioral issues arise after adoption, the adopter will enlist help from the Pet Helpers staff by contacting our shelter immediately. Adopter also agrees to work with our shelter trainer who can assist in overcoming any issues that may arise.

3. Prior Animal Care Charges or Convictions: [REDACTED] Adopter Initials

a. Adopter represents that he/she has never been subject to legal action for cruelty to or neglect of animals. Adopter further represents that he/she has never owned an animal that has been confiscated by any animal control or humane organization for violations of state or local animal control regulations or animal adoption agreements.

4. Full Household Consent: [REDACTED] Adopter Initials

a. Adopter represents that all household members have agreed to the adoption of the animal and will abide by the terms of this agreement.

5. Tenant and zoning: [REDACTED] Adopter Initials

a. If the Adopter is a tenant, then Adopter agrees that he/she has permission from his/her landlord to own and possess this animal at his/her residence.
b. It is the responsibility of adopters to check local zoning and housing communities to ensure animal/breed is acceptable to live in such community.

6. No Guarantee Given Regarding Breed, Health or Temperament: [REDACTED] Adopter Initials

a. Adopter acknowledges and understands that Pet Helpers makes no claims as to the temperament, health, disposition, or general condition of this animal. Pet Helpers has provided the adopter, to the fullest extent possible, information about the health, history and background of the animal. The Adopter understands that animals at Pet Helpers come from a rescue environment in which little may be known about the animal's past. Hence, Pet Helpers cannot guarantee that this animal is free from all illness despite the organization's best efforts and due diligence to minimize and prevent disease transmission. The adopter accepts responsibility for the animal based on the information available and provided at the time of this agreement.
b. Pet Helpers does not perform DNA testing to determine the breed of our animals. All breeds are 'best guessed' and opinion may vary.

7. Release of Liability: [REDACTED] Adopter Initials

a. Adopter accepts possession of (subject to the conditions of the adoption contract), and responsibility for the animal adopted and agrees to release and discharge Pet Helpers, its agents, officers and directors, heirs or assignees forever from liability for any injury or damages to any person or property caused by the adopted animal, and from any causes of action, claims, suits, or demands whatsoever that may arise as a result of such injury or damages.

8. Transfer of Ownership: [REDACTED] Adopter Initials

a. The Adopter agrees not to sell, trade, loan, or give away the animal without the prior written consent of Pet Helpers. This adoption agreement is non-transferable.
b. Adopter agrees to notify Pet Helpers via email of any address or phone number changes so that we can keep our records current in case your pet gets lost and we are notified.

9. Return of Animal to Pet Helpers: [REDACTED] Adopter Initials

a. We at Pet Helpers seek forever homes for the animals that come through our shelter and encourage adopters to adopt our philosophy. Adopter can transfer the adopted animal into another home only after notifying Pet Helpers, giving us the first option of return and providing Pet Helpers with new adopters' information. Adopter will not be eligible for any refund of adoption donation fees or expenses.

However, if Pet Helpers can accept animal back into our shelter, all intakes are scheduled through our intake coordinator by appointment only.

10. Reservation of Rights: [REDACTED] Adopter Initials

- a. Pet Helpers reserves the right to an ongoing review of this adoption at random, to follow up on any complaints or reports to protect the welfare of this animal. If the Adopter does not satisfactorily uphold any of the terms of this Agreement and/or if any misrepresentations have been made to Pet Helpers in order to obtain the animal, Pet Helpers reserves the right to void this Agreement and take immediate possession of the animal, wherever it is located. At such time the adopter's rights shall be terminated and adopter agrees that he/she shall have no direct cause of action or claim against Pet Helpers, its officers, directors, staff, or volunteers regarding such removal and termination of rights. In the event the Adopter fails or refuses to return such animal upon demand, he/she hereby agrees to pay Pet Helpers reasonable attorneys' fees in the event an attorney is consulted or if suit is brought for the return of the animal.

11. Copy of Contract: [REDACTED] Adopter Initials

- a. Adopter acknowledges that he/she has received a copy of this Animal Adoption Contract signed by both parties.

I certify that I am over the age of 18 and lawfully competent to enter into this contract. I agree that all information provided in the Adoption Application and Adoption Contract is truthful to the best of my knowledge and belief. If it is found that any statements I have made on the Adoption Application and Contract are not true, the adopted animal can be confiscated.

[REDACTED]
Adopter Signature

05/08/21
Date

[REDACTED]
Signature

Agent, Pet Helpers Adoption Center

5/8/21
Date



Thank you for choosing to adopt! Please complete this questionnaire to help guide our conversation today.

Date: 5/1/21 Animal's Name: ~~Slim Jim~~ Buster Animal ID #: 47529858

Adopter Name: _____

Address: _____ City/State/ZIP: _____

Email: _____

Cell phone: _____ Home phone: _____ Work phone: _____

Microchip Emergency Contact *Must be someone other than yourself*

Name: _____ Phone: _____

Best way you can be reached by phone?

Best time of day you can be reached?

We welcome adopters who rent or live in an apartment or condo. We want to alert you that some landlords and management companies have size and breed restrictions, limits on number of pets, and/or require pet deposits or additional fees.

Tell us about members of the new pet's household (e.g., # of adults/seniors/young children):

Tell us about pets at home (check all that apply):

- ☐ We have one or more dog(s)
- ☐ We have one or more cat(s)
- ☐ We have one or more small animal(s)
- ☐ I'd like help with introducing a new pet

Form continued on other side →



Other info you want to share?

We'll explain this new pet's medical history and behavioral history. Check any additional topics you'd like to discuss:

☒ Feeding this pet	☐ Finding a veterinarian
☐ House-training/litter box training	☐ Declawing
☒ Grooming/nail trimming	☒ Crate-training
☐ Exercise, toys and fun activities	☐ Moving with pets
☒ Puppy/kitten-proofing your home	☐ Pulling on-leash
☐ Finding a trainer	☐ Flea/tick prevention
☐ Introducing this pet to other pets	☐ Heartworm prevention
☒ Microchips and other ID options	

Other questions:

Extra services and opportunities we offer; check any you are interested in:

☒ Buying a crate with this adoption	☐ Information about low-cost spay and neuter services
☐ Information on our low-cost vaccination clinic for any current pets	☒ Information about volunteering or fostering with us
☒ Information on our next low-cost microchip implantation day for any current pets	☐ Information about supporting us with financial or in-kind donation
☒ Information about our training classes	

Signature _____ Date 5/1/21

Approved by _____ Date 5/8/21

Notes:

Extensively counselled!

EXHIBIT B

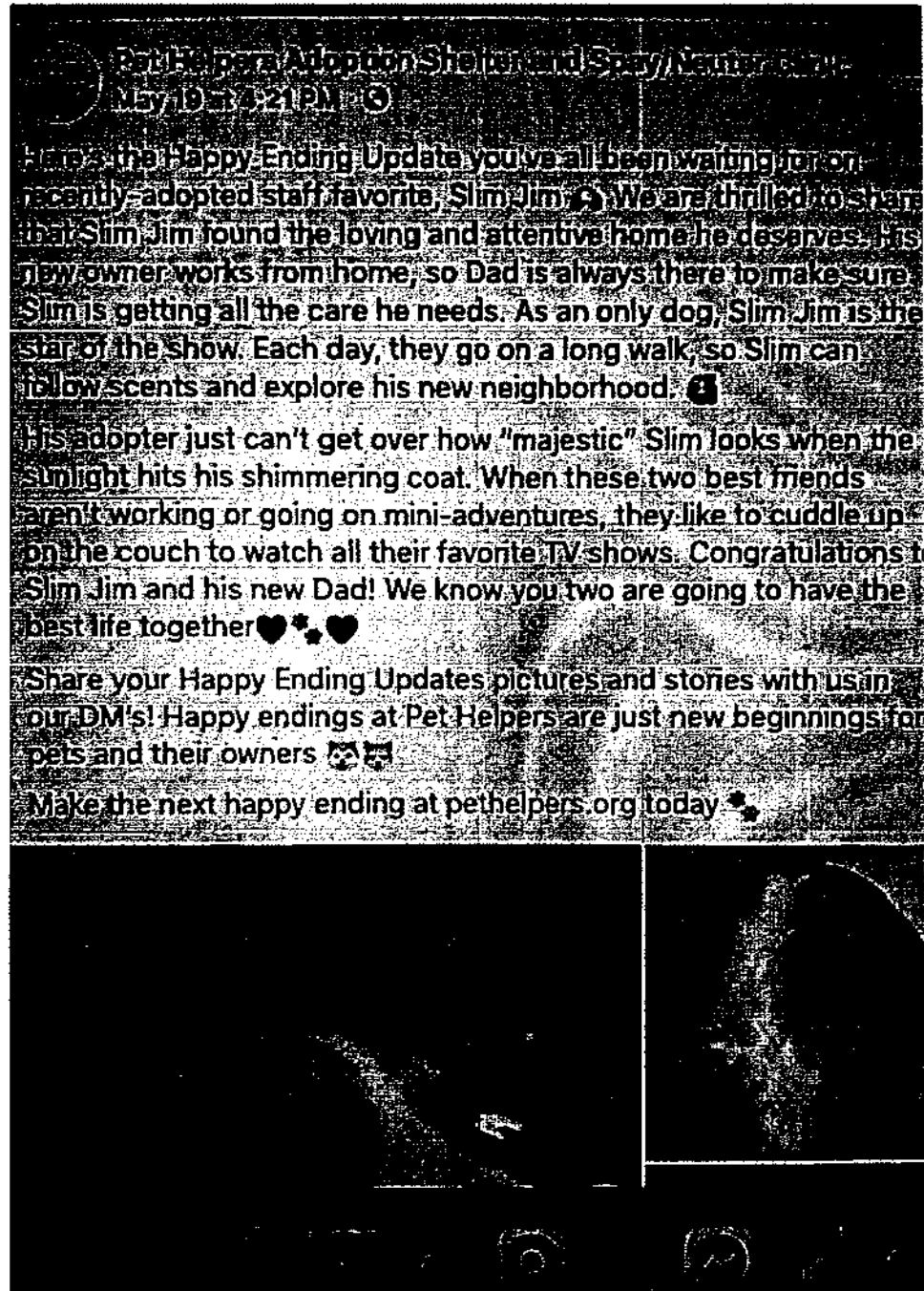


EXHIBIT C

Re: Application for adoption

From: Janet Frisco (janetfrisco@yahoo.com)

To: office@pethelpers.org

Date: Friday, May 7, 2021, 05:14 PM EDT

Thank you for sending the application. I would have sent it yesterday but I couldn't edit it on my phone and had to use my P.C. I am hoping I can get an appointment for adoption tomorrow or early next week. I miss him so much.

Janet Frisco

On Thursday, May 6, 2021, 04:33:36 PM EDT, Front Desk <office@pethelpers.org> wrote:



1447 Folly Rd Charleston, SC29412
t: 843-795-1110 | m: 843-795-1110
e: office@pethelpers.org



<http://www.pethelpers.org/>



Let your Child Learn the Magic of Animal Rescue this August at Pet Helpers!

Register Here: <https://pethelpers.org/hairy-pawtter/>

The information contained in this email, and any attachments hereto, is from Pet Helpers, Inc. and is intended only for use by the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this email, you are hereby notified that any dissemination, distribution, copying or use of the contents of this email, and any attachments hereto, is strictly prohibited. If you have received this email in error, please immediately notify me by reply email and permanently delete the original and any copy of this e-mail and any printout thereof.



Curbside adoption questionnaire.docx
53.9kB

HOME MAIL NEWS FINANCE SPORTS ENTERTAINMENT LIFE SHOPPING YAHOO PLUS MORE...

Front Desk Add keywords

Compose

Inbox 999+

Unread

Starred

Drafts 4

Sent

Archive

Spam

Trash

Less

Views Hide

Photos

Documents

Subscriptions

Deals

Groceries

Receipts

Travel

Folders Hide

+ New Folder

2019 tax docu...

Accident

Andrea

Animal Advocacy 3

Appeal

AT & T 3

carriage horses 1

Computer Upd...

Important

Meadowbrook

MILDRED BLACK

Next hearing

Outbox

Toby

trident Security 4

Back



Let your Child Learn the Magic of Animal Rescue this August at Pet Helpers!

Register Here: <https://pethelpers.org/hairy-pawties/>

The information contained in this email, and any attachments hereto, is from Pet Helpers, Inc. and is intended only for use by the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this email, you are hereby notified that any dissemination, distribution, copying or use of the contents of this email, and any attachments hereto, is strictly prohibited. If you have received this email in error, please immediately notify me by reply email and permanently delete the original and any copy of this e-mail and any printout thereof.



Curbside a....docx
53.9KB



Front Desk <office@pethelpers.org>
To: Janet Frisco

Sat, May 8, 2021 at 9:47 AM

Hello
This is Katie. Have you received my emails concerning Slim Jim?

Thank You
Katie



1447 Folly Rd Charleston, SC 29412
t: 843-795-1110 | m: 843-795-1110
e: office@pethelpers.org



<http://www.pethelpers.org/>

Show original message



Let your Child Learn the Magic of Animal Rescue this August at Pet Helpers!

Curbside adoption... Page 1 of 3



Pet Helpers

Thank you for choosing to adopt! Please complete this questionnaire to help guide our

Date: 5/7/21 Animal's Name: Slim Jim Animal ID #: 1

Adopter Name: JANET FRISCO

Address: 103 CAULFIELD DRIVE SUMMERVILLE SC 29405

Email: janetfrisco@yahoo.com

Cell phone: 843-804-0875 Home phone: N/A Work phone: 843-804-0875

Emergency Contact: "Name of someone other than yourself"

Name: ELIZABETH DOTSON Phone: 843-826-4274

Best way you can be reached by phone? ☒ Cell ☐ Home ☐ Work
Best time of day you can be reached? ☒ Morning ☐ Afternoon

We welcome adoption in who rent or live in an apartment or condo. We want to alert you that our managers and companies have size and breed restrictions, limits on number of pets, and/or the additional fee.

Tell us about members of the home pet household (e.g., if of adult children or young children): I am in my own two story house with a large back yard with a privacy fence. I have other dogs of which all that I was able to find.

Tell us about pets at home (check all that apply)
I live alone or with others



Pet Helpers

Thank you for choosing to adopt! Please complete this questionnaire to help guide our conversation today.

Date: 5/7/21 Animal's Name: SLIM JIM Animal ID #: not sure

Adopter Name: JANET FRISCO

Address: 203 CARDINAL DRIVE SUMMERVILLE SC 29485 City/State/ZIP:

Email: janetfrisco@yahoo.com

Cell phone: 843-804-0875 Home phone: n/a Work phone: 843-767-3855

Microchip Emergency Contact ***Must be someone other than yourself***

Name: ELIZABETH DOTSON Phone: 843-826-4274

Best way you can be reached by phone?	☒ Cell	☐ Home	☐ Work
Best time of day you can be reached?	☒ Morning	☒ Afternoon	☒ Evening

We welcome adopters who rent or live in an apartment or condo. We want to alert you that some landlords and management companies have size and breed restrictions, limits on number of pets, and/or require pet deposits or additional fees.

Tell us about members of the new pet's household (e.g., # of adults/seniors/young children): I am a single woman living in my own two story house with a large back yard with a privacy fence. I have other dogs of which two are elderly and a cat that lives outside in front yard.

Tell us about pets at home (check all that apply):

- ☒ We have one or more dog(s)
- ☐ We have one or more cat(s)
- ☐ We have one or more small animal(s)
- ☐ I'd like help with introducing a new pet

Form continued on other side →



Other info you want to share?

I surrendered Toby (Slim Jim) but I regret it because I was really attached to him after rescuing him from starvation and impoundment and keeping him for eight months. I neutered, wormed and vaccinated him and he was thriving. I know he is attached to me too and he looks really sad in his adoption pictures. I don't think he realized I wasn't coming back for him. I can take care of him and give him a good home like I do for all my other dogs that I've rescued. My whole life is dogs and going to church. They all sleep in the beds, eat well, heart worm prevention and are cared for better than some humans. They get to go on outings and walks and see vet regularly.

We'll explain this new pet's medical history and behavioral history. Check any additional topics you'd like to discuss:

☐ Feeding this pet	☐ Finding a veterinarian
☐ House-training/litter box training	☐ Declawing
☐ Grooming/nail trimming	☐ Crate-training
☐ Exercise, toys and fun activities	☐ Moving with pets
☐ Puppy/kitten-proofing your home	☐ Pulling on-leash
☐ Finding a trainer	☐ Flea/tick prevention
☐ Introducing this pet to other pets	☐ Heartworm prevention
☐ Microchips and other ID options	

Other questions:

Extra services and opportunities we offer; check any you are interested in:

☐ Buying a crate with this adoption	☐ Information about our training classes
☐ Information on our low-cost vaccination clinic for any current pets	☐ Information about low-cost spay and neuter services
☐ Information on our next low-cost microchip implantation day for any current pets	☐ Information about volunteering or fostering with us
	☐ Information about supporting us with financial or in-kind donation

Signature Janet L. Frisco Date 5/7/20

Approved by _____ Date _____

Notes:

EXHIBIT D

Re: Received Email Re: Toby

From: Janet Frisco (janetfrisco@yahoo.com)

To: intake@pethelpers.org

Date: Friday, April 23, 2021, 02:06 PM EDT

Katie, Could I please come there and get Toby back tomorrow. I thought I was doing the right thing for him, but he doesn't look happy at all in the pictures. He's had a rough life and I can't let him down like the hunter who previously owned him.

Janet Frisco

Sent from Yahoo Mail on Android

On Fri, Apr 23, 2021 at 2:06 AM, intake pethelpers
<intake@pethelpers.org> wrote:

Thank you for contacting the Intake Department at Pet Helpers. We have received your email and are working very hard finding animals homes and will get back to you with in 24 to 48 hours. If this is an emergency, please call the shelter directly 843-795-1110.

****Note in our "peak seasons" it may take us longer to respond.****



Intake Department
1447 Folly Rd Charleston, SC29412
t: 843-795-1110 | p: 843-531-6160



<http://www.pethelpers.org/>



imgbb.com

image not found

RECEIVED**Mar 15 2022****SC Court of Appeals****THE STATE OF SOUTH CAROLINA****In the Court of Appeals****APPEAL FROM CHARLESTON COUNTY****Court of Common Pleas, 9th Circuit Court**

The Honorable Bentley D. Price,
 The Honorable R. Kirk Griffin
 The Honorable Judge Robert Bonds

Court of Appeals Case No. 2022-000021

Family Court Case No. 2021-CP-10-26823.

Pet Helpers, Inc..... Respondent
 Janet L. Frisco.....Appellant

PETITION FOR REHEARING

The appellant, Janet Frisco, respectfully petitions for a rehearing pursuant to Rule SCACR 221(a) in response to Dismissal of Appeal Order dated March 2, 2022 because the court rendered a decision without considering SCACR Rule 60(b)(3) that the appeal was filed pursuant to on January 12, 2022 or other issues that were stated on the *RETURN TO THE MOTION TO DISMISS* which was filed on January 18, 2022 and are specifically listed below:

1. The motion for my appeal was not made under SCACR 203(b)(1) which specifies a 30-day time limit for appeal as stated in the order, but based **Rule SCACR 60(b)(3) "fraud, misrepresentation, or other misconduct of an adverse party"** which allows up to one year to appeal. Rule SCACR 60(b) was not addressed in the order to dismiss. In conclusion, the court made their decision overlooking the specific rule the appeal was based and misapprehended the plaintiff's motion to dismiss pursuant to SCACR 203(b)(1) which was an irrelevant argument.

2. The decision of the Appellate Court did not consider the issue of the plaintiff's legal counsel committing "fraud upon the court" in concealing evidence and making false statements on court documents and during hearings in order to obtain restraining orders.

3. The decision of the Appellate Court did not consider possible "abuse of discretion" by officers of Charleston County Court of Common Pleas who did not allow the defendant/appellant to voice a defense prior to rendering restraining orders and subsequent sanctions. Also, the order for the injunction and restraining order was not signed by Judge Roger M. Young, Sr. who presided at the hearing on June 17, 2021. The court order was signed by Judge Robert Bonds. The scheduling clerk in the Court of Common Pleas stated this is not uncommon when I inquired about the discrepancy as I was preparing my appeal.

EXHIBITS

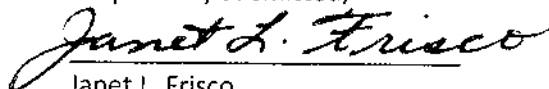
- A. Plaintiff's Motion to Dismiss document filed January 12, 2022.
- B. Defendants Return to Motion to Dismiss document filed January 21, 2022
- C. Order for Dismissal of Appeal by South Carolina Court of Appeals March 2, 2022
- D. Order for Injunction and Restraining Order signed by Judge Robert Bonds June 17, 2021

CONCLUSION

The arguments contained in my initial appeal and my Return to Motion to Dismiss were not considered in the court's decision to dismiss my appeal, and therefore the court should allow a rehearing and consider the arguments that my appeal was based on rather than rendering a decision solely on the plaintiff's motion to dismiss pursuant to Rule SCACR 240 and Rule SCACR 203(B)(1), (both requiring appeals to be submitted within thirty (30) days of notice) that did not apply to the appeal in question due to the fact there was fraud and misconduct on the part of Pet Helpers, Inc. and their legal representative, Stephan Futeral.

The motion fee of \$50.00 will be mailed 3/15/22 by regular mail to the court with the copies of the Petition for Rehearing.

Respectfully submitted,



Janet L. Frisco
 203 Cardinal Drive
 Summerville, SC 29485
 (843)804-0875
Janetfrisco@yahoo.com
 Appellant, Pro Se

DATED: 3/15/22

EXHIBIT A**RECEIVED**

Jan 12 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable Judge Roger M. Young, Sr.,
The Honorable R. Kirk Griffin
and The Honorable Bentley D. Price

Court of Appeals Case No. 2022-000021
Family Court Case No. 2021-CP-10-2682

Pet Helpers, Inc. Respondent,

v.

Janet L. Frisco Appellant.

MOTION TO DISMISS

Respondent moves this Honorable Court, pursuant to Rule 240, SCACR, for an Order dismissing this appeal. The grounds for this appeal are that the Appellant's service of the Notice of Appeal was untimely in that it was served more than thirty (30) days after Appellant's written notice of entry of the orders referenced in the appeal.

PROCEDURAL BACKGROUND

The timeline in this case is as follows:

- On June 17, 2021, the Honorable Judge Roger M. Young, Sr. issued an Injunction and Restraining Order. Respondent gave Appellant written notice of entry of this order on June 17, 2021 via email. **See Exhibit A.**

- On July 29, 2021, the Honorable R. Kirk Griffin issued a 2nd Order for Injunction and Temporary Restraining Order. Respondent gave Appellant written notice of entry of this order on July 30, 2021 via email and US Mail. **See Exhibit B.**
- On October 12, 2021, the Honorable Bentley D. Price issued an Order on Plaintiff's Motion to Reconsider. Respondent gave Appellant written notice of entry of this order on October 12, 2021 via email and US Mail. **See Exhibit C.**
- On November 5, 2021, the Honorable Bentley D. Price issued a Form 4 Order regarding Contempt of Court. Respondent gave Appellant written notice of entry of this order on November 9, 2021 via email and US Mail. **See Exhibit D.**
- Appellant emailed her Notice of Appeal to Respondent's counsel on January 8, 2022. Respondent received Appellant's Notice of Appeal by US Mail on January 11, 2022.

ARGUMENT

I. **THIS COURT SHOULD DISMISS THE APPEAL BECAUSE APPELLANT FAILED TO SERVE HER APPEAL WITHIN THIRTY (30) DAYS AFTER WRITTEN NOTICE OF ENTRY OF THE ORDERS PURSUANT TO RULE 203(b)(1), SCACR.**

Pursuant to Rule 203(b)(1), SCACR, "[a] notice of appeal shall be served on all respondents within thirty (30) days after receipt of written notice of entry of the order or judgement." "South Carolina follows a bright-line rule: the timely service of the notice of appeal is a jurisdictional requirement, without which appellate courts lack the authority to hear and decide cases." Wells Fargo N.A. v. Fallon Properties, S.C., LLC, 422 S.C. 211, 220, 810, S.E.2d 856, 861 (2018). The deadline cannot be extended. Hill v. S.C. Dep't of Health & Envtl. Control, 389 S.C. 1, 698 S.E.2d 612 (2010); *see also* Sadisco of Greenville, Inc v. Greenville Cty. Bd. of Zoning Appeals, 340 S.C. 57, 59 530 S.E.2d 383, 384 (2000) ("This Court has consistently stated that

service of the Notice of Appeal is a jurisdictional requirement, and this court has no authority to extend or expand the time in which the Notice of Appeal must be served.” (emphasis added)); Jean Hoefer Toal et al., Appellate Practice in South Carolina 122 (3d ed. 2016) (“If a party fails to [timely serve the notice of appeal], the appellate court has no authority or discretion to rescue the delinquent party by extending or ignoring the deadline because the appellate court lacks jurisdiction over the matter.” (emphasis added))

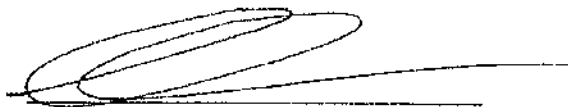
Here, Appellant received written notice, via email, of Judge Young’s order on June 17, 2021, Judge Griffin’s order on July 30, 2021, Judge Price’s first order on October 12, 2021, and Judge Price’s second order on November 9, 2021. However, Appellant failed to serve her appeal within thirty (30) days of written notice of the entry of any of the four orders referenced herein, and this court should dismiss the appeal.

CONCLUSION

Because Appellant did not timely serve her notice of appeal, this Court has no jurisdiction, authority, or discretion to hear this matter, and this Court should dismiss this appeal.

Respectfully submitted,

FUTERAL & NELSON, LLC



Stephan V. Futeral
 SC Bar ID 66427
 1004 Anna Knapp Blvd., Suite 3
 Mount Pleasant, South Carolina 29465
 (843) 284-5500 Phone (843) 284-5501 Fax
 sfuteral@charlestonlaw.net
Attorney for Respondent

Dated: January 12, 2022

RECEIVED

Jan 12 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable Judge Roger M. Young, Sr.,
The Honorable R. Kirk Griffin
and The Honorable Bentley D. Price

Court of Appeals Case No. 2022-000021
Family Court Case No. 2021-CP-10-2682

Pet Helpers, Inc. Respondent,

v.

Janet L. Frisco Appellant:

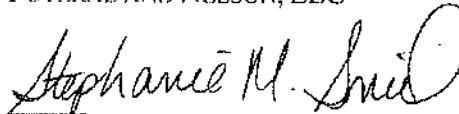
PROOF OF SERVICE

I certify that I have served the Respondent's *Motion to Dismiss* by delivering the same via email and United States Regular Mail, postage prepaid, on January 12, 2022, addressed to the Appellant as follows:

Janet Frisco
203 Cardinal Drive
Summerville, SC 29485
Janetfrisco@yahoo.com

Respectfully submitted,

FUTERAL AND NELSON, LLC



Stephanie M. Smith
Paralegal to Stephan V. Futeral, Esq.

Dated: January 12, 2022

EXHIBIT B

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

Jan 24 2022

SC Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas, 9th Circuit Court

The Honorable Bentley D Price,
The Honorable R. Kirk Griffin
The Honorable Judge Robert Bonds

Court of Appeals Case No. 2022-000021
Family Court Case No. 2021-CP-10-2682

Pet Helpers, Inc..... Respondent
Janet L. Frisco.....Appellate

RETURN TO THE MOTION TO DISMISS

The appellate requests a Return to the Motion to Dismiss pursuant to Rule 60, SCARCR that states:
(b)when mistakes, inadvertence; excusable neglect; newly discovered evidence, fraud, etc. on motion and upon such terms are just, the court may relieve a party or his legal representative from a final judgement, order or proceeding for the following:

3) fraud, misrepresentation, or other misconduct of an adverse party.

The motion shall be made within a reasonable time and for reasons (1), (2), and (3) not more than one year after judgement, order or proceeding was entered or taken.

ARGUMENT

1. THIS COURT SHOULD NOT DISMISS THE APPEAL BECAUSE THE APPEAL WAS NOT SUBJECT TO THE THIRTY (30) DAY TIME LIMIT PURSUANT TO RULE 240 SCACR, BUT WAS FILED PURSUANT TO RULE 60 (b) 3 WHICH ALLOWS UP TO ONE (1) YEAR TO APPEAL A JUDGEMENT OR ORDER IN CASES OF FRAUD, MISREPRESENTATION, OR OTHER MISCONDUCT OF AN ADVERSE PARTY. SC Judicial Branch (sccourts.org)

2. THIS COURT HAS JURISDICTION OVER THE APPEAL BECAUSE THERE WAS "ABUSE OF DISCRETION" IN THE LOWER COURT THAT RENDERED DECISIONS FOR A CLEARLY IMPROPER PURPOSE WHEREAS INFORMATION WAS WITHHELD DURING HEARINGS THAT DEPRIVED DEFENDANT FROM RIGHT TO OBTAIN EVIDENCE OF THE UNREDACTED ADOPTION CERTIFICATE OF TOBY A.K.A. "SLIM JIM" MAY 8, 2021 THAT WOULD HAVE PROVED THE ADOPTION WAS STAGED BY THE PLAINTIFF IN ORDER TO SOLICIT DONATIONS UNDER THE FALSE PRETENSE THE CANINE HAD BEEN LEGITIMATELY ADOPTED.
3. THE PLAINTIFF'S LAWYER COMMITTED FRAUD UPON THE COURT WITH SPECIFICITY SCRPC RULE 9(B) CHEWNING V FORD MOTOR CO. 35 F SUPP 2d 487 (D.S.C. 1998). RELIEF FOR FRAUD UPON THE COURT IS NOT SUBJECT TO THE ONE YEAR TIME LIMIT. PLAINTIFF'S LAWYER SUBVERTED THE INTEGRITY OF THE COURT ITSELF AND THIS MAY ALSO HAVE INVOLVED FRAUD PERPETUATED BY OFFICERS OF THE COURT IN RENDERING JUDGEMENTS AND ORDERS WITHOUT ALLOWING DEFENDANT TO BE HEARD PRIOR TO THEIR DECISIONS, HILTON HEAD CTR. OF S.C. VS PUBLIC SERVICES. COMMN, 294 S.C. 9, 11, 362 S.E. 2ND 176, 177 (1987).
4. "RELIEF IS GRANTED FOR EXTRINSIC FRAUD ON THE THEORY THAT BECAUSE THE FRAUD PREVENTED A PARTY FROM EXHIBITING AND TRYING HIS CASE, THERE HAS NEVER BEEN A REAL CONTEST BEFORE THE COURT ON THE SUBJECT MATTER OF THE ACTION." ID.

CONCLUSION

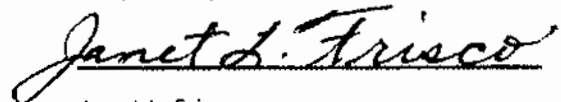
Appellant's appeal notice was filed timely and Appellate Court has jurisdiction because it was filed under SCRPC Rule 60(B) 3 which allows up to one year to appeal a judgement from a lower court and beyond one year when fraud upon the court is involved. Plaintiff based their Motion to Dismiss exclusively on the (30) thirty-day time limit under SCRPC Rule 240 which does not apply under circumstances of fraud or other misconduct of an adverse party therefore the Respondent's Motion to Dismiss should not be granted by this court.

RELIEF REQUESTED

- A. ALL RESTRAINING ORDERS SHOULD NOT HAVE RECOGNITION AND BE REPEALED.
- B. PAST AND PRESENT SANCTIONS BE REVOKED AND/OR REFUNDED.
- C. PLAINTIFFS MUST SURRENDER THE UNREDACTED ADOPTION CERTIFICATE TO THE COURTS AND VALIDITY OF THE ADOPTION INVESTIGATED.

DATED: 1/21/22

Respectfully submitted,



Janet L. Frisco,
Appellant, Pro Se
203 Cardinal Drive
Summerville, South Carolina 29485
(843)804-0875
janetfrisco@yahoo.com

EXHIBIT C**The South Carolina Court of Appeals**

Pet Helpers, Inc., Respondent,

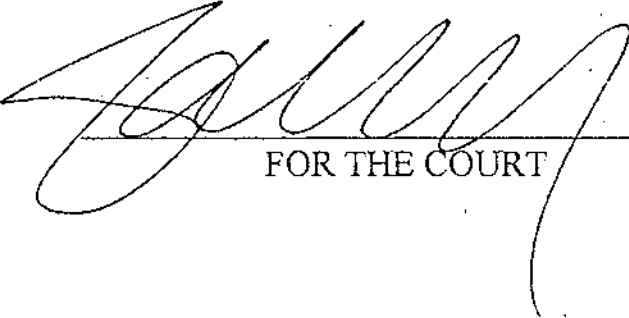
v.

Janet L. Frisco, Appellant.

Appellate Case No. 2022-000021

ORDER

Appellant failed to timely serve her notice of appeal pursuant to Rule 203(b)(1), SCACR, which provides "[a] notice of appeal shall be served on all respondents within thirty (30) days after receipt of written notice of entry of the order or judgment." Accordingly, this appeal is dismissed. *See Elam v. S.C. Dep't of Transp.*, 361 S.C. 9, 14-15, 602 S.E.2d 772, 775 (2004) ("The requirement of service of the notice of appeal is jurisdictional, *i.e.*, if a party misses the deadline, the appellate court lacks jurisdiction to consider the appeal and has no authority or discretion to 'rescue' the delinquent party by extending or ignoring the deadline for service of the notice."). The remittitur will be sent as provided by Rule 221(b), SCACR.



FOR THE COURT

Columbia, South Carolina

cc:
Janet L. Frisco
Stephan Victor Futeral, Esquire

FILED
Mar 02 2022

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

PET HELPERS, INC.,

Plaintiff,

vs.

JANET FRISCO,

Defendant.

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NO.: 2021-CP-10-2682**INJUNCTION AND RESTRAINING
ORDER**

This matter came before the court upon Plaintiff's *Ex Parte* application by Plaintiff for a restraining order and injunction against Defendant. After reviewing Plaintiff's pleadings, affidavits, and hearing arguments of counsel and Defendant, this court rules that the issuance of a Restraining Order and Injunction is necessary for the protection of Plaintiff's rights during the course of this litigation, that Plaintiff will suffer irreparable injury without the issuance of this order, that there is no adequate remedy at law, and that Plaintiff is likely to prevail on the merits of its action.

WHEREFORE, it is hereby

ORDERED, ADJUDGED AND DECREED as follows:

1. Until further order of the court, Defendant is temporarily restrained and enjoined from making defamatory statements, whether orally or in writing, that:

- a. Plaintiff and its staff were cruel to Defendant's dog;
- b. Plaintiff and its staff euthanized Defendant's dog;
- c. Plaintiff and its staff are cruel to animals;
- d. Plaintiff and its staff euthanize animals;

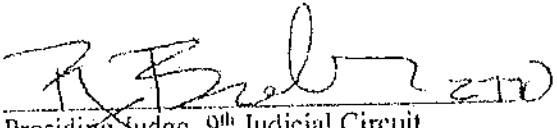
ELECTRONICALLY FILED - 2021 Jun 17 3:34 PM - CHARLESTON - COMMON PLEAS - CASE#2021CP1002682

- e. That the adoption of "Toby" was a hoax or staged; or
- f. That the adoption of any other animal was a hoax or staged.

2. Defendant shall immediately set her social media postings to her personal page and her group pages to viewable only to Defendant and non-viewable to any third parties or the public, while preserving evidence in this matter, that claim or imply that:

- a. Plaintiff and its staff were cruel to Defendant's dog;
- b. Plaintiff and its staff euthanized Defendant's dog;
- c. Plaintiff and its staff are cruel to animals;
- d. Plaintiff and its staff euthanize animals;
- e. That the adoption of "Toby" was a hoax or staged; and
- f. That the adoption of any other animal was a hoax or staged.

AND IT IS SO ORDERED!


Presiding Judge, 9th Judicial Circuit
Charleston County Court of Common Pleas

Dated: 6/17/21
Charleston, South Carolina

RECEIVED**Mar 15 2022****SC Court of Appeals****THE STATE OF SOUTH CAROLINA****In the Court of Appeals****APPEAL FROM CHARLESTON COUNTY****Court of Common Pleas, 9th Circuit Court**

The Honorable Bentley D. Price,
 The Honorable R. Kirk Griffin
 The Honorable Judge Robert Bonds

Court of Appeals Case No. 2022-000021

Family Court Case No. 2021-CP-10-26823.

Pet Helpers, Inc..... Respondent

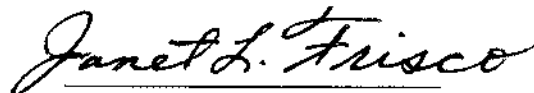
Janet L. Frisco.....Appellant

PROOF OF SERVICE

I certify that I have served the Respondent the *PETITION FOR REHEARING* by delivering the same via email and United States regular mail, postage prepaid, on March 15, 2022, addressed to the Respondent's legal representative as follows:

Stephan V. Futeral
 1004 Anna Knapp Blvd., Suite 3
 Mt. Pleasant, SC 29464
sfuteral@charlestonlaw.net

Respectfully submitted,



Janet L. Frisco, Pro Se
 Appellant

DATED: 3/15/22

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTONPET HELPERS, INC.

Plaintiff,

vs.

JANET FRISCO

Defendant.

IN THE COURT OF COMMON PLEAS
JUDICIAL CIRCUITCASE NO. 2021 -CP- 10 - 2682MOTION AND ORDER INFORMATION
FORM AND COVERSHEET

Plaintiff's Attorney: <u>Stephan Futera</u> Bar No. _____ Address: <u>1004 ANNAPOLIS BLVD. Ste. 3</u> Phone: _____ Fax: _____ E-mail: _____ Other: _____	Defendant's Attorney: <u>Janet Frisco</u> <u>PRO SE</u> , Bar No. _____ Address: <u>203 CARDINAL DR. SUMMERVILLE</u> Phone: _____ Fax: _____ E-mail: _____ 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: _____ 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.										
<u>Janet L. Frisco</u> <u>March 24,</u> 20 <u>22</u> Signature of Attorney for ☐ Plaintiff / ☒ Defendant Date submitted										
SECTION III: Motion Fee										
☐ PAID - AMOUNT: \$ _____ ☐ EXEMPT: (check reason) <table style="width: 100%; border: none;"> <tr> <td>☐ Rule to Show Cause in Child or Spousal Support</td> </tr> <tr> <td>☐ Domestic Abuse or Abuse and Neglect</td> </tr> <tr> <td>☐ Indigent Status ☐ State Agency v. Indigent Party</td> </tr> <tr> <td>☐ Sexually Violent Predator Act ☐ Post-Conviction Relief</td> </tr> <tr> <td>☐ Motion for Stay in Bankruptcy</td> </tr> <tr> <td>☐ Motion for Publication ☐ Motion for Execution (Rule 69, SCRCP)</td> </tr> <tr> <td>☐ Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions</td> </tr> <tr> <td>Name of Court Reporter: _____</td> </tr> <tr> <td>☐ Other: _____</td> </tr> </table>		☐ 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: _____
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Name of Court Reporter: _____										
☐ Other: _____										
JUDGE'S SECTION										
☐ Motion Fee to be paid upon filing of the attached order. ☐ Other: _____	JUDGE CODE _____ Date: _____, 20____									
CLERK'S VERIFICATION										
Collected by: _____ Date Filed: _____, 20____										
☐ MOTION FEE COLLECTED: \$ _____ ☐ CONTESTED - AMOUNT DUE: \$ _____										

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT COURT
CASE #:2021-CP-10-2682

**MOTION FOR LEAVE TO SUPPLEMENT ANSWER TO
PLAINTIFF'S COMPLAINT PERSUANT TO SCRCP RULE
15(D) and AMENDED COUNTERCLAIM FOR MALICIOUS
PROSECUTION**

Pet Helpers, Inc., Plaintiff

Vs.

Janet L. Frisco, Defendant

FILED
2022 MAR 24 PM 3:38
JULIE J. ARMSTRONG
CLERK OF COURT

To: THE ABOVE-NAMED PLAINTIFF, PET HELPERS, INC.:

YOU WILL PLEASE TAKE NOTICE that the undersigned will move before the presiding judge, Court of Common Pleas for Charleston County, within ten (10) days or as soon thereafter as defendant may be heard to request leave of the court to supplement original answer to the Plaintiff's complaint pursuant to SCRCP 15(d) as follows:

SCRCP 15(d) SUPPLEMENTAL PLEADINGS. Upon motion of a party the court may, upon reasonable notice and upon such terms as are just, permit him to serve a supplement pleading setting forth transactions or occurrences or events which have happened since the date of the pleading sought to be supplemented, whether or not the original pleading is defective in its statement of a cause or action or defense. If the court deems it advisable that the adverse party plead thereto, it shall so order, specifying the time therefor.

Note:

This Rule 15(d) is the same as the Federal Rule, State practice since 1870 has followed this procedure. McClasian v. Latimer, 17 S.C. 123 (1882); Francis Marion Hotel v. Chicco, 131 S.C. 344, 127 S.E. 436 (1924).

Defendant's proposed **MOTION FOR LEAVE TO SUPPLEMENT ANSWER TO PLAINTIFF'S COMPLAINT AND AMENDED COUNTERCLAIM FOR MALICIOUS PROSECUTION** is attached to this pleading (see **Exhibit A**) for the court's consent and for review by the plaintiff.

Janet L. Frisco

DATED: March 24, 2022

Janet L. Frisco, Pro Se

CERTIFICATE OF SERVICE

The foregoing document ***MOTION FOR LEAVE TO SUPPLEMENT ANSWER TO PLAINTIFF'S COMPLAINT AND AMENDED COUNTERCLAIM FOR MALICIOUS PROSECUTION*** was served on the following by email and U.S. Mail with sufficient postage affixed this 21st day of March 2022:

Stephan V. Futeral
1004 Anna Knapp Blvd., Suite 3
Mt. Pleasant, South Carolina 29464
sfuteral@charleston.net



Janet L. Frisco, Pro Se

FILED
2022 MAR 24 PM 3:38
JULIE J. ARMSTRONG
CLERK OF COURT



STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT COURT
CASE #:2021-CP-10-2682

**MOTION TO SUPPLEMENT ANSWER TO PLAINTIFF'S
COMPLAINT PURSUANT TO SCRPC RULE 15(d) AND
AMENDED COUNTERCLAIM FOR MALICIOUS
PROSECUTION**

Pet Helpers, Inc., Plaintiff

Vs.

Janet L. Frisco, Defendant

To: THE ABOVE-NAMED PLAINTIFF, PET HELPERS, INC.:

YOU WILL PLEASE TAKE NOTICE that the undersigned will move before the presiding judge, Court of Common Pleas for Charleston County, within ten (10) days or as soon thereafter as Pro Se may be heard, to supplement original answer to the Plaintiff's complaint pursuant to SCRPC Rule 15(d) and to counterclaim for malicious use of process in the wrongful initiation of a civil proceeding in order to seek relief of all sanctions, partial summary or default judgements, compensation for legal costs, sanction paid to the plaintiff's attorney, and return of my dog Toby that Pet Helpers obtained under false pretenses and whom they allowed to suffer separation from me contrary to their claims they try to keep pets and owners together or place them in good homes stated on their website. and to request a settlement from Pet Helpers for the immense pain and suffering inflicted on me by their lawsuit which caused me to be the victim of incarceration, intimidation, threats, multiple hearings, false accusations, calumny, oppressive discovery requests, unwarranted restraining orders, police harassment and other continued duress that I am still being subjected to through their malicious and fraudulent lawsuit.

SCRPC 15(d) SUPPLEMENTAL PLEADINGS. Upon motion of a party the court may, upon reasonable notice and upon such terms as are just, permit him to serve a supplement pleading setting forth transactions or occurrences or events which have happened since the date of the pleading sought to be supplemented, whether or not the original pleading is defective in its statement of a cause or action or defense. If the court deems it advisable that the adverse party plead thereto, it shall so order, specifying the time therefor.

Note:

This Rule 15(d) is the same as the Federal Rule, State practice since 1870 has followed this procedure. McClasian v. Latimer, 17 S.C. 123 (1882); Francis Marion Hotel v. Chicco, 131 S.C. 344, 127 S.E. 436 (1924).

BACKGROUND

At the time I answered the plaintiff's complaint I was not aware of information that is critical to any final decisions by the court. Since my original Answer to the Complaint, there is evidence that the adoption of my dog, Toby, a.k.a. Slim Jim, was staged by Melissa Susko and her employee, John Blaine on May 8, 2021. **(See EXHIBIT A)**. The fake adoption was then advertised on their website in order to fraudulently solicit donations based on finding him a new home. **(See EXHIBIT B)**. Katherine Leasure, in the Intake Department, and Ms. Susko lied about the date of the so-called adoption in order to prevent me from adopting my dog back after I submitted an online adoption application on the evening of May 7th 2021 **(See EXHIBIT C)** that Ms. Leasure sent me after I called and emailed and phoned her on several occasions about reclaiming my dog days after his surrender **(See EXHIBIT D)**. Ms. Susko, Ms. Leasure, and Mr. Blaine are all complicit in the aforementioned behavior intended to defraud their donors by faking Toby's adoption in order to solicit donations from them and collect subsidies from the Bissell Pet Foundation.

Plaintiff's attorney filed the document *REPLY TO DEFENDANT'S 2ND MOTION TO AMEND ANSWER AND COUNTERCLAIMS* in reference to my two previous attempts to amend my answer to his client's complaint criticizing that I neglected to submit a proposed answer and reiterating again the history of this litigation including the plaintiff's claim of defamation and all the actions ordered against me thus far. He also includes that I haven't complied with his discovery requests or paid an additional sanction of \$1214 ordered by Judge Cothran. By doing this, counsel is attempting to distract the court from his serious infractions constituting fraud upon the court stemming from his false statements he used to obtain the restraining orders and concealing evidence of the fake adoption. The discovery requests, especially the Production, are oppressive and unreasonable because of their scope and were only created to prevent me from defending myself from a massive array of motions. Mr. Futeral also stresses that I haven't complied with his discovery requests or paid additional sanctions that were imposed by the court even though none of my arguments or filed objections were considered by the

court before their decisions. I made errors in filing amendments to my original answer and now Plaintiff's counsel is attempting to use my inadvertent oversights as an excuse to have the court dismiss my counterclaims against the plaintiff calling them "frivolous".

The plaintiff's attorney seems to think anything is permissible as long as he outwardly adheres to *The South Carolina Rules of Civil Procedure*, but he is actually abusing these rules in a fraudulent and malicious lawsuit in order to cover up the criminal behavior of his clients. There is a higher ethical rule that he entirely ignores in his pursuit of conquest.

He states in his Law Analysis II that I should not be allowed to amend my complaint until I pay additional sanctions ordered on January 22, 2021 because he is trying to incarcerate and extort more money from me so I will be unable to oppose him or defend myself in this lawsuit. I have already paid a sanction of \$5432.34 in order to be released from jail on November 9th, 2021 that is currently pending appeal in the South Carolina Court of Appeals and I shouldn't have to pay additional monies until a decision is reached concerning that and the other pending issues such as Mr. Futeral's fraud upon the court, malicious prosecution and possible abuse of discretion by other court officials in the Charleston County Court of Common Pleas that have been included in filings in the lower and upper court. My *Petition for Rehearing* was filed in the Court of Appeals on March 15, 2022 and is pending.

I am now submitting this **MOTION TO SUPPLEMENT ANSWER** under **SCRCP 15(d)** with **AMENDED CLAIM FOR MALICIOUS PROSECUTION** to the court, which I believe according to the rule, holds complete dominion as to whether my motion is heard, but additionally I have also submitted the proposed supplement for the plaintiff's review.

CONCLUSION

Pet Helpers' legal counsel, Stephan V. Futeral, is guilty of attempting to conceal his client's fraudulent behavior through the lawsuit and its' actions and fraud upon the court for concealing evidence and making false statements on filed documents and in court hearings in order to cover up criminal fraud by Pet Helpers, Inc. Mr. Futeral lied that I threatened employees, trespassed on Pet Helper's property and committed defamation in order to obtain the restraining orders and file the complaint against me. The lawsuit filed by the plaintiff constitutes malicious prosecution because there was no defamation against the plaintiff involved. The complaint against me is merely a ploy to

conceal the plaintiff's criminal fraudulent actions. Everything I said was true except they hadn't killed my dog yet because I brought too much attention to their sinister actions through my public protests. I believed they would have euthanized Toby shortly after the fake adoption because a former employee approached me as I was protesting in front of Pet Helpers and told me the executive manager, Melissa Susko, told her she was certified to euthanize and the former employee also said that Ms. Susko had been involved in the euthanasia of two dogs, Cody and Dixie, who were not medically untreatable or aggressive when the employee worked at Pet Helpers. I truly believe they planned to kill him because I saw how they needlessly let him suffer separation for weeks after I left him there waiting for me to return when they knew I would come back for him. Unbelievably, Pet Helpers later denied in their Admits that dogs experience depression when abandoned. Plaintiffs have maliciously, with the assistance of their legal counsel, attempted to conceal a crime through the restraining orders and sanctions contained in the lawsuit when I reacted to their deception after unsuspectingly surrendering my dog Toby to them on April 13, 2021. They mislead me to believe that they would find him a good home, but instead they faked his adoption and probably would have killed him after they collected the donations and subsidies. The reason for their lawsuit is to cover-up their crime of fraud by suppressing the truth about the fake adoption and to destroy me in the process if necessary to reach that end.

Pet Helpers, Inc. has caused great injury to me by subjecting me to threats, intimidation, illegitimate restraining orders, calling the police for no reason, violation of my constitutional right to free speech, traumatizing me by incarceration, and causing me financial hardship through sanctions and currently a motion for a partial summary judgement and further sanctions when there is no legal basis because I have not committed libel or slander against them. On the contrary, I have only attempted to expose the truth about what they did to my rescued hunting dog and to me. Each time I looked at his pictures on their website, my heart was broken because I could see, and so could they, how sad he was although they denied it when I called and emailed repeatedly with concerns after the surrender, but they were only concerned with making money.

Their lawsuit has affected my health and overall well-being that may be a permanent condition when I was doing very well even starting my own landscaping business before I fell into Pet Helpers' trap that they set for the public and unwarily surrendered my dog to them. I have had to undergo almost a year of pain and suffering because they were only concerned with exploiting Toby in

order to make money allowing him to suffer separation and then prosecuting me for exposing the fake adoption and disposal of dogs. They deliberately and maliciously tried to harm me financially through the lawsuit and physically harm me through the incarceration in order to cover up their criminal actions.

Accordingly, the Defendant respectfully requests the following of this court:

1. Pet Helpers' illegitimate complaint Case # 2021-CP-10-2682 be dismissed and all associated restraining orders and sanctions rendered against me be immediately revoked and/or refunded.
2. I be reimbursed for all costs, pertaining to this case and my own complaint Case #2021-CP-10-2848 that was consolidated January 6, 2022 as well as the sanction of \$5432.34 I was forced to pay to be released from jail of November 9, 2021, a form of theft and extortion by the Plaintiff's attorney.
3. My dog Toby, who was not legitimately adopted, be returned to me as he should have been when I requested that Pet Helpers return him a week after the surrender.
4. Mr. Stephan Futeral, the Plaintiff's attorney, be reprimanded by the court and referred to the South Carolina Bar for his deceptive actions constituting fraud upon the court in this lawsuit.
5. I be compensated \$50,000 for my pain and suffering inflicted by the Plaintiff during the course of this malicious prosecution.

Janet L. Frisco, Pro Se

Dated: _____

CERTIFICATE OF SERVICE

The foregoing document ***MOTION TO SUPPLEMENT ANSWER TO PLAINTIFF'S COMPLAINT AND AMENDED COUNTERCLAIM FOR MALICIOUS PROSECUTION*** was served on the following by email and U.S. Mail with sufficient postage affixed, this ____ day of March 2022:

Stephan V. Futeral
1004 Anna Knapp Blvd. Suite 3
Mt. Pleasant, South Carolina 29464
sfuteral@charlestonlaw.net

Janet L. Frisco, Pro Se



BLAINE JOHN

Animal Care Technician



EXHIBIT A

5/8/2021

Contract

Adoption Contract - May 8 2021

Tel.: 843-795-1110 | Fax: 843-795-8090



Pet Helpers
 1447 Folly Road
 Charleston, South Carolina 29412 USA
 msusko@pethelpers.org
<https://www.pethelpers.org/index.html>

Person ID: [REDACTED]

Animal Information

Animal ID: A47529858	Name: Slim Jim	Types: Dog	Gender: Male
ARN: Toby	DOB: 4/13/2020	Breeds: Hound/Mix	Altered: Yes
Chip #: 982091063428429	Current Age: 1 y 0 m 25 d	Colors: Brown/White	Size: Large
Type: 24PetWatch	Age Group: Adult - 1 year and older	Pattern: Tricolor	Weight: 50.20 pound

I, [REDACTED] (hereinafter Adopter), acknowledge receiving from Pet
 Helpers Adoption Center and Spay/Neuter Clinic (hereinafter Pet Helpers), custody of
Slim Jim (microchip #: 982 091063428429), and, in return consideration
 to Pet Helpers hereby promise and agree to the following:

1. Use as Companion Animal: [REDACTED] Adopter Initials

- a. Adopter agrees that the animal will be kept only as a companion animal. The above-named animal will not be used for fighting, breeding, racing, or experimental/research purposes.

2. Animal Care: [REDACTED] Adopter Initials

- a. Adopter will, at his/her own expense, provide the adopted animal with adequate and proper quantities of wholesome food and water, safe and adequate shelter, proper and adequate exercise, training, appropriate veterinary attention, and, in general, treatment in accordance with the humane and prudent practices of animal care.
- b. Adopter shall comply with all city, county, and state laws and regulations, including but not limited to, those relating to care, housing, licensing, ordinances, etc.
- c. The animal adopted must live indoors and cannot be tethered or kenneled outdoors.
- d. Although your adopted animal is microchipped, adopter agrees to have an ID tag and collar on adopted animals at all times.
- e. Adopter shall provide heartworm and/or flea preventative for life of animal. If a canine is returned to Pet Helpers, adopters agrees to provide current heartworm test results at time of return. If tested positive, adopter shall be financially responsible for heartworm treatment.
- f. Adopter is aware of maintenance needs of the species being adopted. Adopter agrees that he/she will not declaw, crop, dock or otherwise mutilate any animal he/she is adopting from Pet Helpers unless in cases of medical necessity.

- g. Adopter agrees that if any behavioral issues arise after adoption, the adopter will enlist help from the Pet Helpers staff by contacting our shelter immediately. Adopter also agrees to work with our shelter trainer who can assist in overcoming any issues that may arise.

3. Prior Animal Care Charges or Convictions: [REDACTED] Adopter Initials

- a. Adopter represents that he/she has never been subject to legal action for cruelty to or neglect of animals. Adopter further represents that he/she has never owned an animal that has been confiscated by any animal control or humane organization for violations of state or local animal control regulations or animal adoption agreements.

4. Full Household Consent: [REDACTED] Adopter Initials

- a. Adopter represents that all household members have agreed to the adoption of the animal and will abide by the terms of this agreement.

5. Tenant and zoning: [REDACTED] Adopter Initials

- a. If the Adopter is a tenant, then Adopter agrees that he/she has permission from his/her landlord to own and possess this animal at his/her residence.
b. It is the responsibility of adopters to check local zoning and housing communities to ensure animal/breed is acceptable to live in such community.

6. No Guarantee Given Regarding Breed, Health or Temperament: [REDACTED] Adopter Initials

- a. Adopter acknowledges and understands that Pet Helpers makes no claims as to the temperament, health, disposition, or general condition of this animal. Pet Helpers has provided the adopter, to the fullest extent possible, information about the health, history and background of the animal. The Adopter understands that animals at Pet Helpers come from a rescue environment in which little may be known about the animal's past. Hence, Pet Helpers cannot guarantee that this animal is free from all illness despite the organization's best efforts and due diligence to minimize and prevent disease transmission. The adopter accepts responsibility for the animal based on the information available and provided at the time of this agreement.
b. Pet Helpers does not perform DNA testing to determine the breed of our animals. All breeds are 'best guessed' and opinion may vary.

7. Release of Liability: [REDACTED] Adopter Initials

- a. Adopter accepts possession of (subject to the conditions of the adoption contract), and responsibility for the animal adopted and agrees to release and discharge Pet Helpers, its agents, officers and directors, heirs or assignees forever from liability for any injury or damages to any person or property caused by the adopted animal, and from any causes of action, claims, suits, or demands whatsoever that may arise as a result of such injury or damages.

8. Transfer of Ownership: [REDACTED] Adopter Initials

- a. The Adopter agrees not to sell, trade, loan, or give away the animal without the prior written consent of Pet Helpers. This adoption agreement is non-transferable.
b. Adopter agrees to notify Pet Helpers via email of any address or phone number changes so that we can keep our records current in case your pet gets lost and we are notified.

9. Return of Animal to Pet Helpers: [REDACTED] Adopter Initials

- a. We at Pet Helpers seek forever homes for the animals that come through our shelter and encourage adopters to adopt our philosophy. Adopter can transfer the adopted animal into another home only after notifying Pet Helpers, giving us the first option of return and providing Pet Helpers with new adopters' information. Adopter will not be eligible for any refund of adoption donation fees or expenses.

5/8/2021

Contract

However, if Pet Helpers can accept animal back into our shelter, all intakes are scheduled through our intake coordinator by appointment only.

10. Reservation of Rights: [REDACTED] Adopter Initials

- a. Pet Helpers reserves the right to an ongoing review of this adoption at random, to follow up on any complaints or reports to protect the welfare of this animal. If the Adopter does not satisfactorily uphold any of the terms of this Agreement and/or if any misrepresentations have been made to Pet Helpers in order to obtain the animal, Pet Helpers reserves the right to void this Agreement and take immediate possession of the animal, wherever it is located. At such time the adopter's rights shall be terminated and adopter agrees that he/she shall have no direct cause of action or claim against Pet Helpers, its officers, directors, staff, or volunteers regarding such removal and termination of rights. In the event the Adopter fails or refuses to return such animal upon demand, he/she hereby agrees to pay Pet Helpers reasonable attorneys' fees in the event an attorney is consulted or if suit is brought for the return of the animal.

11. Copy of Contract: [REDACTED] Adopter Initials

- a. Adopter acknowledges that he/she has received a copy of this Animal Adoption Contract signed by both parties.

I certify that I am over the age of 18 and lawfully competent to enter into this contract. I agree that all information provided in the Adoption Application and Adoption Contract is truthful to the best of my knowledge and belief. If it is found that any statements I have made on the Adoption Application and Contract are not true, the adopted animal can be confiscated.

[REDACTED]
Adopter Signature

05/08/21
Date

[REDACTED]
Signature
Agent, Pet Helpers Adoption Center

5/8/21
Date



Thank you for choosing to adopt! Please complete this questionnaire to help guide our conversation today.

Date: 5/1/21 Animal's Name: Slim Jim Buster Alex Smith Animal ID #: 47529858

Adopter Name: _____

Address: _____ City/State/ZIP: _____

Email: _____

Cell phone: _____ Home phone: _____ Work phone: _____

Microchip Emergency Contact *Must be someone other than yourself*

Name: _____ Phone: _____

Best way you can be reached by phone?

Best time of day you can be reached?

We welcome adopters who rent or live in an apartment or condo. We want to alert you that some landlords and management companies have size and breed restrictions, limits on number of pets, and/or require pet deposits or additional fees.

Tell us about members of the new pet's household (e.g., # of adults/seniors/young children):

Tell us about pets at home (check all that apply):

- ☐ We have one or more dog(s)
- ☐ We have one or more cat(s)
- ☐ We have one or more small animal(s)
- ☐ I'd like help with introducing a new pet

Form continued on other side →



Other Info you want to share?

We'll explain this new pet's medical history and behavioral history. Check any additional topics you'd like to discuss:

☒ Feeding this pet	☐ Finding a veterinarian
☐ House-training/litter box training	☐ Declawing
☒ Grooming/nail trimming	☒ Crate-training
☐ Exercise, toys and fun activities	☐ Moving with pets
☒ Puppy/kitten-proofing your home	☐ Pulling on-leash
☐ Finding a trainer	☐ Flea/tick prevention
☐ Introducing this pet to other pets	☐ Heartworm prevention
☒ Microchips and other ID options	

Other questions:

Extra services and opportunities we offer; check any you are interested in:

☒ Buying a crate with this adoption	☐ Information about low-cost spay and neuter services
☐ Information on our low-cost vaccination clinic for any current pets	☒ Information about volunteering or fostering with us
☐ Information on our next low-cost microchip implantation day for any current pets	☐ Information about supporting us with financial or in-kind donation
☒ Information about our training classes	

Signature _____

Date 5/1/21

Approved by _____

Date 5/8/21

Notes:

Extensively counselled!



Pet Helpers Adoption Shelter and Spay/Neuter Clinic

May 19 at 4:21 PM · 🌐

Here's the Happy Ending Update you've all been waiting for on recently-adopted staff favorite, Slim Jim 🐾 We are thrilled to share that Slim Jim found the loving and attentive home he deserves. His new owner works from home, so Dad is always there to make sure Slim is getting all the care he needs. As an only dog, Slim Jim is the star of the show. Each day, they go on a long walk, so Slim can follow scents and explore his new neighborhood. 🐾

His adopter just can't get over how "majestic" Slim looks when the sunlight hits his shimmering coat. When these two best friends aren't working or going on mini-adventures, they like to cuddle up on the couch to watch all their favorite TV shows. Congratulations to Slim Jim and his new Dad! We know you two are going to have the best life together ❤️🐾❤️

Share your Happy Ending Updates pictures and stories with us in our DM's! Happy endings at Pet Helpers are just new beginnings for pets and their owners 🐾🐾

Make the next happy ending at pethelpers.org today 🐾



EXHIBIT B

EXHIBIT C

Re: Application for adoption

From: Janet Frisco (janetfrisco@yahoo.com)

To: office@pethelpers.org

Date: Friday, May 7, 2021, 05:14 PM EDT

Thank you for sending the application. I would have sent it yesterday but I couldn't edit it on my phone and had to use my P.C. I am hoping I can get an appointment for adoption tomorrow or early next week. I miss him so much.

Janet Frisco

On Thursday, May 6, 2021, 04:33:36 PM EDT, Front Desk <office@pethelpers.org> wrote:



1447 Folly Rd Charleston, SC29412
t: 843-795-1110 | m: 843-795-1110
e: office@pethelpers.org



<http://www.pethelpers.org/>



Let your Child Learn the Magic of Animal Rescue this August at Pet Helpers!

Register Here: <https://pethelpers.org/hairy-pawtter/>

The information contained in this email, and any attachments hereto, is from Pet Helpers, Inc. and is intended only for use by the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this email, you are hereby notified that any dissemination, distribution, copying or use of the contents of this email, and any attachments hereto, is strictly prohibited. If you have received this email in error, please immediately notify me by reply email and permanently delete the original and any copy of this e-mail and any printout thereof.



Curbside adoption questionnaire.docx
53.9kB

HOME MAIL NEWS FINANCE SPORTS ENTERTAINMENT LIFE SHOPPING YAHOO PLUS MORE...

Front Desk Add keywords

Compose

- Inbox 999+
- Unread
- Starred
- Drafts 4
- Sent
- Archive
- Spam
- Trash
- Less
- Views Hide
- Photos
- Documents
- Subscriptions
- Deals
- Groceries
- Receipts
- Travel
- Folders Hide
- + New Folder
- 2019 tax docu...
- Accident
- Andrea
- Animal Advocacy 3
- Appeal
- AT & T 3
- carriage horses 1
- Computer Upd...
- Important
- Meadowbrook
- MILDRED BLACK
- Next hearing
- Outbox
- Toby
- trident Security 4

Back



Let your Child Learn the Magic of Animal Rescue this August at Pet Helpers!

Register Here: <https://pethelpers.org/hairy-pawtter/>

The information contained in this email, and any attachments hereto, is from Pet Helpers, Inc. and is intended only for use by the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this email, you are hereby notified that any dissemination, distribution, copying or use of the contents of this email, and any attachments hereto, is strictly prohibited. If you have received this email in error, please immediately notify me by reply email and permanently delete the original and any copy of this e-mail and any printout thereof.



Curbside a... .docx
53.9kB



Front Desk <office@pethelpers.org>
To: Janet Frisco

Sat, May 8, 2021 at 9:47 AM

Hello
This is Katie. Have you received my emails concerning Slim Jim?

Thank You
Katie



1447 Folly Rd Charleston, SC29412
t: 843-795-1110 | m: 843-795-1110
e: office@pethelpers.org



<http://www.pethelpers.org/>

Show original message



Let your Child Learn the Magic of Animal Rescue this August at Pet Helpers!

Curbside adoption... Page 1 of 3



Thank you for choosing to adopt! Please complete this questionnaire to help guide our

Date: 5/7/21 Animal's Name: SLIM JIM Animal ID #: 1

Adopter Name: JANET FRISCO

Address: 203 CARDINAL DRIVE SUMMERVILLE SC 29485

Email: janetfrisco@yahoo.com

Cell phone: 843-404-0875 Home phone: N/A Work phone: 843-3855

Microchip Emergency Contact: *Must be someone other than yourself!

Name: ELIZABETH DOTSON Phone: 843-426-4274

Best way you can be reached by phone? ☒ Cell ☐ Home

Best time of day you can be reached? ☒ Morning ☒ Afternoon

We welcome adopters who rent or live in an apartment or condo. We want to alert you that as management companies have size and breed restrictions, limits on number of pets, and/or req additional fees.

Tell us about members of the new pet's household (e.g., # of adults/seniors/young children). I am in my own two story house with a large back yard with a privacy fence. I have other dogs of wire cat that lives outside in front yard.

Tell us about pets at home (check all that apply):
☒ We have one or more dog(s)



Pet Helpers

Thank you for choosing to adopt! Please complete this questionnaire to help guide our conversation today.

Date: 5/7/21 Animal's Name: SLIM JIM Animal ID #: not sure

Adopter Name: JANET FRISCO

Address: 203 CARDINAL DRIVE SUMMERVILLE SC 29485 City/State/ZIP:

Email: janetfrisco@yahoo.com

Cell phone: 843-804-0875 Home phone: n/a Work phone: 843-767-3855

Microchip Emergency Contact ***Must be someone other than yourself***

Name: ELIZABETH DOTSON Phone: 843-826-4274

Best way you can be reached by phone?	☒ Cell	☐ Home	☐ Work
Best time of day you can be reached?	☒ Morning	☒ Afternoon	☒ Evening

We welcome adopters who rent or live in an apartment or condo. We want to alert you that some landlords and management companies have size and breed restrictions, limits on number of pets, and/or require pet deposits or additional fees.

Tell us about members of the new pet's household (e.g., # of adults/seniors/young children): I am a single woman living in my own two story house with a large back yard with a privacy fence. I have other dogs of which two are elderly and a cat that lives outside in front yard.

Tell us about pets at home (check all that apply):

- ☒ We have one or more dog(s)
- ☐ We have one or more cat(s)
- ☐ We have one or more small animal(s)
- ☐ I'd like help with introducing a new pet

Form continued on other side →



Other info you want to share?

I surrendered Toby (Slim Jim) but I regret it because I was really attached to him after rescuing him from starvation and impoundment and keeping him for eight months. I neutered, wormed and vaccinated him and he was thriving. I know he is attached to me too and he looks really sad in his adoption pictures. I don't think he realized I wasn't coming back for him. I can take care of him and give him a good home like I do for all my other dogs that I've rescued. My whole life is dogs and going to church. They all sleep in the beds, eat well, heart worm prevention and are cared for better than some humans. They get to go on outings and walks and see vet regularly.

We'll explain this new pet's medical history and behavioral history. Check any additional topics you'd like to discuss:

☐ Feeding this pet	☐ Finding a veterinarian
☐ House-training/litter box training	☐ Declawing
☐ Grooming/nail trimming	☐ Crate-training
☐ Exercise, toys and fun activities	☐ Moving with pets
☐ Puppy/kitten-proofing your home	☐ Pulling on-leash
☐ Finding a trainer	☐ Flea/tick prevention
☐ Introducing this pet to other pets	☐ Heartworm prevention
☐ Microchips and other ID options	

Other questions:

Extra services and opportunities we offer; check any you are interested in:

☐ Buying a crate with this adoption	☐ Information about our training classes
☐ Information on our low-cost vaccination clinic for any current pets	☐ Information about low-cost spay and neuter services
☐ Information on our next low-cost microchip implantation day for any current pets	☐ Information about volunteering or fostering with us
	☐ Information about supporting us with financial or in-kind donation

Signature Janet L. Frisco Date 5/7/20

Approved by _____ Date _____

Notes:

EXHIBIT D

Re: Received Email Re: Toby

From: Janet Frisco (janetfrisco@yahoo.com)

To: intake@pethelpers.org

Date: Friday, April 23, 2021, 02:06 PM EDT

Katie, Could I please come there and get Toby back tomorrow. I thought I was doing the right thing for him, but he doesn't look happy at all in the pictures. He's had a rough life and I can't let him down like the hunter who previously owned him.

Janet Frisco

Sent from Yahoo Mail on Android

On Fri, Apr 23, 2021 at 2:06 AM, intake pethelpers
<intake@pethelpers.org> wrote:

Thank you for contacting the Intake Department at Pet Helpers. We have received your email and are working very hard finding animals homes and will get back to you with in 24 to 48 hours. If this is an emergency, please call the shelter directly 843-795-1110.

****Note in our "peak seasons" it may take us longer to respond.****



Intake Department
1447 Folly Rd Charleston, SC29412
t: 843-795-1110 | p: 843-531-6160



<http://www.pethelpers.org/>

imgbb.com

image not found

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Pet Helpers, Inc., Plaintiff

Vs.

Janet Frisco, Defendant

IN THE COURT OF COMMON PLEAS

NINTH JUDICIAL COURT,

CASE NO. 2021-CP-10-2682

**MOTION FOR ORDER TO COMPEL
DISCOVERY & OPPOSITION TO PROPOSED
ORDER OF CONFIDENTIALITY**

FILED
2022 DEC -7 PM 4:59
JULIE JARVIS, CLERK OF COURT

FILED

TO: PLAINTIFF, PET HELPERS, INC.

YOU WILL PLEASE TAKE NOTICE that the undersigned will move before the presiding Judge, Court of Common Pleas for Charleston County, within ten (10) days or as soon thereafter as counsel may be heard, for an Order, pursuant to Rule 37(a) SCRPC, compelling Defendant's Answers to Interrogatories and sanctioning said party pursuant to Rule 37(d), SCRPC for their willful failure to answer properly served interrogatories.

LAW/ANALYSIS-RULE 37 SCRPC

(a) Motion for Order Compelling Discovery. A party, upon reasonable notice to other parties and all persons affected thereby, may apply for an order compelling discovery as follows:

(1) Appropriate Court. An application for an order to a party may be made to the court in which the action is pending, or, on matters relating to a deposition in progress, to the court where the deposition is being taken. An application for an order to a deponent who is not a party shall be made to the court in the place where the deposition is being taken.

(2) Motion. If... a party fails to answer an interrogatory submitted under Rule 33, or if a party, in response to a request for inspection submitted under Rule 34, fails to respond, that inspection will be permitted as requested or fails to permit inspection as requested, the discovering party may move for an order compelling an answer, or a designation, or an order compelling inspection in accordance with the request. When taking a deposition on oral examination, the proponent of the question may complete or adjourn the examination before he applies for an order.

If the court denies the motion in whole or in part, it may make such protective order as it would have been empowered to make on a motion made pursuant to Rule 26(c).

(3) Evasive or Incomplete Answer. For purposes of this subdivision an evasive or incomplete answer is to be treated as a failure to answer.

(4) Award of Expenses of Motion. If the motion is granted, the court shall, after opportunity for hearing, require the party or deponent whose conduct necessitated the motion or the party or attorney advising such conduct or both of them to pay to the moving party the reasonable expenses incurred in obtaining the order, including attorney's fees, unless the court finds that the opposition to the motion was substantially justified or that other circumstances make an award of expenses unjust. If the motion is denied, the court shall, after opportunity for hearing, require the moving party or the attorney advising the motion or both of them to pay to the party or deponent who opposed the motion the reasonable expenses incurred in opposing the motion, including attorney's fees, unless the court finds that the making of the motion was substantially justified or that other circumstances make an award of expenses unjust.

If the motion is granted in part and denied in part, the court may apportion the reasonable expenses incurred in relation to the motion among the parties and persons in a just manner.

Pursuant to Rule 37(a)(2) SCRCP:

"If a party fails to answer an interrogatory submitted under Rule 33, or if a party, in response to a request for inspection submitted under Rule 34, fails to respond that inspection will be permitted as requested or fails to permit inspection as requested, the discovering party may move for an order compelling an answer, or a designation, or an order compelling inspection in accordance with the request." Under Rule 37(a)(4), if the court grants this motion, then court must award the moving party attorney reasonable attorney's fees "unless the court finds that the opposition to the motion was substantially justified or that other circumstances make an award of expenses unjust."

In addition to the remedies set forth under Rule 37(a), SCRCP:

"This court may sanction a party pursuant to Rule 37(d), SCRCP: If a party or an officer, director or managing agent of a party fails to serve answers or objections to interrogatories submitted under Rule 33, after proper service of the interrogatories, or to serve a written response to a request for inspection submitted under Rule 34, after proper service of the request, the court in which the action is pending on motion may make such orders in regard to the failure as are just, and among others it may take any action authorized under paragraphs (A), (B), and (C) of subdivision (b)(2) of this rule. 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."

The sanctions referenced above are as follows:

(A) An order that the matters regarding which the order was made or any other designated facts shall be taken to be established for the purposes of the action in accordance with the claim of the party obtaining the order;

(B) An order refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting him from introducing designated matters in evidence;

(C) An order striking out pleadings or parts thereof, or staying further proceedings until the order is obeyed, or dismissing the action or proceeding or any part thereof, or rendering a judgment by default against the disobedient party

Here, Defendant properly served the attached interrogatories to the Plaintiff, but Plaintiff's Attorney states the following:

1. " Regarding Interrogatories 1 through 5 and 9 through 25, on May 5th 2022, the court filed an order granting partial summary judgement to Plaintiff on all legal and factual issues regarding both parties' claims and, as such, the only remaining issue for trial is the amount of damages owed to the Plaintiff. Accordingly, Plaintiff objects on the grounds that Defendants interrogatories are overly broad, unduly burdensome, and not calculated to lead to discovery of admissible evidence on the sole remaining issue of damages in the case."

Defendant's Response is the orders of May 5, 2022 are presently pending appeal in the South Carolina Court of Appeals, but the Plaintiff's lawyer neglected to mention that fact in his objections refusing to answer 1 through 5 and 9 through 25 of Defendant's interrogatories, but according to 37 (a) 1 the Court of Common pleas is the appropriate court to compel discovery because the orders are "pending action" due to the appeal and not final until a decision is reached.

The Defendant also filed the attached affidavit pursuant to SCRPC Rule 56(f) and read it during her arguments at the hearing on April 22, 2022. The affidavit requested a continuance to allow Defendant to submit interrogatories to the Plaintiff in order to support that the Plaintiff had staged the adoption of my dog Toby. This is my first opportunity to submit the discovery requests and I now submit them in conjunction with my appeal to prove that there was an issue of material fact that should have been considered before the court ordered the partial summary judgement and other orders against me that are presently under appeal. The court should also have allowed the continuance since it is customary for Discovery to be completed before a Motion for a Partial Summary Judgement is filed or granted.

The appeals court will make the decision on whether "the only sole remaining issue is damages to be paid to the Plaintiff" as their lawyer contends or whether a jury will be allowed to decide on the triable issue that exists in this case.

The Plaintiff's interrogatories and production requests to the Defendant were overly broad, unduly burdensome and calculated to prevent the defendant from implementing a defense to their accusations that I committed libel and slander, but the court still consented over those objections, to the sanctions and other requests Plaintiff's lawyer made on his motion to compel discovery against the Defendant. My interrogatories are necessary to prove

that the only motivation the Plaintiff's had for not returning my dog to me was that they were only interested in making money and didn't care if they deliberately inflicted emotional pain on me.

2. "Plaintiff objects to Interrogatory 6 that requests the amount of donations in 2021."

The Defendant's response to the Plaintiff's objection and motion for an order of confidentiality is that donors and the public have a right to know how much money is taken in by this non-profit and the corresponding statistics on the animals that are processed in order to access if they are being truthful and responsible with funds that are given to them for the purpose of helping homeless animals or if they are running a scam operation. Defendant objects to the order of confidentiality because these figures are always legally available to the public.

It's important to Defendant's case to know how much money in donations they received in particular for Toby after soliciting donations on their website (Interrogatory #17). The question is necessary to ascertain how much money Pet Helpers stood to lose if they returned him to me which is what I contend motivated their cruelty in not allowing us to reunite when I requested it.

3. Regarding the Interrogatories 7 and 8, Plaintiff answers as follows:

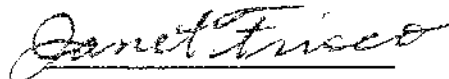
"Melissa Susko Executive Director of Pet Helpers Adoption Center and Spay/Neuter Clinic, 1447 Folly Road, Charleston S.C. 29412 843-795-1100

Written statements already in Defendants possession. Ms. Susko will testify regarding damages sustained by Pet Helpers from defendant's defamatory statements."

The Defendant's response is that I need to know, prior to the trial, any and all individuals that will be called as witnesses against me. They should be specifically stated in the answer to my interrogatories as per Rule 37 (a) (3) concerning evasive or incomplete answers be considered a failure to answer.

If my appeal is granted by the appellate court, I will be given an opportunity to cross-examine Ms. Susko and any other witnesses that are called which will give me an opportunity to question Ms. Susko about her own actions in order to prove that she is the actual cause of any damages that Pet Helpers has experienced. All of my interrogatories are necessary, going into trial phase of this case, to gather statements under oath to support that Ms. Susko did in fact stage Toby's adoption for profit, is in fact certified to euthanize and was planning to lethally dispose of Toby after Pet Helpers solicited donations on their website using photographs of the alleged adoption and afterwards in the "Happy Ending Update" if I had not publicly protested.

DATED: December 7, 2022

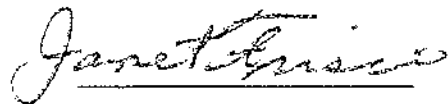


Janet L. Frisco, Pro Se Defendant
203 Cardinal Drive
Summerville, South Carolina 29485
janetfrisco@yahoo.com

CERTIFICATE OF SERVICE

The foregoing document **MOTION FOR ORDER TO COMPEL DISCOVERY** was served on the following by email and U.S. Mail with sufficient postage affixed this 7th day of December 2022.

Stephan V. Futeral
1004 Anna Knapp Blvd., Suite 3
Mount Pleasant, South Carolina 29464
843-284-5500
sfuteral@charlestonlaw.net

A handwritten signature in cursive script, reading "Janet Frisco", written over a horizontal line.

Janet Frisco, Pro Se
Defendant

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE #: 2021-CP-10-2682

PET HELPERS, INC.,

Plaintiff,

vs.

JANET L. FRISCO,

Defendant.

**DEFENDANT'S FIRST INTERROGATORIES
TO PLAINTIFF**

2022 NOV 29 PM 4:30
JULIE A. HARRISON
CLERK OF COURT
DGR

FILED

TO PLAINTIFF PET HELPERS, INC.:

YOU WILL PLEASE TAKE NOTICE that you are hereby required to answer in writing, under oath, the following Interrogatories pursuant to Rule 33, SCRPC. These interrogatories shall continue from the time of service until the time of trial so that the information sought, which comes to the knowledge of the party, representative, or counsel, after the original answers have been submitted, shall promptly be undersigned.

DEFINITIONS AND INSTRUCTIONS

The term "identify" when used in connection with the term "documents" or "prepared materials" means, regardless of whether the production of such items is objected to, list and describe such items, stating separately for each (a) its' location; (b) the name and title of the person(s) who has custody of the items; (c) its' date; and (d) its' author.

The term "describe" when used in connection with an event, conversation, or transaction means to identify the sources from which the information was derived and to identify all parties to the transaction, to state the date and place where the transaction took place, to set forth in detail the statements made and actions taken by each party to the transaction, to identify each document to other recorded or prepared material relating to such transaction, regardless of whether the production of such information is objected to.

"Document" means every writing or record of every type and description that is or has been in your or your respective representatives (s) or attorney(s) possession, control or custody, or of which you or your representative(s) or attorney (s) have knowledge including but not limited to print-out sheets, movie film, videotape, slides, photographs, microfilm, notes, letters, memorandums, worksheets, books, magazines, diaries, calendars, appointment books, charts, tables, papers, agreements, contracts, invoices, budgets, payrolls, check stubs, canceled checks, analysis, projection, transcripts, minutes of meetings, of any kinds, correspondence, drafts, data processing, disks, or tapes and computer produced interpretations thereof, instructions, announcements and mechanical or electrical sound recordings and transcripts

thereof. "Document" also means all copies which are not identical to the original, such as those bearing marginal comments, alterations, notes or other notations not present in the original documents as originally types, or otherwise prepared.

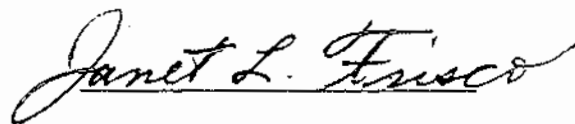
Whenever an Interrogatory calls for information claimed by YOU to be privileged, please supply sufficient factual detail to enable the Court to determine whether or not such document or communication is entitled to claim of privilege, including (1) the date and dates of the communication or document; (2) the name and position of each person who participated in the preparation of the document; (3) the name and position of each person who participated in the communication, or in the case of a document, state to whom the document was addressed, and the name of each person to whom the document, or the contents thereof have been communicated by copy, exhibition, reading, or oral conversation of any kind; (4) the general subject matter of the communication or document; and (5) the basis or bases for the claim of privilege.

INTERROGATORIES

1. Set forth the names of all veterinarians and offices that that provide medical services to Pet Helpers, Inc.
2. Provide any credentials, training or certificates held by Ms. Melissa Susko, the executive director qualifying her to euthanize dogs or cats.
3. Provide records of the number of all dogs and cats that were processed through Pet Helpers Intake Department of surrendered, stray or any otherwise acquired the year of 2021.
4. Provide record of the total number of adoptions that were processed by Pet Helpers in 2021.
5. Provide records of the number of dogs or cats that were moved to other shelters or rescue facilities during 2021.
6. Provide the amount in dollars of donations given to Pet Helpers by individuals, businesses or any other source in 2021.
7. For each person known to you to be a witness concerning the facts of the case, set forth either in 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.
8. 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.
9. Explain what percentage of animals can be lethally disposed of and for what reasons at a "no-kill shelter".
10. Is there any government agency that oversees the handling of animals at animal shelters such as Pet Helpers and reviews their records?

11. Did Pet Helpers advertise on their website that they try to keep pets and their owners together and help people avoid surrendering their pets?
12. Does Pet Helpers believe that dogs and cats do not suffer the effects of separation when they are abandoned by their owners at shelters?
13. Did Ms. Susko order two of her employees to try and entice the defendant to violate Ms. Susko's No Trespass Notice and to take photographs on or about June 5th, 2021 so she could press charges against the defendant?
14. Was Ms. Susko directly or indirectly involved in the deaths of two dogs, Cody and Dixie, while Sue Lambert was an employee there?
15. Did Ms. Susko tell Ms. Lambert she had received training in euthanasia as she was returning from the training?
16. Does Ms. Susko have a donation goals/quotas she must achieve set down by Pet Helpers' Board of Directors?
17. What was the dollar amount in donations Pet Helpers received on Toby after posting the "I'm Going Home" and "Happy Ending Update" photos on their website?
18. Was Toby still confined at Pet Helper's shelter in the photograph titled "Happy Ending Update" posted on Pet Helpers' website in May of 2021?
19. Did Pet Helper's employee, Blaine John, pose with Toby in an adoption photo holding a sign which read, "I'm Going Home" on or about May 10, 2021 on Pet Helpers' website?
20. Did Melissa Susko leave a phone message on May 7, 2021 for the Defendant stating that Toby had been adopted that morning?
21. Was the redacted adoption application the Plaintiff's lawyer submitted to the Defendant dated May 8, 2021?
22. Did the Defendant electronically submit an adoption application on the evening of May 7, 2021 that Katie Leasure in the Pet Helper's Intake Department had sent her on May 6, 2021?
23. On a preadoption form dated May 8, 2021, why were the names of two other dogs crossed off on the form?
24. Is it fraudulent for a nonprofit organization to collect donations and subsidies under false pretenses?
25. Did Pet Helpers send the defendant a video of Toby with Melissa Susko and other employees of Pet Helpers on or about June 15, 2021 to prove he was alive?

Dated: November 29, 2022



Janet L. Frisco, Pro Se Defendant
 203 Cardinal Drive
 Summerville, South Carolina 29485
 843-804-0875
 janetfrisco@yahoo.com

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL COURT
CASE NO.: 2021-CP-10-2682

PET HELPERS, INC.,

AFFADAVIT OF JANET FRISCO

Plaintiff

JANET FRISCO,

Defendant

FILED
2022 APR 21 PM 1:48
JULIE J. ARMSTRONG
CLERK OF COURT

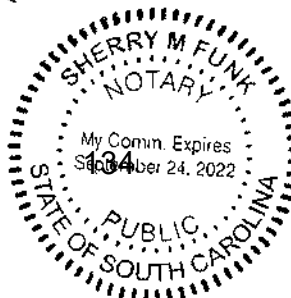
PERSONALLY, appeared before me, Janet Frisco, who after being duly sworn, deposes and states as follows:

I, Janet Frisco, pursuant to SCRPC Rule 56(f) request additional time to submit discovery requests to Plaintiff which is essential to justify my opposition to their Motion for Partial Summary Judgement. I cannot present by affidavit facts concerning the staged adoption of my dog Toby and Pet Helper's fraud soliciting donations and subsidies without their discovery disclosures.

Janet Frisco
Janet Frisco

SWORN to and subscribed before me
this 21 day of April 2022.

Sherry M. Funk
Notary Public for South Carolina
My commission expires 09/24/2022



1 STATE OF SOUTH CAROLINA) IN THE COURT
2) OF COMMON PLEAS
3 COUNTY OF CHARLESTON) OF THE NINTH
4) JUDICIAL CIRCUIT
5 PET HELPERS, INC.,)
6 Plaintiff,) TRANSCRIPT OF RECORD
7 vs.) 2021-CP-10-02682
8 JANET FRISCO,)
9 Defendant.)
10)

11
12 April 22, 2022
13 Charleston, South Carolina

14 B E F O R E:

15 HONORABLE BENTLEY PRICE, Judge.

16
17 A P P E A R A N C E S

18 STEPHAN V. FUTERAL, ESQUIRE
19 For Plaintiff

20 JANET FRISCO,
21 Pro se Defendant

22 Proceedings recorded by DCRP,
23 Digital Courtroom Recorder Project

24 Transcribed by:
25 Julie A. Cendroski,
 Circuit Court Reporter III
 Seventh Judicial Circuit

I N D E X

WITNESS PAGE

ANNOUNCEMENT OF CASE

By The Court

4

MOTION FOR PARTIAL SUMMARY
JUDGMENT

By Mr. Futeral

4

REPLY TO MOTION FOR
PARTIAL SUMMARY JUDGMENT

By Ms. Frisco

ORDER OF THE COURT

CERTIFICATE OF COURT REPORTER

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EXHIBITS

MARKED

ENTERED

NO EXHIBITS PROFFERED

1 PET HELPERS, INC. VS. JANET FRISCO

2 THE COURT: All right. Next is Pet Helpers
3 versus Janet Frisco. All right. We have four motions
4 this morning. Two on behalf of the plaintiff, Pet
5 Helpers, and two on behalf of the defendant, Ms. Frisco.
6 So, who -- it looks like the first one was filed in June
7 of 2021, so whatever that one is, we will hear that one
8 first.

9 So, Mr. Futeral?

10 MR. FUTERAL: Thank you, Your Honor. May it
11 please the Court? For the record, I'm Stephan Futeral,
12 here on behalf of Pet Helpers and Melissa Susko.

13 Your Honor, one of the motions before you today
14 is a dispositive motion for summary judgment. And I
15 think it would be helpful to the Court in making that
16 determination that in addition to the motion and the
17 memorandum that I had supplied to the Court, to give you
18 a better idea of the timeline of events leading up to
19 this.

20 So, Your Honor, we've done a motion for partial
21 summary judgment on the basis that essentially there is
22 no resolve to support any of the defendant's defenses or
23 counterclaims against my client. If Your Honor may
24 recall from previous hearings, this is a case where back
25 in April of 2021, the defendant, Janet Frisco,

1 surrendered a dog to Pet Helpers. And then on May 8th
2 of 2021, Pet Helpers allowed a third party to adopt the
3 dog.

4 I will note for the record, and it's set forth in
5 our memorandum, that the defendant did answer requests
6 to admit, specifically asking her to admit whether she
7 legally surrendered ownership of the dog to my client.
8 And she did, in fact, admit the very same, and that
9 should have been the end of this case. But as Your
10 Honor knows it continues.

11 Once Ms. Frisco saw the dog's photograph on
12 Facebook, she made the determination that the dog looked
13 sad and then started to contact my client trying to
14 reclaim the dog. Ultimately, she was not allowed to
15 adopt the dog because it was adopted by a third party.

16 Once Ms. Frisco then found out that the dog was
17 not coming back to her, as Your Honor may recall, things
18 escalated to a highly dramatic histrionic level which
19 consisted of Ms. Frisco ultimately accusing publicly or
20 stating that she knew for a fact that Pet Helpers had
21 killed and/or tortured the dog and that the whole entire
22 adoption was a fake.

23 So, without going through a recitation of what
24 all of the laws and standards of review are for summary
25 judgment, I just want to point out what's not an issue

1 here. There's no genuine issue of fact that this dog is
2 alive. There is no genuine issue of fact that this dog
3 was adopted by a third party. And, in fact, we had
4 previously in filings submitted to the court, the
5 redacted application for adoption.

6 Now, Ms. Frisco has now shifted her theory of
7 this case to say, one, yes, I claimed that the dog was
8 killed, but because I made all these slanderous comments
9 about Pet Helpers, they would have killed the dog but
10 they changed their minds. She also now claims that the
11 dog was adopted by an employee of Pet Helpers. Let us
12 assume for the sake of argument that Pet Helpers decided
13 to let one of its employees adopt a dog, it still
14 doesn't give her any legal right, any legal claim, any
15 legal standard whatsoever to sue my clients for
16 anything, nor does the defense to her clearly defamatory
17 statements.

18 She published, if you recall, Your Honor, online,
19 but verbally in writing that my clients are dishonest
20 and deceptive; that they let this dog suffer and, quote,
21 I'm sure he's not the only one. She said Pet Helpers
22 killed him because they didn't adopt him to anyone.
23 These are quotes. Quote, I think they're killing other
24 dogs because I've heard from other people who have told
25 me they are killing dogs. And it goes on and on and on.

1 So, we did a motion for partial summary judgment
2 early on in this case because it was very clear that Ms.
3 Frisco had committed -- had, basically, engaged in
4 defamation. As I pointed out in our memorandum, any
5 message or statement that's obvious on the face of the
6 statement is defamatory per se. Now, the defamatory
7 statement, one in particular, they killed this dog,
8 they're killing others. So, defamatory on its face.
9 That makes it defamatory per se. And if it is per se,
10 then under common law, the law presumes the defendant
11 acted with malice.

12 Yet another aspect of our claim for defamation.
13 Your Honor, this goes farther, though, than presuming
14 the actual malice because we have submitted to the Court
15 statements made by the defendant that basically she was
16 doing this to get people fired, for people to lose their
17 jobs, and to shut down Pet Helpers. So, not only do we
18 have malice presumed under the law, we have it in
19 writing from her this was her pet, just harm Pet Helpers
20 and all of its employees.

21 So, some of the things that I've pointed out --
22 and I understand this being a pro se litigant, it's kind
23 of hard to sort the wheat from the chaff in terms of
24 what it is she's trying to say. So, as part of this
25 process, we sent out discovery. You know, tell us what

1 information you might have to refute or defend yourself
2 in any way. As the Court is probably aware on this
3 case, the defendant refused to answer any discovery
4 whatsoever except for the requests to admit. And her
5 answers were due back in July of last year.

6 And, in fact, I gave Ms. Frisco an extension of
7 time that she asked for, additional time. Then when
8 that time came up, and this is part of the Court's file,
9 et cetera, she wrote back to me not to hold my breath.
10 I got tricked. That's fine.

11 We made a Motion to Compel. And I'm getting into
12 that portion because this duck tails into why this case
13 is ripe for summary judgment. We made a Motion to
14 Compel, and that was granted by Judge Cothran, who gave
15 her 30 days. Her answers to discovery requests were
16 due, I believe, on January 17th, 2022. That was a
17 Sunday, making the next Monday the day it was due in
18 January. She hasn't answered any discovery. She won't
19 do it.

20 One of her defenses to this is she's now saying I
21 need more time to complete discovery. You should not
22 grant this motion because I need more time. Well, let's
23 talk about what she has done with the time that she has
24 had. First, as I mentioned, since July 2021, she did
25 send us requests to admit which we responded to. She

1 did this. Since then, not an interrogatory, not a
2 request for production, nothing.

3 Now, what Ms. Frisco has sent to the court to
4 respond to our Motion for Summary Judgment is an
5 affidavit and a short memo. And in her affidavit she
6 says, pursuant to Rule 56(f), I request additional time
7 to submit discovery requests to plaintiff in order to
8 justify her position.

9 In her memo, which the Court has, dated April
10 21st, just the other day, 2022, and I quote -- she tells
11 the court, quote, I never claimed on any filed document
12 I need more time for discovery. She is trying to
13 mislead this Court into believing this is the first time
14 this issue has come up. And to put a fine point on it,
15 it's a lie. And I will take the Court back, by the way,
16 to Rule 56(g), which says that if she made an affidavit
17 in bad faith, this Court has a lot of power to do
18 various different things, award attorneys fees, et
19 cetera, and any offending party may be a judge guilty of
20 contempt. So that's how serious this is, when you
21 respond by affidavit to a summary judgment motion.

22 So, to the point out to the Court that what she
23 has asserted is a bald face mistruth or untruth. This
24 summary judgment motion was originally scheduled to be
25 heard in December, along with other motions.

1 On December 8th, the defendant filed two pieces
2 of paperwork, both of which, and I'm quoting from one of
3 her memos, I have not had an opportunity to pose
4 interrogatories to the plaintiff, I have not had the
5 opportunity to pose interrogatories to plaintiff.
6 That's what she said on December 8th.

7 In a second -- so that was her second objection
8 to Motion for Partial Summary Judgment. In her
9 supplement for second objection to motions for partial
10 summary judgment. Made the same day, she said, quote, I
11 have not been able to request interrogatories or
12 production from the plaintiff.

13 So, let's go back for a second. What she is
14 telling the Court today is an absolute lie. She has
15 submitted an affidavit to the Court saying I've never
16 had an opportunity to ask for this, to ask for more
17 time.

18 So, when I read that she was asking for more time
19 on December 8th, I then had my office email the court.
20 Judge Cothran goes, you know, what fine. If she's
21 claiming she doesn't have enough time, let's continue
22 the summary judgment motion. Amazingly, the defendant
23 opposed the continuance we were voluntarily giving her
24 to give her, to give her more time to submit to us
25 discovery. And, in fact, I had to go before Judge

1 Cothran and over her objection Judge Cothran actually
2 continued her summary judgment motion to give her more
3 time.

4 And to read from Judge Cothran's order on the
5 motion that was heard on December 17th, quote, defendant
6 filed a return claiming that although this action has
7 been pending for seven months, she has not had the
8 opportunity to complete her discovery. During the
9 hearing, plaintiff voluntarily moved to continue the
10 summary judgment motion to give defendant additional
11 time to complete her discovery. Plaintiff's request to
12 continue the summary judgment motion was granted.

13 So, again, to emphasize, she fought against
14 getting more time. So, let's look at what she has done
15 with the time she was given since December 17th. Your
16 Honor, to date, I have 398 emails from the defendant.
17 From the hearing date on December 17th, 142 emails with
18 her. Now, some of these are regarding five pleadings.
19 Some of these are nasty emails, even to your court staff
20 and other members of the court that I get copied on.

21 Some of these emails are pretty plain. Let me
22 give you an example of instead of engaging in discovery,
23 how she has spent her time. On December 20th, 2021,
24 this is what she wrote to plaintiff's counsel: Quote, I
25 realize that your wife wouldn't hang around with an old

1 fart that wasn't loaded so you have to bleed people who
2 earn their money honestly. As for Ms. Smith -- that
3 would be my paralegal. As for Ms. Smith, maybe she and
4 your wife can start a bordello. It's a lot more honest
5 than what we're doing now for money.

6 Another quote, January 31st, 2022 email: This
7 whole experience has proven to me that lawyers like you
8 are nothing but criminals and why the courts and police
9 are helping you proves they are too.

10 February 18th, 2022: The least that can happen
11 is that you are disbarred, but if any serious harm
12 befalls me because of your actions, you will serve time
13 in jail. This is all directed to myself and my staff.

14 March 26th, 2022: The courts, law enforcement,
15 and lawyers are assisting criminals in committing
16 crimes.

17 April 12th, she sends an email to my paralegal
18 that she copied to me, but how she's addressing my
19 paralegal. You are guilty -- my paralegal. You are
20 guilty of trying to coverup Pet Helpers flaw. The
21 longer you perpetuate, lie under malicious prosecution,
22 the greater the repercussions will be when the truth
23 comes out. As I've said previously, you're going to
24 need to get an honest job once Mr. Futeral loses his
25 license to practice law.

1 Your Honor, in addition to this, I get tons of ad
2 homonyms. I get tons of complaints about the court in
3 these hundred and -- what is it? 142 emails since
4 December 17th. Quotes from the bible, all kinds of
5 stuff. Not spending any time sending us a single
6 interrogatory.

7 Now, to make matters even worse, she's filed ten
8 pleadings since December 17th. So she's working on the
9 case. In this court since December 17th, on February
10 7th, 2022, she of course filed her opposition to our
11 motion for sanctions for failure to comply with an order
12 of discovery.

13 Now, let me stop right there for one second and
14 say, you're gonna hear her complain that the things that
15 my client is doing and bringing before the court, are
16 not leaving her enough time to engage in discovery.
17 But, if we think about this for a second, she's only
18 opposing what I had to file, because she's literally in
19 contempt, or the Court can find her in contempt today,
20 for refusing to obey Judge Cothran's order, to answer
21 discovery, and he ordered her to pay sanctions, which
22 she has not paid.

23 So, at this point, a segue just for one minute
24 into the irony of her position that she is asking this
25 Court to give her more time. And that's the basis for

1 denying our motion, when she, herself, refuses to comply
2 with a court order of discovery.

3 So she filed an opposition on February the 7th.
4 February the 28th, 2022, she filed a return to her own
5 motion to amend her own answer. It's really her motion,
6 second motion to amend. She just patched into ---

7 MS. FRISCO: Objection. We're not at that
8 hearing yet.

9 THE COURT: What hearing are you talking about?

10 MS. FRISCO: We're not talking about that. We're
11 not talking about my amended answer --

12 MR. FUTERAL: Yet. It ---

13 MS. FRISCO: -- we're talking about summary
14 judgments.

15 MR. FUTERAL: Your Honor, I'm explaining to the
16 Court how much --

17 THE COURT: I understand.

18 MR. FUTERAL: -- she has done aside from what
19 she's been court ordered to do or what she's saying she
20 hasn't had an opportunity to do, okay?

21 THE COURT: All right, continue.

22 MR. FUTERAL: On March 24th she filed a third
23 Motion to Amend, and she called it Motion to Leave to
24 Supplement Answer. It's mis-captioned, but she filed
25 yet a third motion to amend. And then, as you know, for

1 this hearing she filed her affidavit and a lengthy memo
2 of posing our motion for partial summary judgment.

3 She's also filed things in the Court of Appeals
4 simultaneously since December 7th. She filed a Notice
5 of Appeal, an Amended Notice of Appeal, a second Motion
6 of Notice of Appeal, a return to our Motion to Dismiss,
7 and now the Court of Appeals has dismissed her appeal as
8 completely untimely, she has prepared and filed a
9 request for rehearing.

10 The takeaway being, Your Honor, is that she had
11 plenty of time since last year when this case began in
12 June to engage in discovery. And more to the point,
13 she's trying to mislead this Court if she didn't have an
14 opportunity to do so. And then she's never asked for
15 that opportunity. None of that is even remotely true.

16 Your Honor, there's several things that we're
17 asking for in terms of summary judgment here. And just
18 to recap, she admits that the statements she made were
19 false. By her own admissions and her own words, she did
20 it with malice. The law presumes malice as well.

21 And ---

22 MS. FRISCO: Objection. There's no malice.

23 THE COURT: Ma'am, it's his opportunity to talk.
24 I'll give you enough opportunity to speak.

25 MS. FRISCO: Okay, thank you.

1 MR. FUTERAL: Here's what we're asking the Court
2 to do: We want the Court to issue an order that as a
3 matter of law her statements, both written and verbal,
4 are defamatory and actionable per se.

5 Two, we want the Court to issue an order
6 establishing that Defendant is liable to us for damages
7 in an amount to be determined at trial. And that's why
8 I say it's partial summary judgment because, Your Honor,
9 it wouldn't be appropriate for me to ask you for a
10 dollar amount. She does get a jury trial on merits.

11 Number three, at this stage, and Your Honor has
12 seen and heard, I think, enough of this, we are asking
13 that the Court grant summary judgment and take the
14 temporary restraining orders prohibiting her from, you
15 know, saying all these derogatory things, et cetera. I
16 mean, it delineates most everything she cant do. Take
17 it and make it from temporary and give us the relief
18 we've requested, which is it needs to be permanent. And
19 in that -- that was, for example, she is currently
20 restrained from making any statements, written or
21 verbal, stating or implying that plaintiff and her staff
22 euthanized the dog; that plaintiff or its staff
23 mistreated the dog; that plaintiff and the staff
24 euthanized other animals; that plaintiff or its staff
25 mistreats other animals. And that they stage adoptions

1 to fake things. And also, remember she was commenting
2 about the case publicly as well.

3 If Your Honor -- I'm just sort of glossing over
4 what those other temporary orders state, should you be
5 inclined to grant our motion. I'm more than happy to
6 prepare a detailed order on that, starting from the
7 temporary injunction to make it permanent.

8 We're asking the Court also, as part of that
9 permanent injunction, to prohibit her from contacting
10 the plaintiff, its staff, coming onto her property.
11 And, as the Court has already done, prohibiting her from
12 attempting directly or indirectly to contact the dog's
13 new owner.

14 Judge, we have done our best to try and have a
15 rational conversation with the defendant to tell her
16 this dog was not killed or mistreated or what have you.
17 What has become clear to me is, she doesn't care about
18 any of that, she literally just wants the dog back. In
19 fact, in one of the emails to the court staff regarding
20 this case, she wanted Your Honor to order that we bring
21 the dog into court with the new owner and her and see
22 who the dog goes to, and that's how Your Honor should
23 decide the case. This case is completely off the rails.
24 She has not responded in any meaningful way. She has
25 not raised any legal claims whatsoever that are

1 recognized under South Carolina law. This dog is
2 someone else's property.

3 Now, if the Court wants, we have submitted a
4 redacted adoption statement to the Court, and an
5 affidavit from the employee who says I didn't adopt the
6 dog. And then they're giving you an adoption redacted
7 form. I have brought in an envelope. If the Court
8 wishes or is implying to see the adopter's name in
9 camera, because we don't want Ms. Frisco doing what she
10 does here to someone else. I'm happy to hand it up for
11 an in cameral review for the Court, but between Blain
12 John, the employee's affidavit that he didn't adopt the
13 dog, and the un-redacted adoption paperwork, you can see
14 that someone else legally owns this dog. This case
15 should be over. Thank you, Your Honor.

16 THE COURT: All right.

17 Ms. Frisco?

18 MS. FRISCO: Yes. I want to make something
19 clear, from the beginning about the affidavit. I'm not
20 asking for more time for me to do discovery, I'm asking
21 that I submit discovery to the plaintiff. So, I don't
22 know where he's -- I think he's a little confused about
23 that, Mr. Futeral is, because I'm saying that I need
24 time. And I'll just read it, because that will be
25 easier for me.

1 I, Janet Frisco, pursuant to SCRCF Rule 66(f)
2 requests additional time to submit discovery requests to
3 plaintiff, which is essential to justify my opposition
4 to their motion for partial summary judgment. I cannot
5 present by affidavit, facts concerning the staged
6 adoption of my dog Toby and Pet Helpers fraud soliciting
7 donations and subsidies without, without their discovery
8 disclosures.

9 So, I'm not asking for more time to do the
10 discovery that they submitted to me. I'm trying to say
11 that I need to do discovery to them to request these
12 disclosures about whether or -- and there's several
13 things that I will ask in my interrogatories, and that
14 is, if Ms. Susko is actually certified to euthanize
15 animals, as I was told by a former employee, Sue
16 Lambert, who worked with Ms. Susko.

17 And I actually spoke to her when she was coming
18 out of this training to kill dogs and told Ms. Lambert
19 that -- and so my witness needs to do a disposition -- a
20 deposition, excuse me.

21 And there's a lot of things in this case that Mr.
22 Futeral has completely ignored, and I want to mention to
23 him and to my law analysis that the ultimate burden of
24 persuasion on the claim is to show that it would be
25 entitled to a direct verdict at trial. But the movement

1 may not present only the portions of the record
2 supporting its position while knowingly admitting
3 evidence to the contrary that may raise a genuine issue
4 of material fact. Such conduct arguably warrants in
5 position of sanctions under -- and indicates the
6 reference.

7 Several -- and also, he's saying that I asked for
8 a continuance to do discovery. That is totally,
9 blatantly untrue. I asked for a continuance on the
10 summary partial judgement. I mean, I objected to the
11 continuance of the summary partial judgment, partial
12 summary judgment. So, he's just twisting things, like
13 he has from the beginning, and making -- trying to make
14 me look like the culprit, when the only thing that I did
15 is I walked into Pet Helpers on April 13th, 2021, with
16 my dog. And here's a picture of the two of us, because
17 I would say we were a couple of lambs to the slaughter.
18 Because this is a happy picture, because I believe that
19 they were what they claimed to be; that they were Pet
20 Helpers, and that they were Pet Helpers, and that they
21 were ---

22 And then I found out about the euthanasia that
23 Ms. Susko is authorized -- certified to do. And so I
24 assumed because I -- that they had killed him. I did
25 not say it. I just, that was my belief after I saw how

1 they would -- they just let him suffer and they did.
2 For two weeks he sat there, waiting for that low cost
3 adoption thing. And then -- and I saw the pictures of
4 the adoptee -- of the adopter.

5 And then I got the picture from Sue Lambert of
6 Mr. Blain, and it looked very much like him. Although,
7 it was hard to tell because he was wearing glasses, a
8 hat, and a mask. But you could tell that the dog was
9 cowed in the picture. You know, he wasn't happy. The
10 man wasn't down petting his new pet or anything. He was
11 leading him away.

12 So, what I'm saying by my affidavit, and I
13 submitted this to the Court. I would like it to be
14 ruled on. I did not ask for more time to do the
15 plaintiff's discovery requests. I didn't ask for it,
16 because I feel, and I said it in my memorandum that I
17 submitted to you by email, all of his summary -- his
18 discovery requests were an attempt to keep me from
19 defending myself in this case. And he mentions it, like
20 I shouldn't have a right appeal the sanctions. He says
21 I'm appealing the restraining orders, when that's not
22 what I just appealed at all.

23 And so, he acts like that I shouldn't have the
24 right to defend myself in a court of law; that I should
25 just be submissive to everything that he orders and just

1 comply and then, you know, he'll take my -- you know,
2 he'll take my money. And so, I really think he's
3 distorting.

4 I will note he has nerve calling me a liar
5 because I haven't lied at all. In this entire situation
6 I have not lied. They lied about the adoption date.
7 They said it was the seventh, when it was actually the
8 eighth. They've lied to me by implying that I could get
9 the dog back, which when I submitted an application.

10 And then when -- you know, I really took these
11 people, you know, that they were decent people. I had
12 no idea. And I think a lot of people have been mislead
13 by Pet Helpers. It's profit oriented. They're making a
14 profit.

15 I would also like to ask in my interrogatories
16 how much money they made on Toby, you know, after they
17 solicited the donations and probably collected subsidies
18 from, from the Bissell Pet Foundation. I wanted to ask
19 that, because I think that's what it all boils down to,
20 that they are making a lot of money.

21 And it's a corporation. I think at one time it
22 wasn't a corporation, so I don't know if Ms. Lindell
23 sold her rights to this, or whatever happened. But, you
24 know, money is a big motivator for a lot people. And so
25 now a corporation controls it.

1 And, you know, I don't -- in my memorandum in
2 opposition of this, I'm also saying that if there's any
3 -- in many courts, judges have decided that if there is
4 the least bit of doubt that there's a material issue of
5 fact that the judge should not grant summary judgment or
6 partial summary judgment, because I think the reason Mr.
7 Futeral is asking for partial summary judgment is I
8 believe it's not appealable. And he wants to just shut
9 me down, keep me quiet. Whatever it takes he's going to
10 do it, even putting me in jail.

11 And that's part of my counterclaim, that I was
12 jailed for four days. And it would have been longer if
13 I hadn't paid the extortion money they were demanding.
14 And that's what it was, extortion money.

15 THE COURT: Ma'am, that was ordered by the Court.
16 They had nothing to do with that.

17 MS. FRISCO: No. They had ---

18 THE COURT: I'm just putting that on the record.

19 MS. FRISCO: Okay.

20 THE COURT: That was my decision, not theirs.

21 MS. FRISCO: Oh, okay. \$5,000?

22 THE COURT: My decision, not theirs.

23 MS. FRISCO: Okay. Well, everything that he has
24 done, that Pet Helpers has done in this lawsuit has been
25 a coverup. A coverup to coverup the adoption that was

1 staged and to shut me up permanently, if necessary. I
2 did file a leak -- we'll talk about that at the next --
3 because that's when I ---

4 THE COURT: You can do it today, ma'am, that
5 would be fine.

6 MS. FRISCO: That's all right, I don't want to.
7 I mean, I gave this -- this is a picture of me going
8 into Pet Helpers that day. I mean, I was just
9 completely, you know, thinking that they were what they
10 said they were. The dog was happy, I was happy. And
11 then when I looked at those pictures -- and they can
12 deny that the dog was sad and say even on their admits
13 where they said that dogs don't mind being abandoned at
14 shelters. They're fine. I mean are we -- this is a
15 shelter that's saying this, that dogs don't mind being
16 dumped at a shelter? And this is what they honestly
17 say? I mean, they're supposed to be honest in their
18 admits, right?

19 I surrendered the dog. I've never contested
20 that. He keeps saying, she admitted she surrendered the
21 dog. I know I surrendered the dog. I'm not denying
22 that. I'm denying -- I'm not saying that I didn't sign
23 a paper. But I did not -- the paper didn't say anything
24 about euthanasia. I mean, I did not -- there was no
25 reason that they could not have given that dog back to

1 me -- Toby back to me, except that they couldn't have
2 made money if they had. And that was what it was all
3 about.

4 It was about soliciting donations, the happy
5 ending -- the happy ending updates. I mean, pure lies,
6 because I knew that dog. I had him for eight months. I
7 rescued him from some property where he was running
8 loose. And there were two other dogs with him that were
9 picked up by Berkeley County and probably euthanized.

10 I care about animals. I'm not making any money.
11 In fact, I'm spending money. I'm spending a lot of
12 money. And I spent a lot of money on Toby. I -- he was
13 chipped, he was vaccinated, he was neutered, but I still
14 had to pay them \$100 to take him. I mean, it's all
15 about money. Really, that is some people's God.

16 And, yes, I'm upset about it, but I completely
17 believed that they had killed him. When that Ms.
18 Lambert came up to me and said that Ms. Susko was
19 authorized to, to euthanize, I just figured, oh, okay,
20 they kept him, they made money on him, and they killed
21 her. I didn't say it ---

22 And there's no malice either. I mean, I think
23 that if they did what I believe that they did do, then
24 it's not malicious to say it.

25 THE COURT: But they didn't do what you thought

1 they did, so what is the purpose of you continuing this
2 lawsuit?

3 MS. FRISCO: How do you know that, Judge? How do
4 you know they didn't do it?

5 THE COURT: You really think the dog's dead?

6 MS. FRISCO: No. I -- after they showed me the
7 video. They waited until June to show me a video of the
8 dog.

9 THE COURT: Okay. The dog ---

10 MS. FRISCO: First he shows me a stilled picture.

11 THE COURT: All right. You're raising your voice
12 at me a little bit too high for me, okay?

13 MS. FRISCO: Oh, I'm sorry. I get excited. I
14 get emotional. But anyway, yeah, after they show me the
15 video, but first he shows me a ---

16 THE COURT: Let me ask you that question again
17 then. Now that you know that they didn't euthanize the
18 dog, why continue with this lawsuit?

19 MS. FRISCO: Because of all the pain and
20 suffering that they put me through. And I do have if
21 you intentionally cause emotional pain to someone, that
22 is a right to sue. And they did, because Ms. Susko
23 didn't care.

24 And when I called her up and, you know, I'm still
25 thinking that they're halfway decent people, and I

1 called her up and I said, could you just talk to the
2 adopter and tell him I'm so upset and that, you know,
3 maybe he'll give him back, she goes, you surrendered
4 your legal rights. And I'm like, okay, I guess we won't
5 get very far with Ms. Susko. And then she starts, I'm
6 gonna call my lawyer and, and she did, you know? And
7 all I was just -- I was just upset over the dog. That's
8 all it was, and I'm still upset over him, because I
9 don't believe he was legitimately adopted. I don't.

10 I think you should look at the un-redacted
11 adoption.

12 THE COURT: Just stop right there.

13 Mr. Futeral?

14 MR. FUTERAL: Yes, sir, if I may approach? And
15 if the Court remembers, Ms. Susko's [sic] theorized that
16 she saw a photograph on -- somewhere on Facebook on the
17 employee Blain John. And she claims that's who has the
18 dog. He's given an affidavit already that he didn't
19 adopt the dog.

20 THE COURT: What's an ARN number?

21 MR. FUTERAL: This is the director.

22 THE COURT: Right.

23 MR. FUTERAL: Melissa Susko. Do you mind
24 standing?

25 MS. SUSKO: No.

1 THE COURT: What's ARN stand for?

2 MS. SUSKO: ARN is our pet point data base, and
3 that's the assigned number when they come through the
4 shelter.

5 THE COURT: Got it. Good gracious, a pretty big
6 contract. All right. Well, if Toby was a one-year-old,
7 25-day hound mix that was brown and white tri-color male
8 that weighed 50 pounds, he was adopted on May 8th of
9 2021, by a resident of Charleston County.

10 MS. FRISCO: Is that what it says, a resident of
11 Charleston? It gives you the name, right?

12 THE COURT: Of course it does.

13 MS. FRISCO: Oh, okay. So I'm taking that as
14 it's not John Blain, Blain John, or whatever. I thought
15 it was John Blain, but I guess it's Blain John.
16 Whatever.

17 THE COURT: It is not.

18 MS. FRISCO: I mean, the name of it that I though
19 adopted him.

20 THE COURT: It is not.

21 MS. FRISCO: Okay. Well, if it wasn't, you know
22 what I would say to that is, okay, it wasn't the person
23 I thought it was, but it doesn't mean necessarily that
24 it was a legitimate adoption. It ---

25 THE COURT: Well, it's a pretty extensive

1 contract that I just looked at. I don't know if I would
2 have signed an eight-page contract to surrender a dog.
3 I would have just said, do y'all want to take this thing
4 or not --

5 MR. FUTERAL: Yeah.

6 THE COURT: -- but they did it. I mean, even --
7 I mean, it goes down to what he's supposed to eat, how
8 often he's supposed to eat, where he's supposed to
9 sleep, whether he's crate trained or not. It's got it
10 all in there.

11 MS. FRISCO: Well, I mean, they are in charge of
12 these forms. They could make any kind of form they
13 wanted to.

14 THE COURT: All right. Anything else, Ms.
15 Frisco? We've got to move on. It's 10:30 and I've got
16 a 10:30 court session that I've got to adhere to.

17 MS. FRISCO: Okay. I wanted to ask you ---

18 THE COURT: You've already asked to amend your
19 complaint and Judge Cothran denied that, so you can't
20 ask it twice. The law doesn't allow for that.

21 MS. FRISCO: Amend what complaint?

22 THE COURT: Huh?

23 MS. FRISCO: What? Oh, we are going on to that
24 motion?

25 THE COURT: Yes. Because I've got to keep going.

1 MS. FRISCO: Oh, okay. Well, I think there's a
2 difference between a supplement and an amendment,
3 according to the subdivisions.

4 THE COURT: There is not.

5 MS. FRISCO: There is not? Okay. So I cannot --
6 well, can it just be on the record that I tried to ---

7 THE COURT: Yes, ma'am, it's on the record.

8 MS. FRISCO: That I tried to amend my answer?

9 THE COURT: Yes, ma'am.

10 MS. FRISCO: Because that's all I was trying to
11 do, and I think it's really obvious that that's what I
12 was trying to do.

13 THE COURT: Fair enough.

14 MS. FRISCO: Okay. And I did not ask for more
15 time. I think that ---

16 MR. FUTERAL: Your Honor?

17 MS. FRISCO: Excuse me for a second.

18 THE COURT: That's all right.

19 MS. FRISCO: In an email to Mr. Futeral one time
20 when I thought he was -- when I still thought he was a
21 legitimate adversary, you know, now I just think he's
22 doing these things to be vindictive, but I did say,
23 well, I need more time. But I don't remember ever
24 saying that in a document that I filed, that I needed
25 more time for discovery. So, you know, I think there

1 should be ---

2 THE COURT: Well, Judge Cothran ---

3 MS. FRISCO: I should have the opportunity ---

4 THE COURT: Judge Cothran put in his order, upon
5 the defendant's request.

6 MS. FRISCO: I asked -- no, it wasn't my -- I
7 don't know why he put that because what I said was I
8 objected ---

9 THE COURT: All right. Ms. Frisco, the
10 difference is that when I start talking then you have to
11 stop.

12 MS. FRISCO: Oh, okay. Sorry.

13 THE COURT: Upon defendant's request, plaintiffs
14 gave defendant an extension of time to respond by July
15 30th of 2021. However, as of July 26th, 2021, the
16 defendant corresponded to plaintiff's counsel regarding
17 her discovery responses, don't hold your breath for the
18 discovery. The Court hereby grants the plaintiff's
19 motion to compel discovery. Defendant shall fully
20 respond to plaintiff's interrogatories and request to
21 produce within 30 days from the day of this hearing.

22 Have you done that?

23 MS. FRISCO: No, sir, I haven't.

24 THE COURT: All right. Stop right there. You
25 answered my question.

1 Plaintiff's request for attorneys fees and costs
2 in its Motion to Compel the amount of \$1,214. Defendant
3 shall pay this sanction within 30 days from the date of
4 this hearing.

5 Have you done that?

6 MS. FRISCO: I went yesterday and tried to figure
7 out how to pay it, but when I went to the clerk's
8 office, she said ---

9 THE COURT: You don't pay it to the clerk.

10 MR. FUTERAL: The answer's no.

11 THE COURT: Right. I just needed a yes or a no.

12 MS. FRISCO: He's forbidden me to go to his
13 office.

14 THE COURT: All right.

15 MS. FRISCO: He said when I paid the 5,000 to get
16 out of jail, I had a friend, she said it was quite
17 complicated to pay the sanction of \$5,432. She had to
18 go to -- come here to court. She went somewhere. I
19 went to the treasurer's office and that wasn't the place
20 to go. And then I went to the cashier in the clerk's
21 office and I asked them, and they said, well, it looks
22 like you owe 17-something. And when I asked Mr.
23 Futeral, his paralegal said that I needed to pay 12 -- I
24 think it was \$1,214. But the order of Judge Cothran
25 says 17, so I wasn't sure how much I was supposed to

1 pay, where I was supposed to pay it, and how I could pay
2 it if I couldn't go to Mr. -- because I believe he gets
3 the money directly.

4 But I don't -- and just going back to this, I'm
5 not trying to be disrespectful to you, Judge Price, but
6 I asked for a -- I objected to the continuance on the
7 partial summary judgment. I did not object or request
8 extra time to do discovery. I don't know where -- I
9 mean, we could, we could -- I mean, I'm sure it's on the
10 tapes that they have when they have court that I didn't.
11 I just objected when he says your -- and he seemed
12 surprised that I was objecting to it, but I was ready to
13 deal -- to answer to the summary judgment then.

14 I hadn't done my discoveries. Mr. Futeral is
15 saying there's no issue of fact, and I believe that
16 there is a question that there is an issue of fact.

17 THE COURT: All right. That's enough, Ms.
18 Frisco. Thank you very much.

19 MS. FRISCO: All right. You're welcome.

20 THE COURT: Mr. Futeral, so I read in Judge
21 Cothran's order just now that these cases are
22 consolidated?

23 MR. FUTERAL: Yes.

24 THE COURT: Did she file a separate action under
25 a different number or just a counterclaim?

1 MR. FUTERAL: She filed a separate action under a
2 different number suing Melissa Susko and Pet Helpers for
3 all the things that she's been saying today. And the
4 cases were consolidated into one.

5 THE COURT: But is there a counterclaim to her
6 original answer to your complaint?

7 MS. FRISCO: Yes.

8 MR. FUTERAL: I'm sorry. The question ---

9 MS. FRISCO: Yes.

10 THE COURT: Ms. Frisco, I'm talking to Mr.
11 Futeral.

12 MS. FRISCO: Oh, okay.

13 MR. FUTERAL: One more time, Your Honor.

14 THE COURT: So in her original complaint, when
15 she answered, did she file a counterclaim in that as
16 well?

17 MR. FUTERAL: She did not.

18 THE COURT: Okay.

19 MR. FUTERAL: She filed a separate one.

20 THE COURT: Okay. So it's a separate whole case
21 and caption number, but they're just consolidated
22 together?

23 MR. FUTERAL: So the case is now one, correct.
24 So part of what we're asking in summary judgment is
25 dismiss her claims.

1 THE COURT: Right. I got it.

2 MR. FUTERAL: Yeah. Yeah.

3 THE COURT: All right. That's what I was trying
4 to figure out.

5 MR. FUTERAL: Yeah.

6 THE COURT: Because there's a difference between
7 striking an answer, dismissing a counterclaim because it
8 just gets technically a little different?

9 MR. FUTERAL: Sure.

10 THE COURT: All right.

11 MS. FRISCO: Yeah. Can I say something?

12 THE COURT: Briefly, because I've got to get
13 moving.

14 MS. FRISCO: Okay. The ---

15 MR. FUTERAL: And we still have one other motion.

16 THE COURT: It would be moot, trust me.

17 MR. FUTERAL: Okay, got it.

18 MS. FRISCO: The counterclaim is for malicious
19 prosecution.

20 THE COURT: Okay.

21 MS. FRISCO: And so I made that with -- I
22 included that in my attempt to amend my answer. And
23 then Mr. Futeral pointed out that I can't return to my
24 own motion. So then I tried to do it a different way
25 using a different rule, subdivision. I think it was

1 15(d). And I amended my counterclaim for malicious
2 prosecution. And so, I mean, I -- I guess, if you're
3 denying the -- for me to amend my answer, you're also
4 denying the counterclaim for malicious prosecution.

5 THE COURT: All right. Here's what I'm gonna do.
6 Mr. Futeral, I'm gonna grant your Motion for Partial
7 Summary Judgment. I'm going to grant your Motion for
8 Sanctions for her failure to comply with Judge Cothran's
9 order. She was, I just read it into the record, she was
10 to comply within 30 days, she has not complied within
11 those 30 days with his order and, therefore, I am
12 striking or dismissing her complaint altogether.
13 Therefore, making any other motions that would need to
14 go forward moot. Send an affidavit as to attorney's
15 fees to the Court, as to what you spent on this hearing
16 and be prepared for this hearing.

17 And, Ms. Frisco, moving forward, I -- if there's
18 any communication, which there doesn't need to be a
19 whole lot because the case is essentially over at this
20 point, with Mr. Futeral's office that is harassing,
21 defamatory, or anything other than what date is the
22 hearing, we're just gonna be right back here and you
23 know what happens when you violate one of my orders.
24 What happens?

25 MS. FRISCO: You put me in the jail for profit.

1 THE COURT: You're right. However you want to
2 say it.

3 MS. FRISCO: Because that's what it is.

4 THE COURT: If you violate one of my orders, you
5 know what happens.

6 MS. FRISCO: Yes, sir, I do.

7 THE COURT: Thank you very much. I appreciate
8 you being very up front with me about that. Y'all have
9 a great day.

10 MR. FUTERAL: Thank you, Your Honor.

11 MS. FRISCO: Is it appealable? Is it appealable?

12 MR. FUTERAL: May I have 15 days to prepare the
13 order?

14 THE COURT: Yes. Yes.

15 MR. FUTERAL: Thank you.

16 (Hearing concluded at 10:44 a.m.)

17

18 --- THIS ENDS REQUESTED TRANSCRIPT ---

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1 COURT REPORTER CERTIFICATE

2
3 I, the undersigned Julie A. Cendroski, Court
4 Reporter for the Seventh Judicial Circuit Court of the
5 State of South Carolina, do hereby certify that to the
6 best of my ability from the Digital Court Reporter
7 Program, the foregoing is a true, accurate, and complete
8 transcript of record of all the proceedings and evidence
9 introduced in the hearing and/or trial of the captioned
10 case, relative to appeal, in the Court of Common Pleas
11 for Berkeley County, South Carolina, on the 22nd day of
12 April, 2022.

13 I do further certify that I am neither of kin,
14 counsel, nor interest to any party hereto. This was
15 transcribed from the Digital Court Reporter Program.
16
17
18
19

20 s/Julie A Cendroski
21 Julie A. Cendroski
22 Circuit Court Reporter III
23 Seventh Judicial Circuit
24
25

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

PET HELPERS, INC.,

Plaintiff,

vs.

JANET FRISCO,

Defendant.

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NO.: 2021-CP-10-_____

SUMMONS

(Jury Trial Demanded)

TO: THE DEFENDANT ABOVE-NAMED:

YOU ARE HEREBY SUMMONED AND REQUIRED TO ANSWER the Complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to this Complaint on the Clerk of Court for Charleston County and upon the subscriber at his office, 1004 Anna Knapp Blvd., 2nd FL, Mt. Pleasant, South Carolina, 29464, within thirty (30) days after service hereof, exclusive of the day of such service.

YOU ARE HEREBY GIVEN NOTICE FURTHER that if you fail to appear and defend and fail to answer the Complaint as required by this Summons within thirty (30) days after the service hereof, judgment by default will be rendered against you for the relief demanded in the Complaint.

Futeral & Nelson, LLC

s/ Stephan V. Futeral
Stephan V. Futeral, Esquire
S.C. Bar ID 66427
1004 Anna Knapp Blvd., Suite 3
Mount Pleasant, South Carolina 29464
Telephone (843) 284-5500
Facsimile (843) 284-5501
Email: sfuteral@charlestonlaw.net

Dated: _____

Attorney for Plaintiff

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

PET HELPERS, INC.,

Plaintiff,

vs.

JANET FRISCO,

Defendant.

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NO.: 2021-CP-10-_____

COMPLAINT

(Jury Trial Demanded)

Plaintiff would show unto this Honorable Court:

1. Plaintiff is a citizen and resident of the County of Charleston, State of South Carolina.
2. Plaintiff is informed and believes Defendant Janet Frisco is a citizen and resident of the County of Dorchester, State of South Carolina.
3. Plaintiff is a non-profit corporation formed and organized in 1983 under the laws of South Carolina and maintaining a registered agent, and doing business in the County of Charleston, State of South Carolina.
4. Plaintiff is an adoption center, and spay/neuter clinic which serves communities in the Lowcountry, including, Charleston County, Dorchester County, Berkeley County, and surrounding areas.
5. Plaintiff's mission is to end the euthanasia of all adoptable cats and dogs by sheltering all animals until adopted; providing low cost spay/neuter surgeries; offering humane education programs; pursuing animal-cruelty prosecution; and initiating animal-welfare-legislation.

6. Plaintiff receives donations to support its mission, to assist in the costs of caring for surrendered animals, and to support its ability to provide low cost spay/neuter surgeries for animals in the community.

7. Plaintiff is a “no-kill” facility meaning that it does not euthanize any animals it takes into its shelter.

8. The acts that give rise to this lawsuit occurred in the County of Charleston, State of South Carolina.

9. On April 13, 2021, because she had too many animals in her home, Defendant willingly released and relinquished all ownership of a hound mix dog “Toby” to Plaintiff (**Exhibit A**).

10. Plaintiff changed the dog’s name from “Toby” to “Slim Jim.”

11. On April 23, 2021, Plaintiff posted photographs of “Slim Jim” to their Facebook page indicating that the dog was ready for adoption.

12. On April 23, 2021, Plaintiff received an email from Defendant stating that Plaintiff “traumatized” the dog by renaming him, questioned why the dog was not using the leash she provided, and stating that the dog looked “sad.” Defendant subsequently left voicemail messages with Plaintiff requesting to take the dog back from Plaintiff.

13. On May 7, 2021, Defendant called Plaintiff stating that the dog looked “happier with her,” and she wanted to adopt the dog. Plaintiff informed Defendant that she would need to complete the adoption application.

14. On May 7, 2021, “Slim Jim” was adopted by someone who had already completed the adoption process.

15. On May 10, 2021, adoption photographs of “Slim Jim” and his new owner were posted to Plaintiff’s Facebook page.

16. On May 11, 2021, Defendant sent an email to Plaintiff stating that she was going to “light up the internet with this story...” and threatening to call the Humane Society and PETA if Plaintiff did not get the dog back (**Exhibit B**).

17. On May 12, 2021, after calling the shelter numerous times demanding the dog back, Defendant left a voicemail for Plaintiff indicating she was “bringing God’s Army” to get the dog back.

18. On May 12, 2021, due to Defendant’s threatening and erratic behavior, Plaintiff contacted the City of Charleston Police Department and was instructed to keep their doors locked that day, that an officer would sit in the parking lot, and that officers would be patrolling the area.

19. On May 13, 2021, Defendant began posting defamatory statements and videos about Plaintiff and Plaintiff’s staff to social media, including, Yelp and Facebook falsely claiming, among other things, that Plaintiff killed the dog in issue and that Plaintiff and its staff euthanize the animals that are turned into their organization.

20. Defendant’s numerous and regular online posts have been viewed hundreds of times, shared dozens of times, received numerous comments, and are being disseminated to countless unknown parties causing the exponential spread of Defendant’s defamatory statements, online posts, and videos.

21. On May 15, 2021, the City of Charleston Police Department issued a no contact/no trespass order by the City of Charleston Police Department as to Plaintiff.

22. Since Defendant received the no contact/no trespass order, Defendant has intensified her manic behaviors by frequently protesting on Folly Road holding up signs falsely claiming that

Plaintiff killed the dog in question and posting lengthy, rambling videos wherein Defendant makes false statements regarding Plaintiff as set forth herein.

23. On or about June 6, 2021, Defendant violated the no-trespass order by standing at the edge of Plaintiff's drive screaming at Plaintiff's customers that Plaintiff "killed her dog" as the customers entered Plaintiff's facility.

24. On May 29, 2021, Plaintiff's counsel sent an email to Defendant requesting that she cease and desist from making defamatory statements regarding Plaintiff and its staff, and to remove all text posts, video posts, and comments on any social media alluding to defamatory statements (1) that Plaintiff or its staff euthanized any animals they shelter; (2) that Plaintiff or its staff treated her dog cruelly; and (3) that her dog was euthanized (**Exhibit C**).

25. Defendant has made defamatory statements regarding Plaintiff and its staff in text posts and video posts to her private Facebook page as follows:

- a. On May 25, 2021 video post with 255 views;
<https://www.facebook.com/janet.frisco/videos/4327803420571826>

"[T]hey're, they're just cruel. And they're dishonest, and they're deceptive."

"[Pet Helpers are] despicable, just horrible, horrible human beings... They didn't help Toby. They hurt Toby. They made him suffer. And I'm sure he's not the only one."

"Melissa [Executive Director of Pet Helpers], she has licensed euthanize and she has euthanized other dogs are ordered that they be euthanized even though they were not sick, or aggressive. But she's all about corporate greed."

- b. On May 29, 2021 video post with 44 views;
<https://www.facebook.com/janet.frisco/videos/4341909919161176>

"I think they're killing other dogs, because I've heard people who are former employees here, and they told me that they, they're killing dogs."

"I think they had you know a plan for him a death plan for him the whole time... I'm talking about Melissa [the Executive Director of Pet Helpers] because she's she's got

a certification to kill dogs. And she's done it herself. And she's ordered dogs killed too ... I'm sure that's just the tip of the iceberg here."

- c. On May 29, 2021 video post (that Defendant deleted after receiving a spoliation notice from Plaintiff's counsel, attached hereto as **Exhibit D**);

"[My] sign says, corporate greed kills my dog, Toby. corporate greed. And the other side says pet helpers killed Slim Jim May 11th ... And I'm not going to stop until first of all these people, a bunch of people here, Melissa, Katie, and intake, and anybody else that knew and the guy that killed him, anybody else, they'll all be fired. If this company cares, any and all this place will be shut down and reopened by somebody who really cares about animals... But it's really a kill shelter."

"And most of these dogs will not make it out of here alive. They really won't. Toby did not make it out of this place alive... And then they killed him. They killed Toby. They killed my dog."

"I'm here to tell you it's not so quick giving them money. Don't give them any more money. You don't ever surrender a dog to any shelter. And if they claim to be no kill, don't believe them."

"They're monsters...Yeah, you've got a no trespass notice on me. I'm not trespassing. I'm on the right away. And I'll be here as long as I have to be until I get justice from from Toby. And people know what you're really doing here because you're putting on a big charade. It's an evil charade too."

- d. On June 3, 2021 video post with 21 views;
<https://www.facebook.com/janet.frisco/videos/4356514411034060>

"But my sign, I'm protesting Janet Frisco is protesting Pet Helpers in their cruelty to my dog and probably too many other dogs. But my sign says Pet Helpers killed Slim Jim May 11th."

- e. On June 3, 2021 written post with 2 shares;
<https://www.facebook.com/photo?fbid=4354669251218576&set=a.964410813577787>

"Rest in peace Toby, my good boy, no one can abuse or cause you to suffer any more. You're in the safe and loving hands of God now."

- f. On June 5, 2021 video post with 25 views and 7 shares;
<https://www.facebook.com/janet.frisco/videos/4362304657121702>

"[Pet Helpers] killed him because they didn't adopt him to anyone. They killed him. And I know they did."

- g. On June 5, 2021 video post with 21 views;
<https://www.facebook.com/janct.frisco/videos/4356514411034060>

"[Pet Helpers] just let him suffer and then they, you know, we're taking a lot of pictures of him and you know, and they just let him suffer here for a whole month."

26. Defendant created a Facebook group page "Justice for Toby" which has 4 members and 34 total posts (see <https://www.facebook.com/groups/162011289227451>). In the description of her "Justice for Toby" group page, Defendant posted defamatory statements that Plaintiff "used [Toby] as a marketing tool to solicit donations and then euthanized him after they staged an adoption the weekend of May 7-11, 2021."

27. Defendant posted defamatory videos about Plaintiff on at least two occasions to a Facebook group page "The Real Dorchester County Watchdog Group" (see <https://www.facebook.com/groups/1480789522086545>).

FOR A FIRST CAUSE OF ACTION

(Slander and Libel)

28. All prior allegations not inconsistent with this cause of action are realleged and incorporated by reference herein.

29. Plaintiff is informed and believes that beginning on May 13, 2021, Defendant orally and in writing, published to third parties with actual or implied malice and with intentional reckless disregard of Plaintiff's rights multiple defamatory statements concerning Plaintiff and its staff, including but not limited to the following:

- a. That Plaintiff and/or its staff killed her dog;
- b. That Plaintiff and/or its staff euthanizes other animals in its shelter;
- c. That Plaintiff and/or its staff was cruel to her dog;

d. That Plaintiff and/or its staff is cruel to other animals in its shelter; and

e. Such other statements as the evidence may show.

30. The above-referenced statements have defamatory meanings and are false.

31. The above-referenced statements are defamatory and actionable *per se*.

32. According to Defendant's now-deleted Facebook post dated May 29, 2021, Defendant admitted that her express purposes in defaming Plaintiff was to intentionally harm Plaintiff. Specifically, Defendant stated "Now I'm telling Toby's story. And I'm not going to stop until first of all these people, a bunch of people here, [and Plaintiff's staff] . . . and anybody else that knew and the guy that killed him, anybody else, they'll all be fired. If this company cares, any and all this place will be shut down. . . ." Defendant further stated, "I'm here to tell you it's not so quick giving them money. Don't give them any more money. You don't ever surrender a dog to any shelter. And if they claim to be no kill, don't believe them."

33. As a result of Defendant's defamatory statements, Plaintiff has sustained injury to its reputation which has and/or will result in the loss of donations to the "no-kill" shelter as well as an unwillingness by third parties to surrender in-need animals to Plaintiff's care for fear the animals will be treated cruelly or euthanized by Plaintiff or its staff.

34. Plaintiff is informed and believes it is entitled to actual, special, and punitive damages, and the costs of this action.

FOR A SECOND CAUSE OF ACTION

(Permanent and Temporary Injunction and Restraining Order Against Defendant)

35. All prior allegations not inconsistent with this cause of action are realleged and incorporated by reference herein.

36. Plaintiff is informed and believes that a Temporary and Permanent Restraining Order and Temporary and Permanent Injunction is necessary to prevent Defendant from continuing to disseminate defamatory statements orally and in writing on the internet, including social media sites such as Facebook and reviewing sites such as Yelp.

37. Plaintiff is informed and believes that a Temporary and Permanent Restraining Order and Temporary and Permanent Injunction is necessary requiring Defendant to set any and all of her internet and social media postings to her personal page and/or group pages to private as to hide the posts from public view and to preserve evidence in this matter.

38. The issuance of a Temporary and Permanent Restraining Order and Temporary and Permanent Injunction is necessary for the protection of Plaintiff's rights during the course of this litigation, and Plaintiff is likely to prevail on both the Complaint for a Permanent Injunction and Restraining Order and the merits of the trial in this action.

39. The issuance of Temporary and Permanent Restraining Order and Temporary and Permanent Injunction is necessary to prevent Defendant from causing irreparable harm and loss to Plaintiff by continuing to engage in the following:

- a. Making defamatory statements to Plaintiff's customers as they enter Plaintiff's facility that Plaintiff "killed her dog"; and
- b. Disseminating defamatory statements orally and in writing on the internet by video posts and texts posts as more fully described above.

40. Plaintiff is informed and believes that it has no adequate remedy at law.

41. Plaintiff further requests a hearing upon this application for Temporary Injunction with ten (10) days after entry of said Order as required by Rule 65, SCRCP.

WHEREFORE, Plaintiff respectfully prays this Court:

- A. Award Plaintiff such damages as are permitted by law, actual, consequential,

compensatory, punitive damages, and the costs of this suit;

- B. Award Plaintiff temporary and permanent restraining orders and injunctive relief as more fully described herein; and
- C. Award such other and further relief as law or equity may provide.

Futeral & Nelson, LLC

s/ Stephan V. Futeral
Stephan V. Futeral, Esquire
S.C. Bar ID 66427
1004 Anna Knapp Blvd., Suite 3
Mount Pleasant, South Carolina 29464
Telephone (843) 284-5500
Facsimile (843) 284-5501
Email: sfuteral@charlestonlaw.net

Dated: _____

Attorney for Plaintiff

Case 2021-CP-10-02682

Pet Helpers Inc, Plaintiff

vs

Janet Frisco, Defendant

Answer to the Complaint

2021 JUN 23 PM 4:45

I surrendered my dog Tally to Pet Helpers at 1447 Tally Rd Charleston SC on April 13, 2021. When I saw the dog's heartbroken expression on their website I called numerous times and emailed that I wanted to reclaim the dog. On May 7, 2021 the intake department mailed me a adoption application and I submitted it that evening, but when I called them Katie in intake said the dog had been adopted the morning of May 7th to another individual, but found out recently that the other application had not been submitted until May 8th. At that time the chip that I had inserted in Tally was not transferred as is the customary procedure with Pet Helpers adoptions to do it on the day of the adoption. The

adopter looks like one of their employees named John Blaine and I think he was told by the manager, Melissa Susko to adopt the dog because they didn't want to return him to me. They were using Toby as a marketing tool to solicit donations when they supposedly found him a happy home. Or then I got information from a former employee that Melissa Susko was certified to euthanize and according to the former employee had euthanized at least two dogs named Dixie & Codie or had ordered their euthanasia. I thought they had killed Toby and I became very upset & reacted to that belief and made it public.

Answers to certain items on Complaint #7 Even a shelter that claims to be "no kill" can kill dogs that are aggressive or ill. It has to be below a certain percentage to call yourself ¹⁸⁴ "no kill" but it doesn't mean there are zero euthanasias.

13. Intake sent me an adoption application via email on May 7th and I completed it that evening.

14 The application by the other individual was not completed until May 8th but plaintiffs attorney states it "was" in progress on the ~~same~~ May 7th, there should be a cash receipt from that day and the chip should have been registered on the day of adoption per policy of Pet Helpers.

23 I did not violate the no trespass order, scream at plaintiffs customers or impede traffic in their driveway. The city of Charleston police department that I did not trespass on the property of Pet Helpers on or about May 6th. Mrs. Susko made false statements to police in order to get me arrested and their attorney repeated on their complaint & at the hearing ten days later that I had violated the trespass notice

#25.c I have not deleted any videos that I thought they killed Toby because they wouldn't let me reclaim him even though he was devastated I abandoned him which can be clearly seen in the pictures they took for their website. Katie told me the dog was adopted May 7th and he wasn't. Anyone would have gotten suspicious about the fate of the dog. The only proof they sent me that Toby was alright was a still picture of him supposedly in his new home. They did not send actual proof he was alive until May 16, 2021 after I had worried and grieved for over a month.

#32 I never said my express purpose was to harm plaintiff & never deleted any posts May 29th or any other date until their lawyer told me to so they wouldn't be public on F.B. I changed my profile to "only me" and complied with the restraining order as fast as I was able. I do think they were

cruel in not allowing me to reclaim
Toby and let him suffer up to
this date so they could solicit
donations. I think Mrs Susko should
resign & my intention in all
my actions is to make sure
this never happens to an
unsuspecting person who trusts
Pet Helper's completely with an
animal they loved. If their
reputation is injured its due to
their own actions. I was a
victim and so was my dog. They
didn't care about either of us and
everything they put us through
was for their financial gain
& nothing else. My emotional
reaction was the result of the
pain and anguish they put me
through & are still putting me
through because I couldn't rescue
him from their cruelty. They just
watched him pine & lied to me
repeatedly he was fine & then
adopted him out from under me.

Janet L. Fisco

August 72 0071

Case No: 2021-CP-10-2682

Janet L. Frisco, Pro Se
203 Cardinal Drive
Summerville, SC 29485
Telephone 843-804-0875
email to: jfrisco@yahoo.com

2021 JUN 28 PM 3:20

Certificate of Service

The undersigned hereby certifies that a copy of the document referenced below was served on the following individual via email and U.S. Mail with sufficient postage on the 28th day of June, 2021 as follows:

Document served: Answer to the Complaint

Served upon: Stephan V. Futeral
SC Bar I.D. 66427
1004 Annakrapp Blvd, 2nd Fl
Mt. Pleasant, SC 29465
Telephone (843) 284-5500
Facsimile (843) 284-5501
email to: sfuteral@charlestonlaw.net

Dated: 6/28/21

Janet L. Frisco

STATE OF SOUTH CAROLINA

COUNTY OF CharlestonJanet L. Frisco

Plaintiff(s)

vs.

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2021-CP-10-2848Pet Helpers, Inc + Melissa Susko

Defendant(s)

Submitted By: Janet FriscoAddress: 203 Cardinal Drive
Summerville, SC 29485-7015

SC Bar #:

Telephone #: 843-804-0875

Fax #:

Other:

E-mail: janetfrisco@yahoo.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 <u>-NI-</u> ☐ 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 ☐ Reinstate 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)	☐ 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: Janet L. FriscoDate: June 17, 2021

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 *CHARLESTON*

Janet L. Frisco Plaintiff,

vs.

Pet Helpers, Inc
+ Melissa Susko Defendant.

IN THE COURT OF COMMON PLEAS

SUMMONS

FILE NO. *2021-CP-10-2848*

TO THE DEFENDANT ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to this complaint upon the subscriber, at the address shown below, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the complaint, judgment by default will be rendered against you for the relief demanded in the complaint.

, South Carolina

Dated:

Janet L. Frisco
Plaintiff/Attorney for Plaintiff

Address:

203 CARDINAL DRIVE
SUMMERVILLE, SC 29485

June 17 2021

2021 JUN 17 PM 4:31

CLERK OF COURT

Janet Trusco plaintiff vs, Pet Helpers & Melissa Lusko
Complaint 2021-CP-10-2848 Defendants

Pet Helpers and their executive manager did cause substantial and ongoing pain and suffering to me after I surrendered my dog, Toby, for adoption purposes. Pet Helpers, Inc misrepresented the adoption process knowing that there was an upcoming low-cost adoption event that would affect the pet I was surrendering. After the surrender, when I voiced this concern & told them the dog was in distress and I wished to reclaim him, they ignored these requests and said that he had already been adopted even though

they were aware by April 23, 2021 and even before that I regretted my decision to surrender Toby and wished to reclaim him. Because of their insensitivity and callousness and having heard that Mrs. Susko had euthanized dogs in the past, I wrongly assumed they had destroyed him after using him to solicit donations after the adoption.

I suffered severe depression and grief and am still suffering due to the separation they needlessly created by not returning the dog to me. It is comparable to losing a child or a beloved friend.

Janet¹⁹² Trisco
June 17, 2021

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

JANET FRISCO,

Plaintiff,

vs.

PET HELPERS INC. and MELISSA
SUSKO, individually,

Defendants.

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NO.: 2021-CP-10-2848

**DEFENDANTS' ANSWER, MOTION
TO DISMISS, AND COUNTERCLAIM
FOR MALICIOUS PROSECUTION**

(Jury Trial Demanded)

Defendants, by and through their undersigned attorney, and in Answer to the Complaint and Counterclaim, herein respectfully alleges as follows:

1. That each and every allegation of each and every paragraph of the Complaint not hereinafter admitted, explained, or qualified is denied and strict proof is demanded thereof.

FOR A FIRST DEFENSE

2. Defendants admit that Plaintiff surrendered ownership of the canine to Defendant Pet Helpers, Inc.

3. Defendants deny the remaining allegations of Plaintiff's complaint.

FOR A SECOND DEFENSE

(Rule 12(b)(6), SCRCP)

4. Plaintiff fails to state a cause of action against Defendants upon which relief may be granted, and, therefore, should be dismissed pursuant to Rule 12(b)(6), SCRCP. Specifically:

a) There is no legally recognizable claim for a canine that allegedly suffered emotional distress;

- b) There is no legally recognizable claim for the regret, remorse, depression, or grief Plaintiff claims to have experienced after Plaintiff surrendered ownership of the canine to Defendant Pet Helpers, Inc;
- c) There is no legally recognizable claim for Plaintiff's admittedly false and groundless assumption that the canine was euthanized by Defendants; and
- d) Plaintiff states no individual cause of action against Defendant Melissa Susko who, at all times, was acting in her capacity as Executive Director of Defendant Pet Helpers, Inc.

FOR A THIRD DEFENSE AND BY WAY OF COUNTERCLAIM

(Malicious Prosecution)

5. All prior allegations not inconsistent with this cause of action are realleged and incorporated by reference herein.

6. Based upon the facts and circumstances known to Plaintiff at the time, Plaintiff lacked probable cause to institute and present civil proceedings against Defendants inasmuch as Plaintiff, by her own admission, surrendered ownership of the canine to Defendant Pet Helpers, Inc.

7. Plaintiff filed this action to extort Defendants into somehow returning to Plaintiff the canine that she surrendered to Defendants and was adopted by a third party on May 8, 2021. Specifically, on June 16, 2021, prior to filing this suit, Plaintiff demanded that unless Defendants returned to Plaintiff the canine, Plaintiff would file a lawsuit against Defendants. Specifically, Plaintiff wrote: "I also plan to file a civil action of my own if Toby [the canine] is not returned to me immediately." **See Attached Exhibit A, Email from Plaintiff dated June 16, 2021.**

8. Plaintiff acted intentionally without just cause or excuse in instituting and presenting civil proceedings against Defendants.

9. As a direct and proximate result of Plaintiff's willful, wanton, intentional, and malicious acts, Defendants have suffered the following damages:

- a) attorney fees and costs incurred in the defense of Plaintiff's claims;
- b) mental pain and suffering by Defendant Susko;
- c) indignity;
- d) humiliation;
- e) embarrassment; and
- f) insults caused by unwarranted legal proceedings.

10. Defendants are informed and believe they are entitled to actual and punitive damages, attorney fees, and the costs of this action.

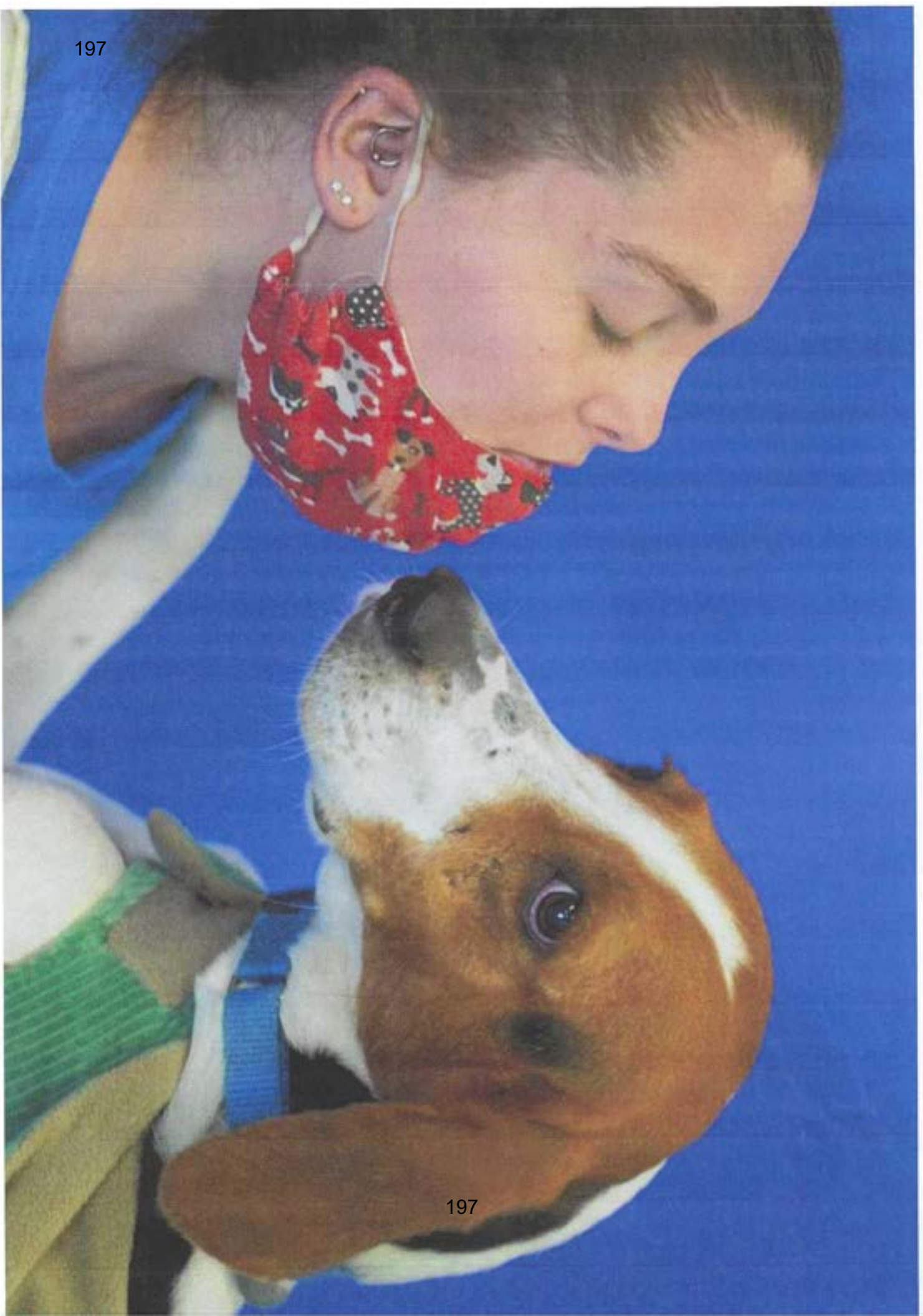
WHEREFORE, Defendants pray that Plaintiff take nothing by way of the Complaint. Defendants be dismissed with their cost of suit and attorney fees incurred herein, Defendants be awarded actual, consequential, incidental, and punitive damages, and such other and further relief as the Court may deem just and proper.

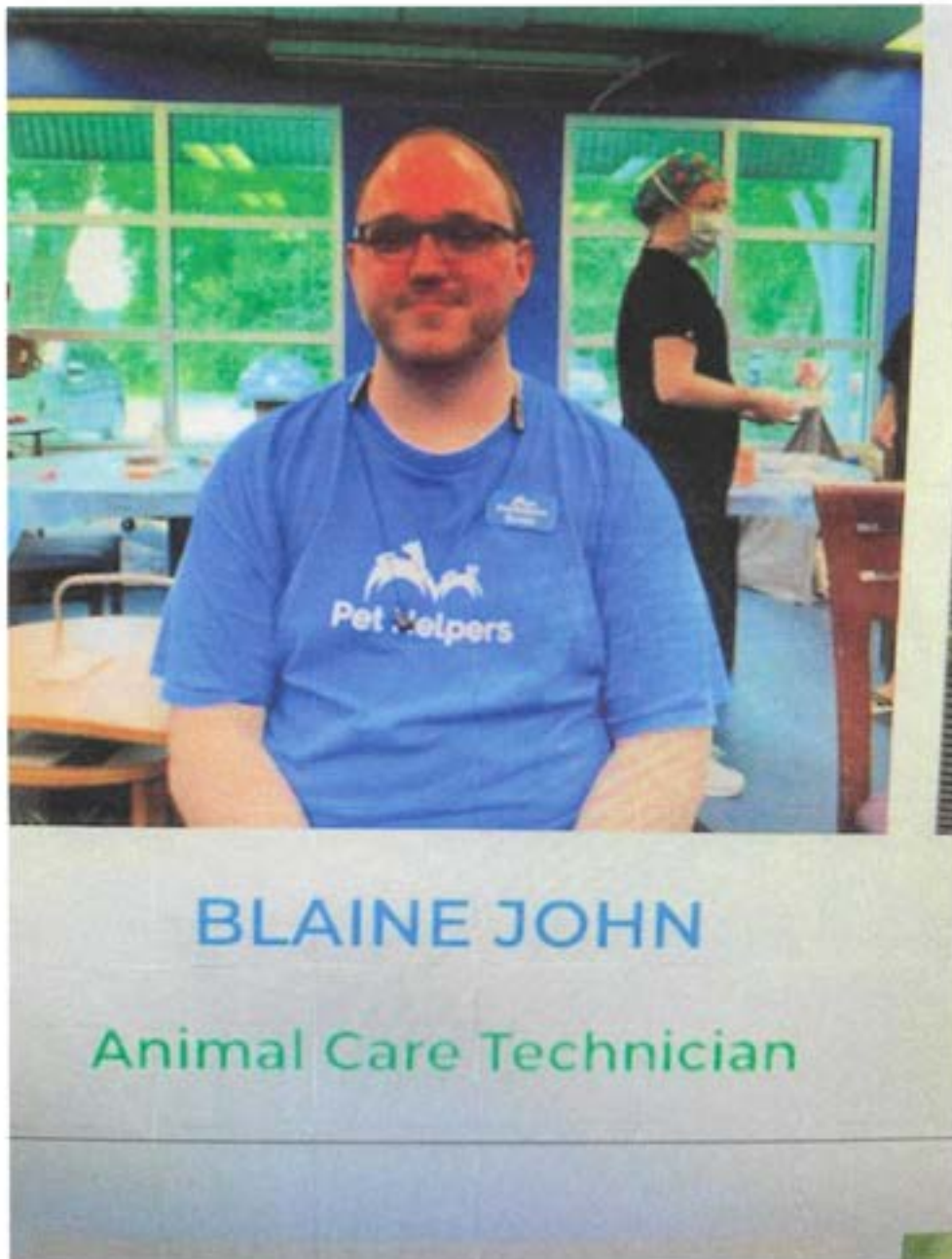
FUTERAL & NELSON, LLC

s/Stephan V. Futeral
Stephan V. Futeral
S.C. Bar ID: 66427
1004 Anna Knapp Blvd., 2nd Floor
Mount Pleasant, South Carolina 29464
(843) 284-5500 (843) 284-5501 fax
email to: sfuteral@charlestonlaw.net
Attorney for Defendants

Dated: July 9, 2021













Blaine John
Oct. 24, 2021



Owner
Oct. 23, 2021

Adoption Contract - May 8 2021

Tel.: 843-795-1110 | Fax: 843-795-8090



Pet Helpers
 1447 Folly Road
 Charleston, South Carolina 29412 USA
 msusko@pethelpers.org
<https://www.pethelpers.org/index.html>

Person ID: [REDACTED]

Animal Information

Animal ID: A47529858 Name: Slim Jim Types: Dog Gender: Male
 ARN: Toby DOB: 4/13/2020 Breeds: Hound/Mix Altered: Yes
 Chip #: 982091063428429 Current Age: 1 y 0 m 25 d Colors: Brown/White Size: Large
 Type: 24PetWatch Age Group: Adult - 1 year and older Pattern: Tricolor Weight: 50.20 pound

I, [Signature] (hereinafter Adopter), acknowledge receiving from Pet
 Helpers Adoption Center and Spay/Neuter Clinic (hereinafter Pet Helpers), custody of
Slim Jim (microchip #: 982 091063428429), and, in return consideration
 to Pet Helpers hereby promise and agree to the following:

1. Use as Companion Animal: [REDACTED] Adopter Initials

- a. Adopter agrees that the animal will be kept only as a companion animal. The above-named animal will not be used for fighting, breeding, racing, or experimental/research purposes.

2. Animal Care: [REDACTED] Adopter Initials

- a. Adopter will, at his/her own expense, provide the adopted animal with adequate and proper quantities of wholesome food and water, safe and adequate shelter, proper and adequate exercise, training, appropriate veterinary attention, and, in general, treatment in accordance with the humane and prudent practices of animal care.
- b. Adopter shall comply with all city, county, and state laws and regulations, including but not limited to, those relating to care, housing, licensing, ordinances, etc.
- c. The animal adopted must live indoors and cannot be tethered or kenneled outdoors.
- d. Although your adopted animal is microchipped, adopter agrees to have an ID tag and collar on adopted animals at all times.
- e. Adopter shall provide heartworm and/or flea preventative for life of animal. If a canine is returned to Pet Helpers, adopters agrees to provide current heartworm test results at time of return. If tested positive, adopter shall be financially responsible for heartworm treatment.
- f. Adopter is aware of maintenance costs of the species being adopted. Adopter agrees that he/she will not declaw, crop, dock or otherwise mutilate any animal he/she is adopting from Pet Helpers unless in cases of medical necessity.

- g. Adopter agrees that if any behavioral issues arise after adoption, the adopter will enlist help from the Pet Helpers staff by contacting our shelter immediately. Adopter also agrees to work with our shelter trainer who can assist in overcoming any issues that may arise.

3. Prior Animal Care Charges or Convictions: [REDACTED] Adopter Initials

- a. Adopter represents that he/she has never been subject to legal action for cruelty to or neglect of animals. Adopter further represents that he/she has never owned an animal that has been confiscated by any animal control or humane organization for violations of state or local animal control regulations or animal adoption agreements.

4. Full Household Consent: [REDACTED] Adopter Initials

- a. Adopter represents that all household members have agreed to the adoption of the animal and will abide by the terms of this agreement.

5. Tenant and zoning: [REDACTED] Adopter Initials

- a. If the Adopter is a tenant, then Adopter agrees that he/she has permission from his/her landlord to own and possess this animal at his/her residence.
b. It is the responsibility of adopters to check local zoning and housing communities to ensure animal/breed is acceptable to live in such community.

6. No Guarantee Given Regarding Breed, Health or Temperament: [REDACTED] Adopter Initials

- a. Adopter acknowledges and understands that Pet Helpers makes no claims as to the temperament, health, disposition, or general condition of this animal. Pet Helpers has provided the adopter, to the fullest extent possible, information about the health, history and background of the animal. The Adopter understands that animals at Pet Helpers come from a rescue environment in which little may be known about the animal's past. Hence, Pet Helpers cannot guarantee that this animal is free from all illness despite the organization's best efforts and due diligence to minimize and prevent disease transmission. The adopter accepts responsibility for the animal based on the information available and provided at the time of this agreement.

- b. Pet Helpers does not perform DNA testing to determine the breed of our animals. All breeds are 'best guessed' and opinion may vary.

7. Release of Liability: [REDACTED] Adopter Initials

- a. Adopter accepts possession of (subject to the conditions of the adoption contract), and responsibility for the animal adopted and agrees to release and discharge Pet Helpers, its agents, officers and directors, heirs or assignees forever from liability for any injury or damages to any person or property caused by the adopted animal, and from any causes of action, claims, suits, or demands whatsoever that may arise as a result of such injury or damages.

8. Transfer of Ownership: [REDACTED] Adopter Initials

- a. The Adopter agrees not to sell, trade, loan, or give away the animal without the prior written consent of Pet Helpers. This adoption agreement is non-transferable.
b. Adopter agrees to notify Pet Helpers via email of any address or phone number changes so that we can keep our records current in case your pet gets lost and we are notified.

9. Return of Animal to Pet Helpers: [REDACTED] Adopter Initials

- a. We at Pet Helpers seek forever homes for the animals that come through our shelter and encourage adopters to adopt our philosophy. Adopter can transfer the adopted animal into another home only after notifying Pet Helpers, giving us the first option of return and providing Pet Helpers with new adopters' information. Adopter will not be eligible for any refund of adoption donation fees or expenses.

However, if Pet Helpers can accept animal back into our shelter, all intakes are scheduled through our intake coordinator by appointment only.

10. Reservation of Rights: [REDACTED] Adopter Initials

- a. Pet Helpers reserves the right to an ongoing review of this adoption at random, to follow up on any complaints or reports to protect the welfare of this animal. If the Adopter does not satisfactorily uphold any of the terms of this Agreement and/or if any misrepresentations have been made to Pet Helpers in order to obtain the animal, Pet Helpers reserves the right to void this Agreement and take immediate possession of the animal, wherever it is located. At such time the adopter's rights shall be terminated and adopter agrees that he/she shall have no direct cause of action or claim against Pet Helpers, its officers, directors, staff, or volunteers regarding such removal and termination of rights. In the event the Adopter fails or refuses to return such animal upon demand, he/she hereby agrees to pay Pet Helpers reasonable attorneys' fees in the event an attorney is consulted or if suit is brought for the return of the animal.

11. Copy of Contract: [REDACTED] Adopter Initials

- a. Adopter acknowledges that he/she has received a copy of this Animal Adoption Contract signed by both parties.

I certify that I am over the age of 18 and lawfully competent to enter into this contract. I agree that all information provided in the Adoption Application and Adoption Contract is truthful to the best of my knowledge and belief. If it is found that any statements I have made on the Adoption Application and Contract are not true, the adopted animal can be confiscated.

[REDACTED]
Adopter Signature

05/08/21
Date

[REDACTED]
Signature

Agent, Pet Helpers Adoption Center

5/8/21
Date

INCIDENT/INVESTIGATION REPORT

Charleston Police Department

Case # 21-08399

Status Codes 1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown

D R U G S	IBR	Status	Quantity	Type Measure	Suspected Type	

Assisting Officers

Suspect Hate / Bias Motivated:

NARRATIVE

On June 7, 2021 at approximately 1215 hours I, Ofc. H. Burek responded to 1447 Folly Rd (Pet Helpers) in reference to Trespassing.

Upon arrival I spoke with Melissa Susko (W/F), the Executive Director of Pet Helpers/complainant. Susko stated that they have had an ongoing issue with a trespasser, Janet Frisco (W/F). On May 15, 2021 CPD Ofc. B. Gandy met with Frisco and advised her that she was on trespass notice. On June 5, 2021 around 1630 hours, Frisco violated the trespass order by coming onto the private property located at the abovementioned location. Susko provided photos to corroborate the violation.

Susko stated that in addition to trespassing, Frisco is also a safety hazard because she stands in the way of cars trying to exit the parking lot. She will also yell into the windows of cars as they pass by.

Susko stated that she wants to proceed with criminal prosecution against Frisco.

Susko was advised on the matter and provided with a CPD case number. Incident was captured on my body worn camera and uploaded to the Getac cloud per CPD policy.

Incident Report Suspect List

Charleston Police Department

OCA: 21-08399

1		Name (Last, First, Middle) <i>FRISCO, JANET LAURENZI</i>					Also Known As					Home Address <i>203 CARDINAL DR SUMMERVILLE, SC 29485 843-804-0875</i>				
Business Address <i>UNKNOWN, UNKNOWN</i>																
DOB	Age	Race	Sex	Eth	Hgt	Wgt	Hair	Eye	Skin	Driver's License / State						
<i>03/12/1954</i>	<i>67</i>	<i>W</i>	<i>F</i>	<i>N</i>	<i>502</i>	<i>140</i>	<i>BLN</i>	<i>BRO</i>	<i>FAR</i>	<i>0004853415 SC</i>						
Scars, Marks, Tattoos, or other distinguishing features																
Reported Suspect Detail		Suspect Age		Race	Sex	Eth	Height		Weight		SSN					
Weapon, Type		Feature		Make		Model		Color		Caliber		Dir of Travel Mode of Travel				
Veh Yr/Make/Model				Drs	Style		Color		Lic/St		VIN					
Notes										Physical Char						

Charleston Police Department

OCA: 2108399

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: *PENDING INACTIVE*Case Mng Status: *PENDING INACTIVE*

Occurred: 06/05/2021

Offense: *TRESPASS*Investigator: *BROWN, Y. D. (1191)*

Date / Time: 06/09/2021 11:51:05, Wednesday

Supervisor: *BROWN, Y. D. (1191)*

Supervisor Review Date / Time: 06/10/2021 09:13:29, Thursday

Contact:

Reference: *Supplemental Report*Incident Type: *Trespassing*

Incident#: 21-08399

On June 9, 2021 I/O (Y. Brown) made contact with the complainant, Melissa Suscko via telephone (843-542-6292). Ms. Suscko explained that she was not on scene when the incident occurred and that another employee took the still images provided to CPD R/O Burek. I/O expressed to the complainant that there was reason to be concerned about the offender, Ms. Frisco presence at the incident location, Pet Helpers (1447 Folly Road) as this has been in an ongoing issues (Offender is also on Trespass Notice).

It should be noted that I/O along with Lt. Taylor reviewed the still images that was forwarded by Officer Burek. After the observation of the still images, there is reason to believe that the offender was not in direct violation of the Trespassing statute. The boundaries in which the offender, Ms. Frisco was standing would have to be viewed on a city property tax map as she was in the domain of the roadway and the incident location. I/O expressed this to Ms. Suscko who stated she was not certain of where she was standing but understood I/O's explanation. She was advised that CPD would continue to document all interactions requested, as this is an ongoing matter between the business and the offender. Ms. Suscko stated that she is working with the business attorney in regards to getting a restraining order in place against the offender (advised on how to obtain a copy of all incident reports).

Additionally, I/O made contact with the offender, Janet Frisco via telephone (843-804-0875) advising her of the incident report that was document on June 7, 2021. I/O expressed the above listed information to Ms. Frisco about the boundaries in which she was standing on the incident date. Ms. Frisco was advised to be certain she was not on the property while expressing herself. Ms. Frisco stated that she understood and noted that she was not on the property of Pet Helpers on June 5, 2021. She noted that she was not yelling but was only answering question(s) that an unknown man had asked of her. Additionally, Ms. Frisco contacted I/O via telephone to advise she was going to request a copy of this report from CPD Records Division.

Both conversations were audio recorded with I/O's CPD issued audio recorder. I/O will upload the still images to the CPD database. At this current, there are no additional leads in the investigation and all parties were advised of this information. This case will be placed in the pending inactive status.

Nothing Further.....

[illegible]

Objection by the Defendant for
a Partial Summary Judgement by
Case # 2021-CP-10-2682 Plaintiff

Pet Helpers, Inc., Plaintiff

VS.

Janet Frisco, Defendant

I object to the motion by the
plaintiffs attorney for a Partial
Summary Judgement because
the facts concerning this case
have not been fully divulged
and I have filed a complaint
on June 17, 2021 with the Court
of Common Pleas and requested
a jury trial. Plaintiff's Counsel,
Stephan Tuterl has made false
statements at the hearing and
on legal documents concerning
the matter and now seeks to
rush a conclusion in his Clients
favor before all the facts are
known.

Janet L. Frisco
June 23, 2021

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE #:2021-CP-10-2682

2021 AUG 13 PM 4:58
JULIE J. JAMES
CLERK OF COURT

FILED

PET HELPERS, INC.,

Plaintiff,

Vs.

JANET L. FRISCO,

Defendant.

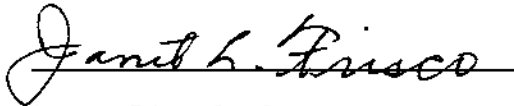
DEFENDANT'S OBJECTION TO THE
PLAINTIFF'S MOTION TO SHOW CAUSE

I, Janet Frisco object to the Defendant's Motion to Show Cause for the following reasons:

1. The Plaintiff's Complaint, restraining orders, motions and other legal actions against me are attempts to conceal fraudulent activities by Pet Helper's concerning adoptions and the solicitation of donations under false pretenses afterwards through their website.
2. Both restraining orders are a violation of the First Amendment of the U.S. Constitution which protects free speech.
3. I was int prevented from participating in the virtual hearing on July 29, 2021 because Plaintiff's counsel provided a bad link initially via email and would not provide a password when I was prompted to enter a password at the beginning of the hearing although I asked repeatedly by email. I was notified of the hearing and given instructions to access the hearing by Court of Common Pleas by U.S.Mail on July 30th (**Exhibit A**).
4. Plaintiff's counsel made false statements in order to obtain both restraining orders. He stated that I had violated the No Trespass Notice on Pet Helper's Property after Melissa Susko called law enforcement on June 7th and falsely accused me of violating the trespass notice on June 5th in order to prosecute. Charleston City Police Team 3 completed the investigation and said that I had not violated the No Trespass Notice requested by Ms. Susko. Mr. Futeral then sent me an email threatening that the case could be reopened so I requested the photographs taken by the Pet Helper's employee from police department and obtained a copy of Pet Helper's property plat from the Charleston County Registrar of Deeds showing that I did not trespass on Pet Helper's property (**Exhibit B**). An employee of Pet Helper's took the pictures after another employee attempted to lure me onto the property under false pretenses.
Mr.Futeral stated in legal documents I had tried to "manufacture evidence" when I registered Toby's chip number when actually I was just trying to investigate the alleged adoption to determine whether it was legitimate. Mr. Futeral has distorted and lied countless times in order to obtain the restraining orders.
5. The adopter's identity has not been investigated to determine whether it was an employee, John Blaine, who "adopted" Toby on May 8th. The signed affidavit provided by Mr. Blaine and submitted to the court by plaintiff's attorney does not prove he's wasn't the adopter. The

validity of the adoption is critical to determining whether Pet Helpers committed fraud in soliciting donations on their website claiming Toby had been adopted.

I am rightly exposing criminal behavior on the part of Pet Helpers and I should not be silenced or punished by the court for doing so.



Janet L. Frisco, Pro Se

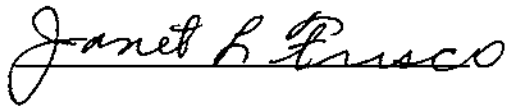
Dated: August 13, 2021

CERTIFICATE OF SERVICE

The foregoing document *Defendant's Objection to Plaintiff's Motion to Show Cause* was served on the following by email and U.S. Mail with sufficient postage affixed, this 13th day of ~~July~~ 2021:

August 13

Stephan V. Futeral
1004 Anna Knapp Blvd., Suite 3
Mt. Pleasant, South Carolina 29464
sfuteral@charlestonlaw.net



Janet Frisco, Pro Se

213
Common Pleas
Charleston County Judicial Center
100 Broad Street - Suite 106
Charleston, SC 29401-9401

STATE OF
SOUTH CAROLINA



Janet Frisco
203 Cardinal Drive

Summerville, SC 29485

NOTICE OF MOTION SCHEDULING

July 26, 2021

Motion "MMFINJ - 2nd Motion for Emergency/Ex Parte Restraining Order and Inju" for Case: 2021CP1002682 - Pet Helpers Inc VS Janet Frisco has been added to the following Motions Roster:

490 - JUDGE GRIFFIN MOTIONS WEEK OF JULY 26, 2021

This hearing of this motion has been scheduled for 7/29/2021 at 2:30 PM.

Judge R. Griffin will hear this motion on Thursday, July 29th, 2021 at 2:30pm via his Virtual Courtroom.

You can access the Virtual Courtroom from SCCOURTS.org. Click Calendar, then Monthly View, then Circuit Court on the day/time your hearing is scheduled. Choose Judge Griffin's Virtual Courtroom. Enter your name and email before you join. You will be muted and not able to see yourself on camera until the host allows.

Please email your briefs/memos to Judge Griffin's Law Clerk AND Administrative Assistant no later than Wednesday, July 28th, 2021 by 5:00pm. They may be reached at RGriffinLC@sccourts.org AND RGriffinSC@sccourts.org.

Mail Notice To:
Janet Frisco 203 Cardinal Drive Summerville, SC 29485

Court Info:
Common Pleas Charleston County Judicial Center 100 Broad Street - Suite 106 Charleston, SC 29401-9401

If you have any questions regarding the scheduling of this motion, please contact the courts at:

(843)958-5000

Respectfully,

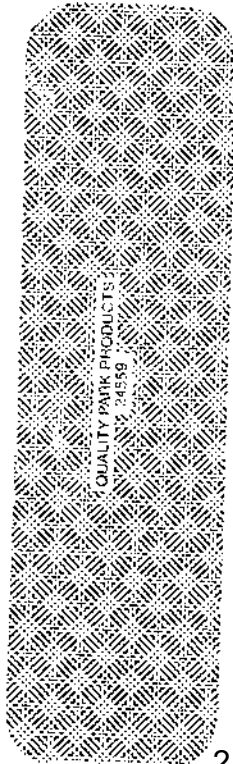
Julie Armstrong
Clerk of Court

213

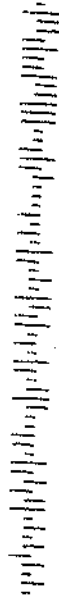
Exhibit A

7-28-21 PRST FCL

RY



RECEIVED 2021



Sent from Yahoo Mail on Android

----- Forwarded Message -----

From: "Janet Frisco" <janetfrisco@yahoo.com>

To: "Stephan Futeral" <sfuteral@charlestonlaw.net>

Sent: Thu, Jul 29, 2021 at 3:07 PM

Subject: password?

Sent from Yahoo Mail on Android

----- Forwarded Message -----

From: "Janet Frisco" <janetfrisco@yahoo.com>

To: "Griffin Ryan K. Law Clerk (Kristen M. Johnson)" <rgriffinlc@sccourts.org>, "Stephan Futeral" <sfuteral@charlestonlaw.net>, "Stephanie Smith" <:ssmith@charlestonlaw.net>

Sent: Thu, Jul 29, 2021 at 3:20 PM

Subject: password

WEB EX meetings

I got as far as the password.
it says:

Enter the event password. You can find it in your invitation email message.

Im not sure if I ever got an invitation email message. I went to the email Stephanie Smith sent me and tried this 1293523029#
It said it was incorrect.

I dont have web x meetings on my phone or laptop.

.
Thanks anyway,
Janet Frisco

BERENYI
INCORPORATED
14000 W. 10th Ave., Suite 100
Denver, CO 80202
Tel: 303.751.7700
Fax: 303.751.7701
www.berenyi.com

[Signature]
DATE: 11/15/07
BY: [Signature]

THE UNDERSIGNED, [Name], of the County of [County], State of [State], do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the records of the County of [County], State of [State].

WITNESSETH my hand and seal of office this [Date] day of [Month], 2007.

[Signature]
[Title]

1. RECORDS SECTION, COUNTY OF [County], STATE OF [State], DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL AS THE SAME APPEARS IN THE RECORDS OF THE COUNTY OF [County], STATE OF [State].
2. [Text]
3. [Text]
4. [Text]
5. [Text]
6. [Text]
7. [Text]
8. [Text]
9. [Text]
10. [Text]



Exhibit B











STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT COURT
CASE #:2021-CP-10-2848

PLAINTIFF'S AMENDED OBJECTION TO
DEFENDANTS' MOTION TO RECONSIDER
CONSOLIDATION

JANET L. FRISCO,
PLAINTIFF

Vs.

PET HELPERS, INC. & MELISSA SUSKO
DEFENDANTS

2021 NOV 19 PM 3:38
JANET L. FRISCO
CLERK OF COURT

FILED

CURRENT TWO CASES INVOLVING THE PARTIES SHOULD NOT BE CONSOLIDATED AS REQUESTED IN PLAINTIFFS MOTION TO RECONSIDER MOTION TO CONSOLIDATE BECAUSE COURT OF COMMON PLEAS HAS EXHIBITED BIAS IN THIS CASE AS IN A PREVIOUS CASE #2005CP100368 JANET FRISCO VS. DEBRA WALKER:

I object to my complaint #2021CP102848 against Pet Helpers, Inc being consolidated into their complaint #2021CP102682 because the merits of my case have not been considered and my *Motion to Amend My Answer* filed on October 19, 2021 has not been scheduled for a hearing. Pet Helper's attorney has been given preference by the court in his motions to place restraining orders on me which he told blatant lies in order to attain. After which he made two motions to show cause which resulted in me paying a sanction of \$5434.32 to pay for his lawyer fees and court costs. I was jailed for four days for contempt of court because I didn't comply with the restraining orders that were created by plaintiff's legal counsel to cover-up Pet Helpers fraudulent behavior in faking the adoption of my dog Toby and soliciting donations based on a fabrication that they had found him a good home. My objections and motions that I have filed in Case #2021-CP-10-2682 have been ignored by the court while they consistently favored Pet Helpers' complaint against me throughout the litigation.

Now contrary to Mr. Futeral's claim that I had no injury on which to base a claim, I can adamantly say that I have unjustly been charged \$5434.32 to avoid serving a thirty-day sentence in which I suffered an untold amount of mental duress and hardship for four days of incarceration. I should be compensated for that by the plaintiffs as well as refunded the entire amount of money I had to pay to Mr. Futeral to be released from jail.

Pet Helpers took Toby under false pretenses and he suffered the entire time he was with them waiting for me to return and bring him home. I would have immediately done so if they had allowed me to, but they wouldn't because they wanted to use Toby to solicit donations claiming he had been adopted. They didn't care how much suffering they inflicted on him or me. When I protested, Ms. Susko and Pet Helpers turned their lawyer loose on me and he has done everything in his power to literally destroy me aided by the Court of Common Pleas who has cooperated almost 100% in everything he has demanded during this litigation. I am submitting the complete history of my previous experience with the court in 2005 Janet Frisco Vs. Debra Walker to show that even though my case was ironclad against Ms. Walker

after she attempted to steal my car through the courts, she was protected and favored by all the Charleston County courts in North Charleston Magistrate Court of David Coker, Small Claims Court of James Turner and finally in the Court of Common Pleas with Markley Dennis.

The plaintiffs are basing their motion for consolidation on Rule 42 (A) SCRPC Which states "when the two actions involve a common question of law", but the two cases do not involve a common question of law. Plaintiffs claim I libeled and slandered them in their lawsuit, but they are using the lawsuit and the allegations of libel and slander against me to cover-up a crime of fraud and portray me as a liar when in fact they are the party that is practicing deceit not only to me but to their donors and to the Bissell corporation that was subsidizing Pet Helper's low-cost adoption event on May 7th-9th 2021. There is no common question in the two lawsuits so consolidation of the two cases should not be allowed by the court, because the two cases are based on entirely different issues. There was no liable or slander by me against Pet Helpers. Everything I said is true except that I mistakenly I assumed they had euthanized him after the alleged adoption because I heard from a previous employee that Ms. Susko was certified to euthanize and had previously been involved in the deaths of two dogs when she worked for Pet Helpers. I never violated the No Trespass Order or tried to manufacture evidence by registering Toby's chip as their legal counsel claimed. I never broke any laws or threatened anyone while protesting and the restraining orders should never have been granted because they were an attempt to silence the truth about what happened to me at Pet Helper's after I surrendered Toby to them on April 13, 2021. These are cruel and greedy people who are trying to cover up fraud they committed just like Ms. Walker did in the 2005 case that follows. Both parties committed fraud and were then protected by law enforcement and the court system. Pet Helper's complaint should be dismissed, I should be refunded the sanction I paid to secure my release from jail and Toby should be returned to me. I will then agree to withdraw my complaint against them and not take further legal action.

HISTORY CASE #2005CP100368

In October of 2004 my 1990 Honda Accord was stolen by someone my son was living with at the time. When I found out about the theft I called and then went by the Dorchester County Sheriff's Department on 3/5/05 in person, but they refused to make a stolen car report because they said they didn't know the jurisdiction of the crime because I didn't know where my son was living. When I asked Lt. Barnhill and Lt. Thomas Marshall how I was supposed to turn in my tags or cease my car insurance, he said I had a problem. Later I found out from the highway department if there is no stolen car report, the car is considered "abandoned". I paid the taxes and renewed the registration and tags for the vehicle on 12/09/05. On 2/25/05 I received a *Notice to Claim Vehicle/Item of Personal Property* from North Charleston Magistrate David Coker that I had 30 days to reclaim my car and I owed a storage fee of \$2666 or the car would be auctioned off. The individual who claimed to have stored my car was using SC Statue 29-15-10 that can only be legitimately used by "a proprietor, owner, operator of a towing company, storage facility or repair shop that repaired or furnished any materials for repair" as the statue states. I called the individual, Debra Walker, assuming she was a towing or storage facility, but when I asked her where she found the car, she said a friend of her daughter's had brought it to her house. Shocked I replied that was probably the person who stole the car. I called her back a few days later because the notice said I had the right to inspect the car and she said the wheel was off. While I was on the phone with her, I asked her why she hadn't tried to find the owner of the car and she asked me why

I didn't try to find the car. After this conversation I went to see Judge Coker thinking he was unaware of the situation, but he only told me I could pick up my car and "not to make a fuss". Then I went to the City of North Charleston Police on March 12, 2005 and told them I wanted to report a stolen car since I now knew its' location. I asked for a police escort to Ms. Walker's home and called Jennings Towing to take my vehicle to Rick Hendrick's Honda on Savannah Highway. When the police and I arrived at her residence my car was parked on the street in front of her house. Ofc. Gann knocked on her door, she Ms. Walker waved at me and a young girl came out of the house and removed a fishing pole and other items from my car. I asked the police officer to write a report, but he was reluctant because he said I had retrieved my property. He also said he was leaving and I told him that I didn't feel comfortable waiting for the tow truck in front of the house where my stolen car was located. When I got the report a few days later, it said my son didn't remember where he had left his car which I never at any time said concerning the car so that was completed fabricated by the officer. I said he wouldn't tell me where he was living when the car was stolen and I found out later he was afraid to because the person who stole the car pointed a gun at his head and warning him not to report the theft.

When I had the car inspected at Rick Hendrick's Honda, they said the suspension was damaged and it would cost approximately \$1000 to repair it. I had also paid insurance on the car the entire time it was in Ms. Walker's possession. A hearing was scheduled in Judge Coker's magistrate court for 4/1/05, but Ms. Walker did not appear. I filed a complaint in the North Charleston Small Claims Court with Judge Turner asking for damages, but Judge Turner said we "were both innocent" and ruled in her favor on 8/5/05 even though she had committed fraud by attempting to gain ownership of the car through the Charleston County Magistrate Court and admitted during the hearing that she "just wanted the car for her daughter". She had violated a federal law when she submitted SCHD Form 5027-A to the highway department, *The Driver's Privacy Protection Act of 1994-18 USC, Chapter 123 as Amended*. I appealed his ruling on 8/12/05 and it was denied on 8/17/05. On 9/9/05 I filed a claim with the Charleston County Court of Common Pleas requesting a jury trial. When I came to the hearing on the appointed day, a court clerk told me Ms. Walker had not been notified to come and Judge Markley Dennis dismissed the case. The public record reflects that my case was disposed by nonjury trial on 1/27/06.

I was tempted to take the case to the Federal Court because Ms. Walker had broken a federal law when she went to the SC Highway Department and requested my vehicle information, but I thought I would probably be wasting my time and the filing fee there, too. Judges David Coker was involved in trying to launder my car through his court. Judges Turner and Dennis were both involved in protecting Judge Coker and in the cover-up afterwards. Ms. Walker was in possession of stolen property and had knowingly attempted to gain ownership of my car by claiming she had stored it when she wasn't a storage facility and should have reported the car to the police so they could have restored it to its' rightful owner. The obvious conclusion is that the Dorchester County Sheriff's Department, North Charleston Police Department, North Charleston Magistrate Court, North Charleston Small Claims Court, and Charleston County Court of Common Pleas were all involved in the cover-up of car theft.

The actions of these courts are available on the Charleston County Public Record case #2005CP1003681 Janet Frisco vs. Debra Walker and confirm that the courts did not take any action against Ms. Walker and ruled in her favor although she had been in possession of stolen vehicle and illegally obtained personal information on my car from the South Carolina Highway Department for the purpose of gaining ownership. Ms. Walker did so with the assistance of law enforcement and the judicial system in Charleston County. Tragically these activities date back many years and are manifest in my current situation with Pet Helpers, Inc.

TIMELINE OF CASE 2005CP1003681

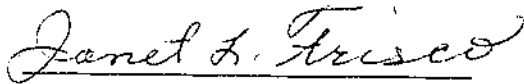
- 10/04** - My 1990 Honda Accord is stolen from the residence where my son, Charles A. Frisco is living.
- 12/09/04** - After finding out that from him that his roommate took the car while he was out, I call the Dorchester County Sheriff's Office to report it. Then I went in person to the DCSO to report the car stolen and Lt. Barnhill refuses to take a report because don't know where the car was stolen from.
- 01/26/05** - Debra Walker files a *REQUEST FOR VEHICLE INFORMATION (FORM 5027-A)* with South Carolina Highway Department checking box #7 which reads "For use in providing notice to owners of towed or impounded vehicles" and *REPORT OF UNCLAIMED VEHICLE (FORM TR-2)* checking box "Reporting and Requesting Information".
- 02/08/05** - I pay \$14.13 taxes on the vehicle with the County of Dorchester.
- 02/09/05** - I renew my registration and tags on the Honda.
- 02/09/05** - Debra Walker receives information from the SCHD that the car is not stolen (since there's no stolen car report).
- 02/25/05** - I receive a certified letter from Magistrate David C. Coker *NOTICE TO CLAIM VEHICLE/ITEM OF PERSONAL PROPERTY* which states that my vehicle has been stored since October 13, 2004 and has accrued storage fees of \$2660.00 saying it will be sold in a magistrate's sale if unclaimed with Ms. Walker's contact information.
- 03/05/05** - I go to the North Charleston Police to report the vehicle as stolen since I know it's located at Ms. Walker's home. Ofc. Alston tells me to go to Judge Coker and explain the situation.
- 03/08/05** - I spoke with Judge Coker and he said I can request a hearing and I can pick up my car.
- 03/12/05** - I return to the North Charleston Police Department to report the car stolen and request that Ofc. Gann follow me to Ms. Walker's home to meet Jennings Towing. I request that the officer file a report concerning the incident. The car is towed to Rick Hendrick's Honda on Savannah Highway. The report states in error that my son didn't remember where he left the car.
- 03/17/05** - I return to Judge Coker and schedule a hearing for 4/1/05 and Ms. Walker is summoned.
- 04/01/05** - Ms. Walker does not appear at the hearing and Judge Coker says, that I got my car back and the matter is finished in his court.
- 04/27/05** - I turn in my tags to SCDMV.
- 04/29/05** - I cancel my insurance on the Honda effective 3/18/05 with Charles Chitwood State Farm.
- 05/13/05** - I receive a refund from State Farm in the amount of \$178.35
- 06/17/05** - A supplement to correct the North Charleston police report #2005009502 by is added by Lt. Tetanich at my request.
- 06/19/06** - I write Governor Mark Sanford concerning the story.
- 06/29/05** - I request copies of forms 5027-A and TR-2 as per Section 56-3-520 (B) under Article 4 that Ms. Walker filed with SCHD and release of my motor vehicle registration and licensing under Chapter 3.
- 06/05** - I file a complaint against Ms. Walker in the Charleston County Small Claims Court asking for \$2893.43 for damages, towing and insurance costs which is scheduled for 8/5/05.
- 07/18/05** - I request forms 5027-A and TR-2 under Section 56-3-520 (B) from the SCHD that were illegally submitted by Debra Walker to obtain information on my vehicle.
- 08/05/05** - Judge James Turner rules in favor of Ms. Walker.
- 08/10/05** - Faxed copies of Form 5027-A Ms. Walker illegally submitted to SCHD to Calvin Jones with FBI per his request.
- 08/12/05** - I appeal and file a motion for a new trial in case #2005-SC-87-0481 against Ms. Walker.
- 08/17/05** - My motion for a new trial is denied in small claims court.

08/24/05 - I pay fees at the SCDMV in Columbia, SC for information on my vehicle's current status.
09/09/05 - I appeal and file a complaint with the Charleston County Court of Common Pleas case #05-CP-10-3681 requesting \$2893 in damages plus court costs demanding a jury trial.
09/09/05 - I write to Mr. Edward Wicker with the SCDMV concerning Ms. Walker's fraudulent use of Form 5027-A.
09/21/05 - Ms. Walker is served a summons by Charleston County Sheriff's Department.
09/22/05 - I receive a RETURN from the Small Claims Court Judge James Turner.
10/20/05 - I write another letter to SCHD concerning the fraudulent use of Form 5027-A and gave them Special Agent Calvin Jones with FBI contact information.
11/01/06 - I receive letter from my state senator Thomas L. Moore acknowledging correspondence I sent him concerning story.
12/02/05 - I receive letter from Charles Chitwood acknowledging receipt of my letter to him concerning the fraud that was committed and irregularities with the courts and law enforcement.
12/05/06 - I receive letter from The Supreme Court of South Carolina Office of the Disciplinary Counsel after reporting a complaint about Judge Davis Coker's involvement with laundering my car and they say they can't do anything.
12/11/06 - I write another letter to Governor Sanford concerning the story.
01/25/06 - I appear at hearing in the Court of Common Pleas and am told by a court clerk that Ms. Walker was not notified to be there. Judge Markley Dennis dismisses the case and it is ended by a non-jury trial according to Public Record as of 1/27/06.
02/02/06 - Last entrée in public record Form 4 in RE: order 2006 127 9990 mailed first class. I am not sure who it was mailed to, but I never received anything concerning the verdict in the case.
02/06/05 - Wrote letter to State Farm Insurance Company in Bloomington, IL relating the entire incident with Ms. Walker, the courts and law enforcement.
05/01/06 - Wrote letter to Dorchester County Sheriff's Department to the attention of Thomas Marshall relating the problems I had reporting the theft of my car and the subsequent lawsuits.
02/06/07 - I write a letter to Representative Henry Brown concerning the story.
03/07/07 - I write another letter to State Farm Insurance Corporate Office to the attention of Susan Mullinax concerning Ms. Walker, law enforcement and the courts and how they handled the theft and fraudulent activities surrounding it.
10/08/09 - Sold my 1990 Honda Accord for \$200.00 to a private party. According to Blue Book it had a value of approximately \$2000 if it was not damaged.

Case #2005CP1003681 PUBLIC RECORD ENTREES

05/18/05 - Non liquidated, civil converted cost
05/23/05 - Service Vanderhorst
06/17/05 - Answer
07/01/05 - Civil Court Default Date
08/05/05 - Civil court event
08/05/05 - Finding for defendant at non-jury trial
09/09/05 - Receipt #05-11475
09/09/05 - Civil appeal from small claims court
09/20/05 - Transfer to other court
09/20/05 - Findings for defendant jury trial

09/20/05 – Judgement Janet Frisco
09/20/21 – Judgement Debra Walker
09/20/05 - Memo Return done



Janet L. Frisco, Pro Se

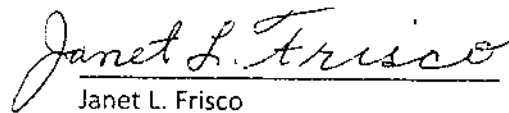
Dated: 11/19/21

CERTIFICATE OF SERVICE

The foregoing document Plaintiff's Amended Objection to the Defendants' Motion to Reconsider Consolidation was served on the following by email and U.S. Mail with sufficient postage affixed, this 19th day of November 2021:

Stephan V. Futeral

1004 Anna Knapp Blvd. Suite 3
Mt. Pleasant, South Carolina 29494
sfuteral@charlestonlaw.net


Janet L. Frisco

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE #:2021-CP-10-2682

PET HELPERS, INC.,
Plaintiff,

Vs.

JANET L. FRISCO,
Defendant.

DEFENDANT'S SUPPLEMENT FOR SECOND
OBJECTION TO PLAINTIFF'S MOTION FOR A
PARTIAL SUMMARY JUDGEMENT

2021 DEC -8 PM 2:03
JULIE J. AMES
CLERK OF CO.

FILED

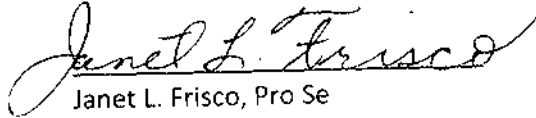
I object to the plaintiff's motion for a partial summary judgement for the reasons listed below:

- 1.) I filed a counter complaint on June 17, 2021 Case #2021-CP-10-2848 and that has not been allowed to be explored due to Plaintiff's case taking precedence and the number plaintiff's motions I have had to address since I was served June 9, 2021. I have not been able to file a request interrogatories or production from the Plaintiff so it would be premature for the court to reach a judgement in the plaintiff's favor without any consideration of my counterclaim. Plaintiffs initially filed the motion for the partial summary judgement on June 16, 2021 early in the lawsuit and one day before I filed my counterclaim. Since then, more facts have surfaced that the plaintiff's may have engaged in criminal fraud by staging an adoption of my dog Toby, soliciting donations based on the fake adoption and taking adoption subsidies under the same pretense from the Bissell Corporation that sponsored a low-cost adoption event May 7th-9th, 2021.
- 2.) In the **Background** section of Plaintiff's motion, their attorney makes an array of false statements concerning the events surrounding the adoption of my dog Toby. He omits critical information such as Pet Helpers leading me to believe I could reclaim the dog by submitting an adoption application which Katie Leasure, the shelter manager, sent me after I repeatedly called with concerns about Toby's welfare. Pet Helpers staff lied about the dog's demeanor and claimed he had been adopted on the morning of May 7th when he was actually "adopted" on May 8th according to the adoption submission Pet Helpers' lawyer sent me. What Mr. Futeral refers to as my "erratic behavior" was a normal distressed reaction to resulting from the way Pet Helpers treated us. I knew he was sad that I had left him there and they could have let me reclaim him if they cared about dogs or their owners and weren't only concerned about financial gain. I saw the adoption picture and Toby looking scared with his tail down and I was heartbroken to see that. I was on my way over there to try to talk to Ms. Susko, but she called me and I asked her if she could talk to the adopter and tell him how upset I was about losing him and she snarled, "You surrendered your legal rights and I'm going to interrupt you now." I knew right then she didn't care about my pain or Toby's and it was no use trying to talk to her. I turned around and went home, but she must have gotten off the phone and immediately called the police. I didn't threaten her except to say I was coming with God's army which is a peaceful army of angels. Mr. Futeral makes another misleading statement when he said the City of Charleston Police issued a No Trespassing Notice because of my "threatening and harassing

behavior". The police issued the No Trespassing Notice because Ms. Susko requested it and she was the manager of the business. They can request one for any reason even if they don't like the clothes you're wearing. The restraining orders should never have been granted because Mr. Futeral made numerous false statements such as I had violated the No Trespass Notice and harassed and threatened the employees which I never did. Ms. Susko used two of her employees to try and lure me on to the property on June 5th when one of them asked me if I was alright and another took pictures of me in the driveway which is not their property. Ms. Susko called the police the following Monday in order to prosecute and that is how devious and conniving she and her staff behaved. They will stop at nothing to cover up what they did after I surrendered Toby to them even throwing me in jail and making me pay \$5434.32 to get out. As soon as I got out Mr. Futeral filed another Motion to Show Cause and asked for another \$2000 plus for his court and legal fees and wanted to put me right back in jail. He originally asked for me to be incarcerated for thirty days and then another 30 days until I paid the \$5400, but the judge ruled 30 days or until I paid the money so I miraculously had a friend from church loan me the money or I would still be in there. Pet Helpers and their lawyer have shown how greedy and cruel they really are throughout the surrender of my pet and the lawsuit. It's not defamation or libel because I had reason to believe they killed Toby after they faked the adoption and solicited donations on their website because I saw how cruel they were to my dog and to me. Also, a former employee who saw me protesting offered to help me and told me Melissa Susko told her she was certified to euthanize. The former employee said Ms. Susko had been involved in the deaths of two dogs at Pet Helpers, Dixie and Cody that she knew of. When I heard that I got physically sick. I also knew that the "Happy Ending Update" they put on their website to solicit donations was fabricated because Toby was a hunting dog I rescued and cared for eight months and he didn't "get on the furniture, cuddle on the sofa or go on walks as it said because he grew up in a cage. Pet Helpers made it all up and posted it on their website in order to obtain donations under the false pretense Toby had been legitimately adopted.

- 3.) The **Law Analysis and Standard of Review Rule 56 (c)** does not apply to this case. The plaintiffs faked an adoption in order to solicit donations. I didn't commit libel, slander or defamation. If they hadn't been so deceptive and cruel and the former employee didn't tell me they were killing dogs, I wouldn't have believed they killed him. I really think they planned on killing him, but couldn't once I started drawing so much attention to them. When they showed me, he was alive in the video on June 16th, I stopped believing they killed him and immediately stopped saying they had. I still think the adoption was faked by Ms. Susko and her employees. The whole lawsuit with its' restraining orders is nothing more than a cover-up of fraud.
- 4.) I should have a chance to prove that the adoption was faked and I shouldn't have to give them anymore of money before I've been given a chance to prove my allegations. The adoption submission should be revealed to the court because a mere affidavit from John Blaine stating that he didn't adopt him isn't proof. Pet Helpers was dishonest from the moment I surrendered Toby and there is no reason to believe they aren't lying about the authenticity of the adoption. I have the pictures they tried to say was the adopter and it's all fabricated by Ms. Susko and her employees to conceal the staged adoption.
- 5.) I have experienced pain and suffering throughout this ordeal with Pet Helpers, Inc. I suffered looking at the sad pictures of him in the shelter, not being able to come and rescue him from that misery, being led to believe I could adopt him and then being told he was already adopted, going to jail for four days, and paying \$5534.32 to be released from jail. I haven't been able to

take care of my medical needs and my whole life is consumed with the brutality of this lawsuit. Pet Helper's lawsuit should be dropped and I should have Toby returned to me, be refunded my \$5,434.32 sanction I had to pay to be released from jail, and the two restraining orders should be revoked or I will seek monetary compensation for pain and suffering inflicted on me by the Plaintiff.


Janet L. Frisco, Pro Se

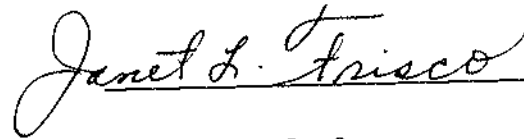
DATED: Dec. 8, 2021

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the document referenced below was served on the following individual via email and US Mail with sufficient postage on the 8th day of December 2021.

Document: **DEFENDANT'S SUPPLEMENT FOR SECOND OBJECTION TO PLAINTIFF'S MOTION FOR A PARTIAL SUMMARY JUDGEMENT**

Stephan V. Futeral
1004 Anna Knapp Blvd., Suite 3
Mt. Pleasant, South Carolina 29465
sfuteral@charlestonlaw.net



Janet L. Frisco, Pro Se

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE #:2021-CP-10-2682

PET HELPERS, INC.,
Plaintiff

Vs.

JANET L. FRISCO,
Defendant.

DEFENDANT'S SECOND OBJECTION TO
PLAINTIFF'S MOTION FOR A PARTIAL
SUMMARY JUDGEMENT

2021 DEC -8 PM 2:32
JULIE J. ANDERSON
CLERK OF COURT

FILED

I, Janet Frisco, Pro Se, object to the Plaintiff's motion for a partial summary judgement for the following reasons based on their legal counsel's Law/Analysis Standard of Review:

"Summary judgement is appropriate 'if 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 that the moving party is entitled to a judgement as a matter of law. Rule 56(c), SCRPC'".

ANSWER: Plaintiff's counsel contends I committed libel, slander and defamation against Pet Helpers, but everything I said about them is true except they didn't euthanize my dog Toby as I had concluded they had because there was too much attention drawn to them by my protest.

"The evidence and all reasonable inferences therefrom must be viewed in the light most favorable to the nonmoving party. Osborne v. Adams. Although summary judgement is a drastic remedy and must not be granted until the opposing party has had a full and fair opportunity to complete discovery, the nonmoving party must demonstrate the likelihood that further discovery will uncover additional relevant evidence and that the party is 'not merely engaged in a fishing expedition. Dawkins v. Fields.'"

ANSWER: I have not completed plaintiff's interrogatories and have not had the opportunity to pose interrogatories to the plaintiff. My interrogatories will uncover additional relevant evidence that the plaintiffs are guilty of staging an adoption of my dog Toby in order to fraudulently solicit donations from their donor base while accepting subsidies from the Bissell Corporation that sponsored a low-cost adoption event at the time my dog was supposedly adopted.

"THE COURT SHOULD GRANT PLAINTIFF'S MOTION FOR A SUMMARY JUDGEMENT BECAUSE THERE IS NO GENUINE ISSUE OF MATERIAL FACT THAT DEFENDANT PUBLISHED TO THIRD-PARTIES FALSE STATEMENTS OF FACT THAT, AMONG OTHER STATEMENTS, THE DOG WAS MISTREATED AND EUTHANIZED WHEN THE DOG IS ALIVE AND WELL.

The tort of defamation allows a plaintiff to recovery for injury to her reputation as the result of the defendant's communication to others of a false message about the plaintiff..."

ANSWER: My statements weren't false except the dog wasn't euthanized yet due to the fact I began exposing the truth about the plaintiff's deception in the fake adoption. I also exposed their cruelty, greed and lies through social media and public protests. They lied about the adoption date and that Toby wasn't upset after I abandoned him at the shelter or tell me about the low-cost adoption event.

"Here, there is no genuine issue of material fact that the dog in issue, Toby/Slim Jim is alive and well as shown from the video taken June 15, 2021 and other affidavits on file with the court. Additionally, there is no genuine issue of fact that Plaintiff does not mistreat or euthanize the animals in its' care. Lastly, there is no genuine issue of material fact that during the months of May and June 2021, Defendant falsely published to third-parties, both verbally and in writing, the following statements about Plaintiff:" (Statements available on Plaintiff's Motion pages 3-7)

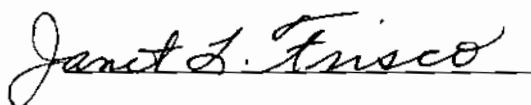
ANSWER: Plaintiffs did not show me the video that proved Toby was alive until June 16, 2021 and after that I did not make any statements that my dog had been euthanized because they showed the front page of newspaper with that date in the video. My statements 1,2,3,5,6,9, & 11 that I made are completely true and derived from my own personal experience with Pet Helpers and information that was given to me by a former employee who told me Melissa Susko was certified to euthanize and had been involved in the deaths of at least two dogs as manager at Pet Helpers while the employee was there.

"THE COURT SHOULD GRANT PLAINTIFF'S MOTION FOR A SUMMARY JUDGEMENT BECAUSE THERE IS NO GENUINE ISSUE OF MATERIAL FACTS THAT DEFENDANT ACTED WITH MALICE TO CAUSE HARM TO PLAINTIFF AND ITS' STAFF.

ANSWER: There was no intentional malice on my part, but the public needed to know the truth about Pet Helpers and what they're doing as far as the fake adoptions and greed that motivates them. If they really cared about animals or their caretakers, they would not have treated Toby and me the way they did. They would have returned him to me and ended the heartbreak for both of us, but they were too obsessed with making money to do the right thing. Non-profits and charities should not collect donations under false pretenses and that's what they were doing and any organization that does that should be investigated. Exposing the truth about their deceptive practices at Pet Helpers was a noble act on my part to stop the fraud and protect others people and pets from suffering this ordeal again.

CONCLUSION

The court should not grant a partial summary judgement to the plaintiffs when all the facts of this case have not been investigated especially that they maliciously and deceptively faked the adoption of my dog Toby in order to solicit donations. The \$5,433.32 in the form of a sanction judgement that I was already forced to pay to be released from jail should be returned to me because the restraining orders the plaintiff's obtained were granted on the basis of false information their counsel provided that I was committing libel and slander when I was only exposing the truth about what I experienced after the surrender of my dog. The plaintiffs are libel not only for the money that was taken from me by their lawyer, but for all the pain and suffering they have caused me to suffer since I unknowingly surrendered my beloved pet to them and then had to experience the seven-month ordeal of this lawsuit.



Janet L. Frisco, Pro Se

DATED: Dec. 8, 2021

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

Jan 24 2022

SC Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas, 9th Circuit Court

The Honorable Bentley D Price,
The Honorable R. Kirk Griffin
The Honorable Judge Robert Bonds

Court of Appeals Case No. 2022-000021

Family Court Case No. 2021-CP-10-2682

Pet Helpers, Inc..... Respondent
Janet L. Frisco.....Appellate

RETURN TO THE MOTION TO DISMISS

The appellate requests a Return to the Motion to Dismiss pursuant to Rule 60, SCARCR that states:

(b)when mistakes, inadvertence; excusable neglect; newly discovered evidence, fraud, etc. on motion and upon such terms are just, the court may relieve a party or his legal representative from a final judgement, order or proceeding for the following:

3) fraud, misrepresentation, or other misconduct of an adverse party.

The motion shall be made within a reasonable time and for reasons (1), (2), and (3) not more than one year after judgement, order or proceeding was entered or taken.

ARGUMENT

1. THIS COURT SHOULD NOT DISMISS THE APPEAL BECAUSE THE APPEAL WAS NOT SUBJECT TO THE THIRTY (30) DAY TIME LIMIT PURSUANT TO RULE 240 SCACR, BUT WAS FILED PURSUANT TO RULE 60 (b) 3 WHICH ALLOWS UP TO ONE (1) YEAR TO APPEAL A JUDGEMENT OR ORDER IN CASES OF FRAUD, MISREPRESENTATION, OR OTHER MISCONDUCT OF AN ADVERSE PARTY. SC Judicial Branch (sccourts.org)

2. THIS COURT HAS JURISDICTION OVER THE APPEAL BECAUSE THERE WAS "ABUSE OF DISCRETION" IN THE LOWER COURT THAT RENDERED DECISIONS FOR A CLEARLY IMPROPER PURPOSE WHEREAS INFORMATION WAS WITHHELD DURING HEARINGS THAT DEPRIVED DEFENDANT FROM RIGHT TO OBTAIN EVIDENCE OF THE UNREDACTED ADOPTION CERTIFICATE OF TOBY A.K.A. "SLIM JIM" MAY 8, 2021 THAT WOULD HAVE PROVED THE ADOPTION WAS STAGED BY THE PLAINTIFF IN ORDER TO SOLICIT DONATIONS UNDER THE FALSE PRETENSE THE CANINE HAD BEEN LEGITIMATELY ADOPTED.
3. THE PLAINTIFF'S LAWYER COMMITTED FRAUD UPON THE COURT WITH SPECIFICITY SCRPC RULE 9(B) CHEWNING V FORD MOTOR CO. 35 F SUPP 2d 487 (D.S.C. 1998). RELIEF FOR FRAUD UPON THE COURT IS NOT SUBJECT TO THE ONE YEAR TIME LIMIT. PLAINTIFF'S LAWYER SUBVERTED THE INTEGRITY OF THE COURT ITSELF AND THIS MAY ALSO HAVE INVOLVED FRAUD PERPETUATED BY OFFICERS OF THE COURT IN RENDERING JUDGEMENTS AND ORDERS WITHOUT ALLOWING DEFENDANT TO BE HEARD PRIOR TO THEIR DECISIONS, HILTON HEAD CTR. OF S.C. VS PUBLIC SERVICES. COMMN, 294 S.C. 9, 11, 362 S.E. 2ND 176, 177 (1987).
4. "RELIEF IS GRANTED FOR EXTRINSIC FRAUD ON THE THEORY THAT BECAUSE THE FRAUD PREVENTED A PARTY FROM EXHIBITING AND TRYING HIS CASE, THERE HAS NEVER BEEN A REAL CONTEST BEFORE THE COURT ON THE SUBJECT MATTER OF THE ACTION." ID.

CONCLUSION

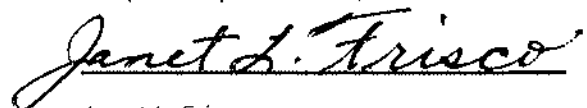
Appellant's appeal notice was filed timely and Appellate Court has jurisdiction because it was filed under SCRPC Rule 60(B) 3 which allows up to one year to appeal a judgement from a lower court and beyond one year when fraud upon the court is involved. Plaintiff based their Motion to Dismiss exclusively on the (30) thirty-day time limit under SCRPC Rule 240 which does not apply under circumstances of fraud or other misconduct of an adverse party therefore the Respondent's Motion to Dismiss should not be granted by this court.

RELIEF REQUESTED

- A. ALL RESTRAINING ORDERS SHOULD NOT HAVE RECOGNITION AND BE REPEALED.
- B. PAST AND PRESENT SANCTIONS BE REVOKED AND/OR REFUNDED.
- C. PLAINTIFFS MUST SURRENDER THE UNREDACTED ADOPTION CERTIFICATE TO THE COURTS AND VALIDITY OF THE ADOPTION INVESTIGATED.

DATED: 1/21/22

Respectfully submitted,



Janet L. Frisco,
Appellant, Pro Se
203 Cardinal Drive
Summerville, South Carolina 29485
(843)804-0875
janetfrisco@yahoo.com

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE #:2021-CP-10-2682

PET HELPERS, INC.,
Plaintiff,

Vs.

JANET L. FRISCO,
Defendant.

MEMORANDUM IN OPPOSITION OF
PLAINTIFF'S MOTION FOR A PARTIAL
SUMMARY JUDGEMENT

FILED
2022 APR 21 PM 1:47
JULIE A. AMSTERDAM
CLERK OF COURT
DC

In response to the Plaintiff's Memorandum in Support of Motion for a Partial Summary Judgement, Defendant submits the following for the court's consideration. Sanction orders cited in Plaintiffs' memorandum are currently under appeal after defendant filed *Petition for Rehearing* with the South Carolina Appellate Court and a motion for *Leave to Supplement Answer and Counterclaim for Malicious Prosecution* by the Defendant were filed on March 24, 2022 in the lower court and both are currently pending. Plaintiff obtained restraining orders and subsequent sanctions by making false accusations against defendant in documents and verbally at hearings stating I had threatened employees of Pet Helpers, Inc. and trespassed on their property in violation of a No Trespass Notice in order to maliciously prosecute defendant and cover up his client's fraudulent behavior:

BACKGROUND

On April 13, 2021 I relinquished ownership of my dog Toby, a rescued hunting dog, because I believed that Pet Helpers would find him a good home where he could get more attention since I had eight dogs at the time. Toby was neutered, vaccinated and chipped, but they still required I pay a \$100.00 surrender fee. The surrender document I signed did not give permission for euthanasia and I was unaware that a low-cost adoption event was scheduled in the first week of May where dogs could be adopted for \$25.00. When I surrendered him, I asked them how I would know if Toby was adopted and they said when his picture was not on their website as available for adoption. I started looking at his pictures and immediately noticed his sad demeanor and began calling with my concerns to Katie Leasure in the Intake Department and to the front desk. They denied he was distressed after being abandoned by his caretaker of eight months. On April 21, 2021 I sent an email to Ms. Leasure requesting Toby's return. She said I would have to speak with the manager, Melissa Susko, but I was unable to contact her. On May 7th Ms. Leasure sent me an application to adopt Toby and I submitted it on the evening of May 7th. Ms. Susko left me a message on my phone on May 8th saying Toby a.k.a. "Slim Jim" was adopted that morning. Ms. Leasure sent me an email asking if I had received the email stating that, but I never found one and later found out that the alleged adoption was on May 8, 2021. I went back to their website and on May 11th, and saw a promotional adoption picture of a cowed Toby being led away by a man with a mask, hat and glasses. Ms. Susko called me as I was driving to Pet Helpers to talk to her and I asked her if she would explain to the adopter how upset I was and she became very rude and threatened to call their lawyer. I decided not to go there that day and found out later she had called the

police when we got off the phone. Later Pet Helpers posted a "Happy Ending Update" with flowery description of his new home and I knew it was total fabrication. I started protesting on the public right away the following Saturday, but I had called the police and that's when they told me she had requested a "No Trespass Notice" on me earlier in the week after I spoke to her on the phone. Later as I was protesting, a former employee approached me and told me Ms. Susko was certified to euthanize and had been involved in the deaths of two dogs she knew of that were not medically untreatable or aggressive. I came to the conclusion that they had probably euthanized Toby after they faked his adoption and solicited donations and subsidies from Bissell Pet Foundation because I saw how they let him suffer for weeks waiting for me to come back when they knew I would return for him. Everything I said in my public protests was true about their cruelty and greed, but they hadn't euthanized him because I brought to much attention to their scheme by the public protest and media posts. I believe Ms. Susko ordered a Pet Helpers' employee, John Blaine, to pose as an adopter for the promotional pictures used to solicit donations

RESPONSE TO PROCEDURAL HISTORY

Plaintiffs should not have been granted restraining orders or subsequent sanctions for violations because their attorney made false statements on court documents and in hearings in order to obtain them and I was exercising a constitutional right to free speech in publicly protesting what they did to me and my dog. Also, court officials abused the standard of discretion in not allowing me to present evidence that I had not trespassed or threatened employees of Pet Helper employees as their attorney contented when he filed motions for the restraining orders. The court should have required Mr. Futeral to present evidence of the accusations before granting the restraining orders. Mr. Futeral was not required to show the adoption submission to the court that would determine whether the adoption was staged by an employee. Plaintiff's committed fraud in soliciting donations and collecting subsidies based on a fake adoption of my dog and their lawsuit is a cover up of that crime. All orders and sanctions should be revoked by the Court because they are illegitimate. My appeal to the Appellate Court is still pending because I filed a Petition for a Rehearing after dismissal of my appeal. I appealed the sanctions, not the restraining orders as the plaintiff's lawyer states on his document.

LAW ANALYSIS/STANDARD OF REVIEW

The resolution of disputes over **historical facts** or inferences to be drawn from them is a jury function. A dispute over historical facts or inferences, if genuine and material within the meaning of Rule 56, precludes summary judgement. When the application of a rule of law depends on resolution of disputed historical facts, however, it becomes a mixed question of law. The moving party bears the burden of persuasion on the issue at trial. Its' showing must sustain that burden and as well demonstrate the absence of a genuine dispute by showing that no genuine dispute exists as to any material fact. The ultimate burden of persuasion on the claim is to show that it would be entitled to a direct verdict at trial, but the movant may not present only the portions of the record supporting its' position while knowingly omitting evidence to the contrary that may raise a genuine issue of material fact. Such conduct arguably warrants imposition of sanctions under FED.R.CIV.P.11 or Rule 56(g).

Several courts stated as long as there was the slightest doubt as to the facts a genuine issue of material fact existed with the meaning of Rule 56(c) and summary judgement was inappropriate. Some courts explained that even if the evidence favoring the nonmovant was so slight that at trial the court would that at trial the court would be compelled to grant the movant's motion for a directed verdict or judgment notwithstanding the verdict, the evidence would nevertheless be sufficient to create a genuine issue for purposes of defeating a summary judgement motion (See *Morrissey v. Procter & Gamble Co.*, 379 F.2d 675, 677 (1st Cir. 1967)).

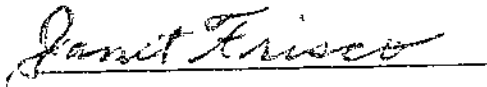
RESPONSE TO PLAINTIFF'S ARGUMENTS IN FAVOR OF SUMMARY JUDGEMENT

- I. The court should not grant Plaintiff's Motion for Summary Judgement Regarding Plaintiff's Claims Because the discovery requests were used to prevent me from defending myself from the barrage of motions filed by plaintiffs to cover up their criminal behavior and have nothing to do with whether there is a dispute about a material issue of fact. Pet Helpers and their attorney did commit fraud, conceal evidence and make false statements in legal documents and during hearings and the court system is define corrupt because they are helping criminals like Pet Helpers commit fraud, car thieves steal vehicles (Janet Frisco vs. Debra Walker) drug dealers sell illegal drugs (Janet Frisco vs. Antonio B Harris and Mildred Black). The court needs to subpoena the adoption application that is redacted to prove that Pet Helpers staged an adoption for the purpose of fraudulently collecting donations and subsidies. Their attorney is a party to fraud through the lawsuit and all his actions to date are illegitimate. I never claimed on any filed document I needed more time for discovery.
- II. The courts should not grant Plaintiff's motion because there is a cause of action and that is the intentional infliction of emotional pain, loss of \$5432, incarceration trauma and malicious prosecution. The fact that I surrendered Toby to them did not give them the right to subject me to the intentional infliction of emotional pain and has no bearing on my counterclaim.

CONCLUSION

I did not commit libel or slander against Pet Helpers, Inc. Everything I said both orally and in writing is true, except they didn't euthanize Toby because I drew too much attention to them through my protest. That was a logical conclusion after I saw the cruelty, they treated Toby and me with and I was told Ms. Susko was certified to euthanize. There is no malice involved which is essential to a claim of slander and libel. I reacted normally to their deceitful and cruel treatment they subjected both of us to after I inadvertently trusted the false public image they portray which is a front for making a profit and has nothing to do with any concern for homeless pets. Plaintiffs filed the Partial Summary Judgement to prevent the case from going to trial and because a partial summary judgement is not appealable. There are no other issues so they should have not filed for a partial summary judgement but simply a Summary Judgement. They filed originally eight days after they filed complaint and the rule says you have to file

twenty (20) days after the complaint or after the defendant answers. It a complete cover up on the part of Pet Helpers and they should be accountable to the fullest degree for their abuse of the legal system and of me. If the South Carolina Bar Association was reputable, they would disbar Mr.Futeral for his dishonesty he uses in his law practice.



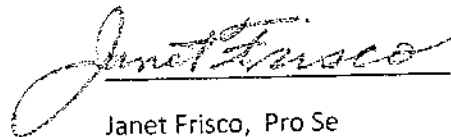
Janet Frisco

Dated: April 21, 2022

CERTIFICATE OF SERVICE

The forgoing document *Memorandum in Opposition to Plaintiff's Motion for Partial Summary Judgement* was served on the following by email and U.S. Mail with sufficient postage affixed this 22nd day of April 2022.

Stephan V. Futeral
1004 Anna Knapp Blvd., Suite 3
Mt. Pleasant, South Carolina 29464
sfuteral@charlestonlaw.net



Janet Frisco, Pro Se

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

PET HELPERS, INC.,

Plaintiffs,

vs.

JANET FRISCO,

Defendant.

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NO.: 2021-CP-10-2682

**PLAINTIFF'S FIRST
INTERROGATORIES TO DEFENDANT**

TO DEFENDANT JANET FRISCO:

YOU WILL PLEASE TAKE NOTICE that you are hereby required to answer in writing, **under oath**, the following Interrogatories pursuant to Rule 33, SCRPC. These interrogatories shall continue from the time of service until the time of trial so that the information sought, which comes to the knowledge of the party, representative, or counsel, after original answers have been submitted, shall be promptly submitted to the undersigned.

DEFINITIONS AND INSTRUCTIONS

The term "identify" when used in connection with the term "documents" or "prepared materials" means, regardless of whether the production of such items is objected to, list and describe such items, stating separately for each (a) its location; (b) the name and title of the person(s) who has custody of the items; (c) its date; and (d) its author.

The term "describe" when used in connection with an event, conversation, or transaction means to identify the sources from which the information was derived and to identify all parties to the transaction, to state the date and place where the transaction took place, to set forth in

detail the statements made and actions taken by each party to the transaction, and to identify each document or other recorded or prepared material relating to such transaction, regardless of whether the production of such information is objected to.

"Document" means every writing or record of every type and description that is or has been in your or your respective representative(s) or attorney(s) possession, control, or custody, or of which you or your respective representative(s) or attorney(s) have knowledge, including but not limited to print-out sheets, movie film, videotape, slides, photographs, microfilm, notes, letters, memorandum, worksheets, books, magazines, diaries, calendars, appointment books, charts, tables, papers, agreements, contracts, invoices, budgets, payrolls, check stubs, canceled checks, analysis, projection, transcripts, minutes of meetings of any kinds, correspondence, drafts, data processing, disks, or tapes and computer produced interpretations thereof, instructions, announcements and mechanical or electrical sound recordings and transcripts thereof. "Document" also means all copies which are not identical to the original, such as those bearing marginal comments, alterations, notes or other notations not present on the original document as originally typed, or otherwise prepared.

Whenever a Interrogatory calls for information claimed by YOU to be privileged, please supply sufficient factual detail to enable the Court to determine whether or not such document or communication is entitled to claim of privilege, including: (1) the date or dates of the communication or document; (2) the name and position of each person who participated in the preparation of the document; (3) the name and position of each person who participated in the communication, or in the case of a document, state to whom the document was addressed, and the name of each person to whom the document, or the contents thereof have been

communicated by copy, exhibition, reading, or oral conversation of any kind; (4) the general subject matter of the communication or document; and (5) the basis or bases for the claim of privilege.

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.

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

3. Set forth the names and addresses of all physicians, psychiatrists, psychologists, or licensed counselors who have treated you in connection with any injuries, physical or emotional, you may claim to have sustained regarding Plaintiff, and also set forth a statement of all medical costs involved.

4. Set forth an itemized statement of all damages claimed to have been sustained by you.

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

6. For each person known to you 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.

7. Please state whether you have ever been arrested or charged with any criminal offense, and if so, state the nature of the offense with which you were charged, the disposition of the charges and the date of the arrests/offenses.

8. Please state whether you have ever been given a notice to trespass or no contact notices and, if so, describe the reason for such notices including the dates when notices were given and the names, addresses, and telephone numbers of the entities (such as a business or a place of worship) or individual regarding whom you were given such notices, and the name, address, and telephone number of any law enforcement agencies involved.

9. Please state whether you have ever been subject to a Restraining Order or Injunctive Order and, if so, provide the case number, the names, addresses and telephone numbers of the parties involved, the jurisdiction from which these orders came (such as Charleston County, Berkeley County, Dorchester County, etc.), a detailed description of the reason for such notices including the dates when notices were given and the names, addresses, and telephone numbers of the entities (such as a business or a place of worship) or individual regarding whom you were given such notices.

10. Describe, in detail, how you came into possession of Toby/Slim Jim.

11. Describe, in detail, what proof you had at the times you communicated to third parties that Plaintiff killed Toby/Slim Jim to support the claims you made.

12. Describe, in detail, your purpose and intent in communicating to other persons that Plaintiff allegedly killed Toby/Slim Jim.

13. Describe, in detail, any proof you have to support your claim that Plaintiff is a "kill center."

14. Describe, in detail, your purpose and intent in communicating to other persons that Plaintiff is purportedly a “kill shelter.”

15. Describe, in detail, any proof you have to support your claim that the adoption of Toby/Slim Jim was a “hoax” to include documents and materials in your possession and the names, addresses, and telephone numbers of any witnesses who may support your claim.

16. Describe, in detail, your purpose and intent in communicating to other persons that the adoption of Toby/Slim Jim was a “hoax.”

17. Describe, in detail, the meaning of your threat to bring “God’s Army” to Plaintiff’s place of business. In doing so, set forth the names, addresses, and telephone numbers of the person or persons belonging to “God’s Army.”

18. Describe, in detail, your purpose and intent in communicating to Plaintiff that you would bring “God’s Army” to Plaintiff’s place of business.

19. Describe, in detail, how Plaintiff allegedly “coerced” you into signing paperwork relinquishing your ownership of Toby/Slim Jim. In doing so, describe any proof you have that Plaintiff “coerced” you into signing paperwork relinquishing your ownership of Toby/Slim Jim.

20. Describe, in detail, how you signed the surrender form under “false pretenses.”

21. Describe, in detail, what proof you have to support your claim that Plaintiff is “greedy, cruel, people that watch my dog suffer for an entire month”

22. Describe, in detail, your purpose and intent in communicating to other persons that Plaintiff is “greedy, cruel, people that watch my dog suffer for an entire month”

23. Describe, in detail, what proof you had to support your claim Plaintiff “killed the dog for no reason except greed and cruelty.”

24. Describe, in detail, your purpose and intent in communicating to other persons that Plaintiff "killed the dog for no reason except greed and cruelty."

25. Describe, in detail, any proof you have to support your claim that Plaintiff is "corporation making tons of money off the misery of animals."

26. Describe, in detail, your purpose and intent in communicating to other persons that Plaintiff is "corporation making tons of money off the misery of animals."

27. Describe, in detail, any proof you have to support your claim that "anyone could see [Toby] was heartbroken and waiting for me to return."

28. Describe, in detail, your purpose and intent in communicating to other persons that "anyone could see [Toby] was heartbroken and waiting for me to return."

29. Describe, in detail, any proof you have to support your accusation that during the hearing on June 17, 2021, the court made its decision "behind closed doors before I was allowed in to speak what they were going to do."

FUTERAL & NELSON, LLC



Stephan V. Futeral, Esquire
S.C. Bar ID 66427
Post Office Box 1385
Mt. Pleasant, South Carolina 29465
Telephone (843) 284-5500
Facsimile (843) 284-5501
email to: sfuteral@charlestonlaw.net

Dated: 6/18/21

Attorney for Plaintiff

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

PET HELPERS, INC.,

Plaintiff,

vs.

JANET FRISCO,

Defendant.

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NO.: 2021-CP-10-2682

**PLAINTIFF'S REQUESTS FOR
PRODUCTION**

TO: JANET FRISCO, THE ABOVE-NAMED DEFENDANT:

Pursuant to Rule 34, SCRPC, you are requested to produce and/or permit the inspection, copying and/or photographing of the documents described below within the next thirty (30) days. These requests shall be deemed continuing and supplemental productions shall be required of you directly or indirectly to obtain further documents if the nature of the documents sought herein are altered or supplemented between the time these documents are produced and the time of trial of this action.

DEFINITIONS

As used herein, the terms listed below are defined as follows:

(A) "Document" shall mean every writing or record of every type and description that is or has been in your or your respective representative(s) or attorney(s) possession, control, or custody, or of which you or your respective representative(s) or attorney(s) have knowledge, including but not limited to print-out sheets, movie film, videotape, slides, photographs, microfilm, notes, letters, memorandum, worksheets, books, magazines, diaries, calendars, appointment books, charts, tables, papers, agreements, contracts, invoices, budgets, payrolls,

check stubs, canceled checks, analysis, projection, transcripts, minutes of meetings of any kinds, correspondence, drafts, data processing, disks, or tapes and computer produced interpretations thereof, instructions, announcements and mechanical or electrical sound recordings and transcripts thereof. "Document" also means all copies which are not identical to the original, such as those bearing marginal comments, alterations, notes or other notations not present on the original document as originally typed, or otherwise prepared.

(B) "Communications" shall mean any statement or utterance, whether written or oral made by one person to another, or in the presence of another, or any document delivered or sent from one person to another.

INSTRUCTIONS

(A) All documents covered in this request shall be produced in an orderly manner (with appropriate markings or other identification) so that we will be able to identify the source of the document and the number of the request to which it responds.

(B) If you refuse to produce any requested material in whole or in part, describe the basis for your refusal to produce, including any claim or privilege or work product in sufficient detail so as to permit the Court to adjudicate the validity of your refusal, and identify each document for which a privilege is claimed.

(C) If a privilege of any kind is claimed as a basis for withholding or redacting any document responsive to this request, the information as to which the privilege is being asserted should be clearly identified and the entire factual and legal basis for the claim of the privilege stated. Each document withheld should be identified by setting forth (i) the name(s) of the document's author(s) or sender(s); (ii) the name(s) of the document's addressee(s) and

recipient(s); (iii) the date of the document; (iv) the nature of the document (*e.g.* letter, memorandum, report, etc.); (v) the location of the document and its custodian; and (vi) a description of the contents of the document.

(D) If any document described in this request was, but no longer is, in your possession, or subject to your custody or control, or in existence, please state:

- i) whether it is missing or lost;
- ii) whether it has been destroyed;
- iii) whether it has been transferred, voluntarily or involuntarily, to others; and
- iv) who may have a copy.

(E) This request to produce seeks all documents known to or reasonably available to you, including without limitation, documents known or available to you, and all agents, attorneys, investigators, representatives of any kind, and all persons acting on your behalf.

REQUESTS FOR PRODUCTION

1. Any and all documents, photographs, charts, statements, recordings, correspondence, and any and all other demonstrative evidence which you intend to use at the trial of this case.

2. Any and all records which relate to Toby/Slim Jim.

3. Any and all communications, including emails, text messages, Facebook messages or any other mode of communication, between you and others relating in any way to the claims or defenses in this lawsuit.

4. Copies of any and all statements given by you, and/or any witnesses whether written, recorded, or on a tape recording, or otherwise.

5. With regard to any expert witness Defendant intends to call as a witness at the trial of this case, please produce:

- a) All documents, including a curriculum vitae, that Defendant contends will establish the expert's qualifications to testify at trial.
- b) All reports prepared by the expert, including the draft versions of said reports;
- c) All field notes prepared by or at the direction of the expert;
- d) All photographs or videotapes taken, utilized, reviewed, or consulted by the expert;
- e) All diagrams or drawing prepared by the expert;
- f) All correspondence to or from any expert, including electronic communications (e-mail);
- g) The fee agreement with the expert;
- h) The time and billing records of the expert;
- i) All articles, treatises, publications, or other authoritative documents which the expert utilized, consulted, or in any way reviewed in the subject action;
- j) All articles, treatises, publications, or other authoritative documents which support the expert's opinion in this action;
- k) All articles, treatises, publications, or other authoritative documents which do not support the expert's opinion in this action;
- l) All documents which establish that the expert's opinion is generally accepted in the scientific community;
- m) All documents indicating that the expert's opinions were subject to peer review.

6. An entire copy of your personal Facebook accounts, groups, and pages to include your personal page, your "Justice for Toby" Group Page, your OCD Pruning and Landscaping Page, and your Real Dorchester County Watchdog Page. To download a copy of your Facebook data:

- Click in the top right of Facebook.
- Select Settings & Privacy, then click Settings.
- In the left column, click Your Facebook Information.
- Next to Download Your Information, click View.

To add or remove categories of data from your request, click the boxes on the right side of Facebook.

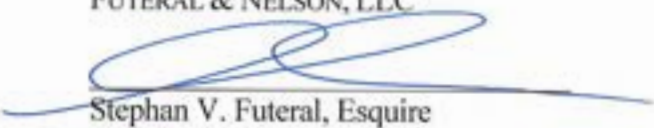
- Select other options, including:
 - The format of your download request.
 - The quality of photos, videos and other media.
 - A specific date range of information. If you don't select a date range, you'll request all the information for the categories you've selected.

- Click Create File to confirm the download request.

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- Click Download and enter your password.

FUTERAL & NELSON, LLC



Stephan V. Futeral, Esquire
 S.C. Bar ID 66427
 1004 Anna Knapp Blvd., 2nd Floor
 Mt. Pleasant, South Carolina 29465
 Telephone (843) 284-5500
 Facsimile (843) 284-5501
 email to: sfuteral@charlestonlaw.net

Dated: 6/18/21

Attorney for Plaintiff

Page 5 of 6

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE #:2021-CP-10-2682

PET HELPERS, INC.,

Plaintiff,

vs.

JANET L. FRISCO,

Defendant.

**DEFENDANTS ANSWERS TO PLAINTIFF'S
REQUESTS TO ADMIT.**

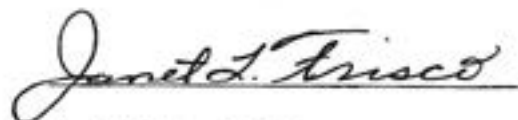
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CLERK OF COURT

1. I admit I legally transferred complete ownership of the dog Toby/Slim Jim to Plaintiff but I deny I gave permission to euthanize him.
2. I admit that I made a public statement on Facebook that Plaintiff "hurt Toby. They made him suffer."
3. I admit that on June 9th or at some time, I stated during a video post on Facebook, "I'll expose all this evil around me, what happened to my dog at Pet Helpers, those people that were smiling in my face and lying through their teeth, and euthanized that beautiful dog..."
4. I admit that I made a public statement on Facebook that Plaintiff's Executive Director, Melissa Susko, "has euthanized other dogs or ordered that they be euthanized even though they were not sick or aggressive."
5. I admit I made a public statement on Facebook that Plaintiff "killed [Toby/Slim Jim] because they didn't adopt him to anyone. They killed him and I know they did."
6. I admit that I made a public statement on Facebook that Plaintiff "killed Slim Jim May 11th... and I'm not going to stop (protesting) until first of all these people, a bunch of people here, Melissa, Katie, and intake and anybody else that knew and they guy who killed him, anybody else, they'll all be fired. If this company cares any and all this place place will be shut down and reopened by somebody who really cares about animals...but it's really a kill shelter."
7. I admit I carried a sign on Folly Road that provided "Pet Helpers killed Slim Jim May 11th."
8. I admit that I made a public statement on Facebook that Plaintiff "used [Toby/Slim Jim] as a marketing tool to solicit donations and then euthanized him after they staged an adoption the weekend of May 7-11, 2021."
9. I admit that third parties commented, viewed, and shared my Facebook posts referenced.
10. I deny that on June 16, 2121 I wrote to Plaintiff's counsel, "I plan to file a civil action of my own if Toby is not returned to me immediately". I did not say if "Toby is not returned to me immediately" and counsel cannot produce an email that says that I made that statement.
11. I admit that I have publicly called Plaintiff vile, evil, heartless, cruel, greedy, deceitful and malicious.
12. I deny that "forcing Plaintiff to somehow return Toby/Slim Jim to me is my paramount reason for engaging in this lawsuit". I suffered horrible distress and so did Toby from the treatment we

received at Pet Helpers and I want to make sure no unsuspecting person or pet ever has to go through this kind of agony at their hands again.

13. I deny that I am willing to risk violating the court's restraining order and that I will not stop my actions, as alleged in the complaint, until Toby/Slim Jim is returned to me. I never said that I would risk violating the restraining order verbally or in writing. My complaint does not allege that I want the dog returned to me and counsel cannot produce an email that states any of these accusations.
14. I admit that I said I would bring "God's army" to Plaintiffs business while speaking to Melissa Susko on the phone after she became rude when I asked why they adopted Toby to someone else when I had already submitted an application.
15. I admit that I said they would face a "public backlash" for the way they had treated us, but I deny I said "if they didn't give my dog back". Counsel cannot produce an email where I stated the backlash would be because they wouldn't give the dog back.
16. I admit that I was unable to comply within hours of being served the EX PARTE RESTRAINING ORDER because of the extensive groups, posts, social media outlets, etc. that I had used and my lack of expertise on Facebook.
17. I admit that on June 16, 2021 I posted a comment on Reddit.com in response to someone's negative comment about me. I admit that I said Melissa Susko had killed at least two dogs named "Dixie" and "Cody".
18. I admit that I inadvertently violated the *EX Parte* order when I said I had information Melissa Susko had killed at least two dogs named Dixie and Cody responding to a comment on Reddit.
19. I admit that in June 2021, I sent through Messenger a message to people who had "liked" posts about Toby's adoption the following message: "Pet Helpers had allowed Toby to suffer for a month, that Plaintiff staged an adoption with one of Plaintiff's employees, and that Plaintiff euthanized Toby/Slim Jim after the "Bissel adoption event in May 2021". I still believe Melissa Susko ordered an employee, John Blaine, to "adopt" Toby and I believed they had euthanized him shortly after. His chip that I had inserted and gave to them the day of his surrender was not registered on May 8th per normal procedure. They did not send me the video proving he was alive until June 16, 2021. I also believe he would have been euthanized right after the "adoption" if I had not become active in exposing Melissa's Susko's scheme to the public.

Dated: 7/7/21



Janet L. Frisco, Pro Se
203 Cardinal Drive
Summerville, South Carolina 29485
843-804-0875
Email to: janetfrisco@yahoo.com

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

PET HELPERS, INC.,

Plaintiff,

vs.

JANET FRISCO,

Defendant.

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NO.: 2021-CP-10-2682

**PLAINTIFF'S ANSWERS TO
DEFENDANT'S REQUESTS
TO ADMIT**

TO: DEFENDANT, JANET FRISCO:

Plaintiff, Pet Helpers, Inc., by and through undersigned counsel, responds to Defendant's Requests to Admit as follows:

1. Admit that my dog Toby was in a distressed and depressed state after I surrendered him to Pet Helpers on April 13, 2021.

ANSWER: Plaintiff denies that the canine was "distressed." Plaintiff objects regarding Defendant's anthropomorphic term "depressed state" because: (a) canines cannot verbally communicate; (b) there is no expert consensus in veterinary care whether canines experience depression the same way humans do; (c) canines, unlike humans, do not display tears, frowns, or other facial expressions that would signal depression; and (d) there are no clinical tests to determine depression in canines. Without waiving this objection, Plaintiff denies that the canine was in a "depressed state."

2. Admit that I called and emailed Pet Helpers multiple times when I saw his pictures on the Pet Helpers website.

ANSWER: Admitted.

3. Admit that Pet Helpers changed his name for marketing purposes even though I told him he answered to and was familiar with the name Toby or "Tob".

ANSWER: Plaintiff objects to Request to Admit #3 because each matter of which an admission is requested has not been set forth separately pursuant to Rule 36(a), SCRCivP. Without waiving this objection, Request to Admit #3 is three (3) requests for admission **bringing the total number of Requests for Admission to five (5)**. Plaintiff admits it changed the canine's name. Plaintiff denies that the change was for "marketing purposes." Plaintiff admits Defendant told Plaintiff that Defendant had named the canine Toby.

4. Admit that Pet Helpers staff knew I was trying to reclaim him and that I had also called concerned about the upcoming Bissell low-cost adoption on May 7-9.

ANSWER: Plaintiff objects to Request to Admit #4 because each matter of which an admission is requested has not been set forth separately pursuant to Rule 36(a), SCRCivP. Without waiving this objection, Request to Admit #4 is two (2) requests for admission **bringing the total number of Requests for Admission to seven (7)**. Plaintiff admits that on May 7, 2021, Defendant submitted an adoption application. Plaintiff is without any information regarding Defendant's mental state and whether Defendant had any personal concerns or the nature of such alleged concerns about the Bissell adoption event and therefore denies the same.

5. Admit Pet Helpers knows that dogs that are surrendered mourn the loss of their caretakers and Pet Helpers could have alleviated Toby's suffering as April 23, 2021 or sooner because they knew I wanted to return for him.

ANSWER: Plaintiff objects to Request to Admit #5 because each matter of which an admission is requested has not been set forth separately pursuant to Rule 36(a), SCRCivP.

Without waiving this objection, Request to Admit #5 is three (3) requests for admission **bringing the total number of Requests for Admission to ten (10)**. Plaintiff objects regarding Defendant's anthropomorphic term "mourn the loss of their caretakers" because: (a) canines cannot verbally communicate; (b) there is no expert consensus in veterinary care whether canines experience mourning the same way humans do; (c) canines, unlike humans, do not display tears, frowns, or other facial expressions that would signal mourning; and (d) there are no clinical tests to determine mourning in canines. Without waiving this objection, Plaintiff denies that the canine was mourning. Plaintiff denies that the canine suffered in any way while in Plaintiff's care. Plaintiff objects because Defendant's request for admission does not specify which staff "knew" what Defendant wanted or when such staff may have allegedly known what Defendant wanted. Plaintiff admits that Plaintiff submitted an application to adopt the canine on May 7, 2021.

6. Admit that Pet Helpers lied to me about the adoption date when they said he was adopted the morning of May 7, 2021 and the adoption submission shows he was not adopted until May 8, 2021.

ANSWER: Plaintiff objects to Request to Admit #6 because each matter of which an admission is requested has not been set forth separately pursuant to Rule 36(a), SCRCivP. Without waiving this objection, Request to Admit #6 is two (2) requests for admission **bringing the total number of Requests for Admission to twelve (12)**. Regarding whether Plaintiff "lied" to Defendant, denied. Plaintiff admits the canine's adoption was finalized on May 8, 2021.

7. Admit Katie in intake mailed me an adoption application on May 7, 2021 and I submitted it that evening.

ANSWER: Plaintiff objects to Request to Admit #7 because each matter of which an admission is requested has not been set forth separately pursuant to Rule 36(a), SCRCivP. Without waiving this objection, Request to Admit #7 is two (2) requests for admission **bringing the total number of Requests for Admission to fourteen (14)**. Plaintiff admits that Plaintiff emailed Defendant an adoption application. Plaintiff admits that Defendant submitted an adoption application on May 7, 2021.

8. Admit that Toby's chip was not registered on the day of the adoption May 8th as is customary procedure with adoptions at Pet Helpers and I had given them the information packet on the day I surrendered him.

ANSWER: Plaintiff objects to Request to Admit #8 because each matter of which an admission is requested has not been set forth separately pursuant to Rule 36(a), SCRCivP. Without waiving this objection, Request to Admit #8 is three (3) requests for admission **bringing the total number of Requests for Admission to seventeen (17)**. Plaintiff denies that the microchip was not registered on the day of the adoption. Plaintiff admits that it is customary procedure to microchip canines that are adopted from Plaintiff. Plaintiff admits that Defendant gave Plaintiff information regarding the canine when Defendant surrendered the canine to Plaintiff.

9. Admit there is no cash receipt for the \$25.00 adoption fee on May 8th.

ANSWER: Denied.

10. Admit that Melissa Susko ordered one of her employees, John Blaine, to "adopt" the dog so I wouldn't be able to adopt him.

ANSWER: Plaintiff objects to Request to Admit #10 because each matter of which an admission is requested has not been set forth separately pursuant to Rule 36(a), SCRCivP.

Without waiving this objection, Request to Admit #10 is two (2) requests for admission **bringing the total number of Requests for Admission to twenty (20)**. Plaintiff denies that Melissa Susko ordered anyone to adopt the canine. Plaintiff denies that any employee adopted the canine or that the canine was adopted to prevent Defendant from adopting the canine.

11. Admit that the reason Ms. Susko would not let me reclaim Toby is because she wouldn't have been able to solicit donations after he was adopted to new home.

ANSWER: Plaintiff objects to this request because exceeds the allowable number of requests for admission pursuant to Rule 36(c), SCRCivP.

12. Admit that Toby is still in the possession of Pet Helpers and being kept at the facility.

ANSWER: Plaintiff objects to this request because exceeds the allowable number of requests for admission pursuant to Rule 36(c), SCRCivP.

13. Admit that Ms. Susko made false statements to City of Charleston Police on June 7 when she claimed I trespassed on Pet Helper's property June 5th, that I was yelling into car windows, that she had had "ongoing trespass issues with me" and that I had caused a safety hazard in their driveway.

ANSWER: Plaintiff objects to this request because exceeds the allowable number of requests for admission pursuant to Rule 36(c), SCRCivP.

14. Admit that Ms. Susko ordered one of her employees to try and lure me onto to the property by asking if I was alright and another one to take pictures after I approached him on June 5th.

ANSWER: Plaintiff objects to this request because exceeds the allowable number of requests for admission pursuant to Rule 36(c), SCRCivP.

15. Admit they lied to their attorney and told him that the adoption was in progress on May 7th •

ANSWER: Plaintiff objects to this request because exceeds the allowable number of requests for admission pursuant to Rule 36(c), SCRCivP and because it seeks attorney-client privileged communications.

16. Admit that their attorney made false statement about the adoption being in progress on May 7th and that I had violated the no trespass notice on June 5 in order to obtain an EX Parte Injunction and Restraining order and permanent restraining order and made verbal statements of the same on the hearing June 17, 2021.

ANSWER: Plaintiff objects to this request because exceeds the allowable number of requests for admission pursuant to Rule 36(c), SCRCivP.

17. Admit that it was logical for me to assume Toby had been euthanized when I saw how deceitful they were and how Pet Helpers callously disregarded his feelings and treated him like an object or piece of property and did not show me a video he was alive until June 16, 2021.

ANSWER: Plaintiff objects to this request because exceeds the allowable number of requests for admission pursuant to Rule 36(c), SCRCivP.

18. Admit that it was a logical assumption for me to believe they had euthanized him after I heard from a former employee that Ms. Susko was certified to perform lethal injection and had ordered or euthanized two dogs named Cody and Dixie that she knew of.

ANSWER: Plaintiff objects to this request because exceeds the allowable number of requests for admission pursuant to Rule 36(c), SCRCivP.

19. Admit that I was overwrought because I saw Toby's miserable state in the photographs and was unable to help him because of Ms. Susko refused to return Toby to me.

ANSWER: Plaintiff objects to this request because exceeds the allowable number of requests for admission pursuant to Rule 36(c), SCRCivP.

20. Admit that I was crestfallen when Pet Helpers let me believe I could adopt him and then told me he had been adopted by someone else.

ANSWER: Plaintiff objects to this request because exceeds the allowable number of requests for admission pursuant to Rule 36(c), SCRCivP.

21. Admit that they knew the dog was suffering abandonment and Pet Helpers lied to me that he was fine.

ANSWER: Plaintiff objects to this request because exceeds the allowable number of requests for admission pursuant to Rule 36(c), SCRCivP.

22. Admit that Toby was healthy, happy, and well-cared for when I surrendered him and would have been happy to return home.

ANSWER: Plaintiff objects to this request because exceeds the allowable number of requests for admission pursuant to Rule 36(c), SCRCivP.

23. Admit that Pet Helpers website advertises on their website that they try to work with families that have to surrender their pets and that they never said anything to me about not surrendering Toby on April 13, 2021 or that it was irreversible.

ANSWER: Plaintiff objects to this request because exceeds the allowable number of requests for admission pursuant to Rule 36(c), SCRCivP.

24. Admit that Pet Helpers could have allowed me to reclaim Toby when they saw that we were and have both suffered for a prolonged period of time even up to the present.

ANSWER: Plaintiff objects to this request because exceeds the allowable number of requests for admission pursuant to Rule 36(c), SCRCivP.

25. Admit that Ms. Susko has goals for donations and that the majority of Pet Helper's income comes from public donations.

ANSWER: Plaintiff objects to this request because exceeds the allowable number of requests for admission pursuant to Rule 36(c), SCRCivP.

26. Admit that the only reason they didn't allow me to reclaim Toby was that then Pet Helpers would not have been able to solicit donations after adopting him to a new home.

ANSWER: Plaintiff objects to this request because exceeds the allowable number of requests for admission pursuant to Rule 36(c), SCRCivP.

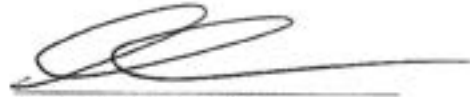
27. Admit that they only cared about donations and not the welfare of Toby or me as his sole caretaker for eight months prior to the surrender.

ANSWER: Plaintiff objects to this request because exceeds the allowable number of requests for admission pursuant to Rule 36(c), SCRCivP.

28. Admit that the EX PARTE INJUNCTION and subsequent permanent restraining orders purpose is to prevent me from making public how Toby and I were mistreated by Pet Helpers and that they are faking adoptions in order to get donations and afterwards destroying the dogs.

ANSWER: Plaintiff objects to this request because exceeds the allowable number of requests for admission pursuant to Rule 36(c), SCRCivP.

FUTERAL & NELSON, LLC



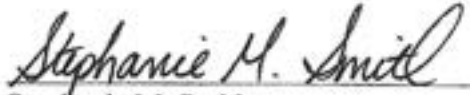
Stephan V. Futeral
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email to: sfuteral@charlestonlaw.net

Dated: July 9, 2021

CERTIFICATE OF SERVICE

The foregoing document *Plaintiff's Answers to Defendant's Requests to Admit* was served on the following by email and U.S. Mail with sufficient postage affixed, this 9th day of July, 2021:

Janet Frisco
203 Cardinal Drive
Summerville, SC 29485
Janetfrisco@yahoo.com



Stephanie M. Smith
Paralegal to Stephan V. Futeral, Esq.

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE #:2021-CP-10-2682

PET HELPERS, INC.,

Plaintiff,

vs.

JANET L. FRISCO,

Defendant.

DEFENDANT'S FIRST INTERROGATORIES
TO PLAINTIFF

FILED
2022 NOV 29 PM 4:30
CLERK OF COURT
DGR

TO PLAINTIFF PET HELPERS, INC.:

YOU WILL PLEASE TAKE NOTICE that you are hereby required to answer in writing, under oath, the following Interrogatories pursuant to Rule 33, SCRCP. These interrogatories shall continue from the time of service until the time of trial so that the information sought, which comes to the knowledge of the party, representative, or counsel, after the original answers have been submitted, shall promptly be undersigned.

DEFINITIONS AND INSTRUCTIONS

The term "identify" when used in connection with the term "documents" or "prepared materials" means, regardless of whether the production of such items is objected to, list and describe such items, stating separately for each (a) its' location; (b) the name and title of the person(s) who has custody of the items; (c) its' date; and (d) its' author.

The term "describe" when used in connection with an event, conversation, or transaction means to identify the sources from which the information was derived and to identify all parties to the transaction, to state the date and place where the transaction took place, to set forth in detail the statements made and actions taken by each party to the transaction, to identify each document to other recorded or prepared material relating to such transaction, regardless of whether the production of such information is objected to.

"Document" means every writing or record of every type and description that is or has been in your or your respective representatives (s) or attorney(s) possession, control or custody, or of which you or your representative(s) or attorney (s) have knowledge including but not limited to print-out sheets, movie film, videotape, slides, photographs, microfilm, notes, letters, memorandums, worksheets, books, magazines, diaries, calendars, appointment books, charts, tables, papers, agreements, contracts, invoices, budgets, payrolls, check stubs, canceled checks, analysis, projection, transcripts, minutes of meetings, of any kinds, correspondence, drafts, data processing, disks, or tapes and computer produced interpretations thereof, instructions, announcements and mechanical or electrical sound recordings and transcripts

thereof. "Document" also means all copies which are not identical to the original, such as those bearing marginal comments, alterations, notes or other notations not present in the original documents as originally types, or otherwise prepared.

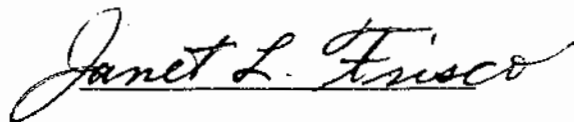
Whenever an Interrogatory calls for information claimed by YOU to be privileged, please supply sufficient factual detail to enable the Court to determine whether or not such document or communication is entitled to claim of privilege, including (1) the date and dates of the communication or document; (2) the name and position of each person who participated in the preparation of the document; (3) the name and position of each person who participated in the communication, or in the case of a document, state to whom the document was addressed, and the name of each person to whom the document, or the contents thereof have been communicated by copy, exhibition, reading, or oral conversation of any kind; (4) the general subject matter of the communication or document; and (5) the basis or bases for the claim of privilege.

INTERROGATORIES

1. Set forth the names of all veterinarians and offices that that provide medical services to Pet Helpers, Inc.
2. Provide any credentials, training or certificates held by Ms. Melissa Susko, the executive director qualifying her to euthanize dogs or cats.
3. Provide records of the number of all dogs and cats that were processed through Pet Helpers Intake Department of surrendered, stray or any otherwise acquired the year of 2021.
4. Provide record of the total number of adoptions that were processed by Pet Helpers in 2021.
5. Provide records of the number of dogs or cats that were moved to other shelters or rescue facilities during 2021.
6. Provide the amount in dollars of donations given to Pet Helpers by individuals, businesses or any other source in 2021.
7. For each person known to you to be a witness concerning the facts of the case, set forth either in 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.
8. 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.
9. Explain what percentage of animals can be lethally disposed of and for what reasons at a "no-kill shelter".
10. Is there any government agency that oversees the handling of animals at animal shelters such as Pet Helpers and reviews their records?

11. Did Pet Helpers advertise on their website that they try to keep pets and their owners together and help people avoid surrendering their pets?
12. Does Pet Helpers believe that dogs and cats do not suffer the effects of separation when they are abandoned by their owners at shelters?
13. Did Ms. Susko order two of her employees to try and entice the defendant to violate Ms. Susko's No Trespass Notice and to take photographs on or about June 5th, 2021 so she could press charges against the defendant?
14. Was Ms. Susko directly or indirectly involved in the deaths of two dogs, Cody and Dixie, while Sue Lambert was an employee there?
15. Did Ms. Susko tell Ms. Lambert she had received training in euthanasia as she was returning from the training?
16. Does Ms. Susko have a donation goals/quotas she must achieve set down by Pet Helpers' Board of Directors?
17. What was the dollar amount in donations Pet Helpers received on Toby after posting the "I'm Going Home" and "Happy Ending Update" photos on their website?
18. Was Toby still confined at Pet Helper's shelter in the photograph titled "Happy Ending Update" posted on Pet Helpers' website in May of 2021?
19. Did Pet Helper's employee, Blaine John, pose with Toby in an adoption photo holding a sign which read, "I'm Going Home" on or about May 10, 2021 on Pet Helpers' website?
20. Did Melissa Susko leave a phone message on May 7, 2021 for the Defendant stating that Toby had been adopted that morning?
21. Was the redacted adoption application the Plaintiff's lawyer submitted to the Defendant dated May 8, 2021?
22. Did the Defendant electronically submit an adoption application on the evening of May 7, 2021 that Katie Leasure in the Pet Helper's Intake Department had sent her on May 6, 2021?
23. On a preadoption form dated May 8, 2021, why were the names of two other dogs crossed off on the form?
24. Is it fraudulent for a nonprofit organization to collect donations and subsidies under false pretenses?
25. Did Pet Helpers send the defendant a video of Toby with Melissa Susko and other employees of Pet Helpers on or about June 15, 2021 to prove he was alive?

Dated: November 29, 2022



Janet L. Frisco, Pro Se Defendant
 203 Cardinal Drive
 Summerville, South Carolina 29485
 843-804-0875
 janetfrisco@yahoo.com



265

Futeral & Nelson LLC

1004 Anna Knapp Boulevard
Mount Pleasant, South Carolina 29464

Mailing Address:

P.O. Box 1385
Mount Pleasant, South Carolina 29465
Tel: 843-284-5500 | Fax: 843-284-5501
charlestonlaw.net

December 2, 2022

VIA EMAIL AND US MAIL

Janet Frisco
203 Cardinal Drive
Summerville, SC 29485

RE: Pet Helpers, Inc. v. Janet Frisco, et al.
Case No.: 2021-CP-10-2682

Dear Ms. Frisco:

Enclosed please find *Plaintiff's Answers to Defendant's Interrogatories*. As referenced in Plaintiff's response to your interrogatory number six (6), I have also enclosed a proposed *Consent Order of Confidentiality*.

Sincerely,

Stephan V. Futeral, Esq.

SVF/sms
Enclosures
cc: Client

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

PET HELPERS, INC.,

Plaintiff,

vs.

JANET FRISCO,

Defendant.

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NO.: 2021-CP-10-2682

**PLAINTIFF'S ANSWERS TO
DEFENDANT'S INTERROGATORIES**

TO: DEFENDANT, JANET FRISCO:

Plaintiff, Pet Helpers, Inc., by and through undersigned counsel, responds to Defendant's Interrogatories as follows:

1. Regarding Interrogatories 1 through 5 and 9 through 25, on May 5, 2022, the court filed an order granting partial summary judgment to Plaintiff on all legal and factual issues regarding both parties' claims and, as such, the only remaining issue for trial is the amount of damages owed to Plaintiff. Accordingly, Plaintiff objects on the grounds that Defendant's interrogatories are overly broad, unduly burdensome, and not calculated to lead to the discovery of admissible evidence on the sole remaining issue of damages in this case.

2. Plaintiff objects to Interrogatory 6 that requests the amount of donations in 2021. Such information is highly confidential, and Plaintiff has a history of sharing information regarding this case with the public notwithstanding restraining orders this court has issued to prevent the public dissemination of information regarding this case. Without waiving this objection, Plaintiff will provide this figure upon the issuance of an Order of Confidentiality in this case.

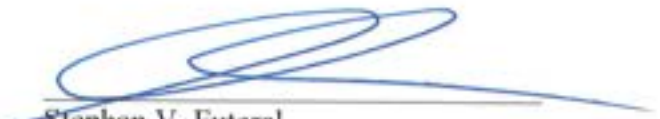
3. Regarding Interrogatories 7 and 8, Plaintiff answers as follows:

Melissa Susko
Executive Director of Pet Helpers Adoption Center & Spay/Neuter Clinic
1447 Folly Road, Charleston, SC 29412
843-795-1110

Written statements already in Defendant's possession

Ms. Susko will testify regarding the damages sustained by Pet Helpers from Defendant's defamatory statements.

FUTERAL & NELSON, LLC



Stephan V. Futeral
S.C. Bar ID: 66427
1004 Anna Knapp Blvd., Suite 3
Mount Pleasant, South Carolina 29464
(843) 284-5500 (843) 284-5501 fax
email to: sfuteral@charlestonlaw.net

Dated: Dec. 2, 2022

CERTIFICATE OF SERVICE

The foregoing document *Plaintiff's Answers to Defendant's Interrogatories* was served on the following by email and U.S. Mail with sufficient postage affixed, this 2nd day of December 2022:

Janet Frisco
203 Cardinal Drive
Summerville, SC 29485
Janetfrisco@yahoo.com



Stephanie M. Smith
Paralegal to Stephan V. Futeral, Esq.

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

PET HELPERS, INC.,

Plaintiff,

vs.

JANET FRISCO,

Defendant.

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NO.: 2021-CP-10-2682

**CONSENT ORDER OF
CONFIDENTIALITY**

In order to preserve and maintain the confidentiality of certain documents to be produced by Plaintiff in this action, it is ordered that:

1. Financial statements, tax records, and other documents or materials regarding financial information to be produced by Plaintiff regarding during discovery in this litigation shall hereafter be referred to as "Protected Documents." When used in this order, the word "documents" means all written material, video tapes and all other tangible items, whether produced as hard copy or otherwise. Except as otherwise indicated below, documents designated by Plaintiff "Subject to Protective Order" shall be Protected Documents and given confidential treatment as described below. Plaintiff will visibly mark all confidential material "CONFIDENTIAL" and will not mark any other material "CONFIDENTIAL."

2. Both the protected documents and the information contained therein shall be treated as confidential. Except upon the prior written consent of the parties or upon further order of this court, the Protected Documents or information contained therein may be shown, disseminated, or disclosed only to the following persons:

- i. A party's counsel of record in this case, including other members of counsel's law firm and any other counsel associated with the preparation or trial of this case;
 - ii. Employees of a party's counsel or of associated counsel, who assist in the preparation or trial of this case;
 - iii. Experts retained by a party for the preparation or trial of this case; and
 - iv. The court or the court's staff subject to the South Carolina Rules of Evidence and the trial court's determination that such evidence is admissible at trial.
3. Before giving access to any of the Protected Documents or information contained therein, each person described in the proceeding paragraphs above shall be advised of the terms of this order, shall be given a copy of this order, and shall agree in writing, by signing a copy of this order, to be bound by its terms and to submit to the jurisdiction of this court.
4. Within thirty (30) days after the conclusion of this case, including settlement, trial, post-trial motions, or appeals, if any, Defendant must return the Protected Documents to Plaintiff's counsel.
5. To the extent that Protected Documents or information contained therein are used in the taking of depositions, such documents or information shall remain subject to the provisions of this order.
6. This Protective Order shall be binding upon the parties hereto, upon their attorneys, and upon the parties' successors, personal representatives, administrators, heirs, legal representatives, assigns, employees, agents, or other persons or organizations over which they have control.

SIGNATURE PAGE TO FOLLOW

IT IS SO ORDERED!

Presiding Judge
Court of Common Pleas
9th Judicial Circuit

Dated: _____
Charleston, South Carolina

WE CONSENT:

Stephan V. Futeral, Esq.
1004 Anna Knapp Blvd., Suite 3
Mt. Pleasant, SC 29464
sfuteral@charlestonlaw.net
Attorney for Plaintiff

Janet Frisco
203 Cardinal Drive
Summerville, SC 29485
Janetfrisco@yahoo.com
Pro-se Defendant

ATTACHMENT A

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

PET HELPERS, INC.,

Plaintiff,

vs.

JANET FRISCO,

Defendant.

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NO.: 2021-CP-10-2682CERTIFICATION OF DESIGNATION
OF INFORMATION AS
CONFIDENTIAL

Documents produced herewith **[whose bates numbers are listed below (or) which are listed on the attached index]** have been marked as CONFIDENTIAL subject to the Confidentiality Order entered in this action which Order is dated [confidentiality order date].

By signing below, I am certifying that I have personally reviewed the marked documents and believe, based on that review, they are properly subject to protection under the terms of the Confidentiality Order.

Date: [date attachment A signed][Signature of Counsel [s/name]]

Signature of Counsel

[Printed Name of Counsel [A]]

Printed Name of Counsel

THE STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT

PET HELPERS, INC.,

CASE NO.: 2021-CP-10-2682

Plaintiff,

vs.

JANET FRISCO

Defendant.

**AMENDED REPLY TO PLAINTIFF'S
MEMORANDUM IN OPPOSITION TO
DEFENDANT'S MOTION TO COMPEL
DISCOVERY**

2023 OCT 10 PM 2:35

BACKGROUND

The Defendant surrendered my hunting dog Toby that I had rescued and fostered for six months to Pet Helpers Shelter on April 13, 2021 that was neutered, chipped, heartworm-free and vaccinated, but still had to pay a \$100.00 fee for them to accept him. A few days later I noticed on their website that Toby looked devastated in the posted photos and I called Katie Leasure in the Intake Department with my concerns. She said he was fine, going on daily walks and in a playgroup and denied he was unhappy. According to their admissions the Plaintiffs don't believe dogs can experience sadness. I called in distress several times and when heard I there was a low-cost adoption event sponsored by Bissell Pet Foundation planned for the weekend of May 9th lowering the adoption fee to \$25.00 since Bissell was subsidizing the adoptions. I also sent an email requesting his return April 23, 2021 (**EXHIBIT A**).

On May 6th Ms. Leasure sent me an online application which I submitted on the following evening. My cellular phone had to be repaired so I didn't get the message Melissa Susko left me telling me he had been adopted. I called them on the 8th or 9th to check on the

status of my application and that's when they said he had been adopted on the morning of May 7th. Later the Plaintiff's attorney sent me the redacted adoption application and the date of the alleged adoption was actually May 8th (**EXHIBIT B**). Melissa Susko, the executive director, states in *AFFIDAVIT OF MELISSA SUSKO IN SUPPORT OF PLAINTIFF'S MOTION FOR EMERGENCY EX/PARTE RESTRAINING ORDER NO. 6* that Toby was adopted May 7th as per the phone message she left me and Katie Leasure had repeated when I called to check on my application (**EXHIBIT C**).

On or about May 10th Pet Helpers posted a picture on their website with a man holding sign saying "I'm Going Home" with Toby cowering on a leash (**EXHIBIT D**). The man was heavy set and wearing a hat, mask and glasses. I feared Toby had been adopted by a hunter and that was what I had rescued him from so I contacted them with that concern. I decided to go over there on a weekday and speak with Ms. Susko. On the way over she called me and I asked her if she would explain to the man who had him how upset I was and that I was willing to buy Toby from him. She harshly answered, "You surrendered your legal rights and I'm going to interrupt you now!". I realized it was useless to try and talk to her, but before I hung up on her, I said I would be back with the army of God. Afterwards she must have immediately called the police and when they arrived, she requested a "No Trespass Notice". Providentially I turned around and went home and drove back the next Saturday, but I called the Charleston Police on the way and told them I was going to Pet Helpers and publicly protest their actions on the right-of-way in front of their business. Two officers met me at the Food Lion on Folly Road and that's when I was notified that Susko had requested the "No Trespass Notice" and also warned me from contacting them or it would be harassment. I started the protest and went regularly to hold up different signs. One said they were cruel and greedy which was absolutely true because the only reason they refused to reunite Toby and I was that they would lose donations if they gave him back to me. Money was the only thing they cared about. They tried to say I was unsuitable to adopt because I had eight dogs, but Toby and all my other pets are well-cared for and happy so that excuse is invalid. One of the reasons I have multiple animals is because I

don't trust shelters and this incident has definitely proven my worst fears.

One day while I was protesting, a former employee of Pet Helpers approached me and said she would help me. She was familiar with their website and obtained a photo from it of Blaine John, an employee, who wore glasses, had thinning hair and was overweight who strongly resembled the man in the adoption photograph with Toby (**EXHIBIT E**). She told me later that Susko had told her she was certified to euthanize as she returned from the training one day. She also told me that Susko had been involved in the deaths of two other dogs, Cody and Dixie, at the shelter who were not aggressive or medically untreatable. When she told me that I believed they had killed him and I felt like I had been kicked in the stomach. I started broadcasting that they had killed Toby in my protests until they finally showed me a video of Toby with the front page of the newspaper on June 16th, 2021 and I stopped saying it because they proved he was alive.

A shelter is allowed to refer to itself as "No Kill" if they stay under a certain percentage and the animal is aggressive or medically untreatable and that is at the discretion of the manager. The answer to Defendant's interrogatory #6 is necessary to show that Melissa Susko, the executive director of Pet Helpers, is certified to euthanize and the Defendant was not malicious when she concluded Ms. Susko killed Toby after the adoption was staged and they collected donations. In Pet Helpers financial report for 2021 it states Pet Helpers received \$2,012, 672 in contributions which was 76.4% of Pet Helpers' total revenue. The \$64,803 salary of the executive director and other employees comes from donations so that establishes a motive for their fraud. Ms. Susko also received an additional \$1900 that same year for unspecified reasons of which could possibly benefit the Defendant's case against Pet Helpers depending on the reason.

On or about June 5, 2021 as Defendant stood by the street protesting, two of Pet Helper's employees tried to lure me on to Pet Helper's property. One stopped his car in the driveway and asked me if I was alright and the other one pulled in behind him immediately after and starting taking pictures with his phone. The following Monday, Susko called the police and

claimed I'd trespassed. I went to the police department and filed a Freedom of Information request to obtain the photographs and police reports. Later I went to the Registrar of Deeds office for a copy of the tax map because the Plaintiff's attorney sent me a threatening email saying that "we" can reopen the investigation even though the police said I didn't trespass. I assume he meant he and the Court could reopen the investigation. When he filed the Complaint on June 9, 2021, he made false statements that Defendant had trespassed that Day [Page 4, Item 23] and that the adoption was May 7 [Page 2, Item 14] (**EXHIBIT F**).

Pursuant to Rule 37(a) SCRPC Defendant Janet Frisco, requests that this court compel Plaintiff's answers to Defendants First interrogatories which are necessary to establish a genuine issue of material fact prior to a jury trial (**EXHIBIT G**). The present case is pending appeal based on Plaintiff's attorney's abuse of civil process in the implementation of the complaint and abuse of the standard of discretion by ruling judges during the course of this litigation.

Defendant is specifically appealing the granting of Summary Judgement ordered May 5, 2022 so that a jury can decide, based on witness testimony and evidence that was not able to be presented during the hearings, whether the Plaintiff's did in fact stage the adoption of my rescued and fostered dog Toby, aka Slim Jim, in order to collect donations and thereby commit fraud.

The Plaintiff's Attorney acknowledges in his *Respondents Return to Appellant's Motion to Strike 2nd Amended Designation of Matter* the Summary Judgement was granted based on affidavits and memorandums from Pet Helper's employees [Page 3, II-1] (**EXHIBIT H**). These signees are the same employees who were involved in the alleged adoption that may be guilty of fraud. Ms. Susko has also claimed that Defendant "screamed at customers and left threatening voice mails". She would have to provide evidence for these allegations in a jury trial rather than merely signing memorandums and affidavits. Since these documents were signed by the same individuals who participated in the alleged adoption they should not be viewed as credible by this or any other court. Photographs obtained by the Defendant from Pet Helpers website indicate that the employee Blaine John posed with Toby in the "I'm Going Home

Adoption" Photograph. In October of 2022 the Plaintiff's Attorney sent the Defendant a picture of Blaine John who had lost a considerable amount of weight beside another individual Pet Helpers claimed was the person that adopted Toby (**EXHIBIT I**). At the hearing on April 22, 2022 the Plaintiff's attorney submitted an adoption application, but did not submit a photo identification card with it to prove it was the same person in the photograph he sent the Defendant in October claiming he was the adopter and attempting to refute Defendant's claim it was Blaine John who posed as an adopter on or about May 10, 2021.

DEFENDANT'S REPLY

The Plaintiff's attorney states the following on Page 1, Paragraph 2: "The gravamen of Defendant's claims can be summed up by the following allegation - "[Defendant] suffered severe depression and grief and am [sic] still suffering due to the separation [Plaintiff] needlessly created by not returning the dog to [Defendant]." Plaintiff answered and counterclaimed for malicious Page 2 of 6 prosecution. On January 6, 2022, the lower court consolidated Frisco v. Pet Helpers, Inc. with Pet Helpers, Inc. v. Janet Frisco, 21-CP-10-02682."

Defendant's Reply: The Plaintiff's Attorney should be aware that the deliberate infliction of emotional pain is a recognized cause of action. The lower court erred in consolidating the two cases and later granting the Plaintiff's counterclaim for Malicious Prosecution and orders of May 5, 2022 that are pending appeal at this time.

The Plaintiff's Attorney states the following on Page 2, paragraph 1: On March 2, 2022, the Court of Appeals dismissed first appeal because Defendant did not timely serve the appeal.

Defendant's Reply: The Appeals Court did not consider SCACR Rule 60(b)(3) that the appeal was pursuant to where "fraud, misrepresentation or other misconduct of an adverse party" are issues, but just agreed with the Plaintiff's Motion citing SCACR Rule 203(b)(1) that it was untimely (**EXHIBIT J**). When I petitioned for a rehearing for that reason they denied the rehearing. The motion was not untimely filed because the filing limit was one year under that rule. They ignored the wrongdoing of the Plaintiff's attorney as the lower court and Office of Disciplinary Counsel has done with the complaints I made on the plaintiff's lawyer, Stephan Futeral, and Judges in the lower court that signed orders all in favor of the Plaintiff's without considering their attorney making false statements on filed court documents or manufacturing evidence when he submitted the adoption certificate without any verification. Judge Bentley Price accepted it without any questions over my objections implying it could be a forgery because Pet Helpers has control of the forms.

I have come to the conclusion that the courts including magistrate, small claims, county and state are protecting individuals who commit crimes. In an earlier case I was involved in Janet Frisco v. Debra Walker in 2005 all three of the aforementioned courts ruled in favor of Ms. Walker who had illegally obtained information on my stolen 1990 Honda Accord and claimed she stored it in order to obtain ownership through the court of David Coker. When I appealed the case to this court, Ms. Walker was not notified to be there and Judge Markley Dennis, Jr. dismissed the case without considering the evidence. I objected to the consolidation of the two cases Pet Helpers v. Janet Frisco 2021-CP-10-2682 and Janet Frisco vs. Pet Helpers, Inc. and Melissa Susko 2021-CP-10-2848 with the *Plaintiffs Amended Objection to Defendant's Motion to Reconsider Consolidation (EXHIBIT K)*.

The Plaintiff's attorney states the following on Page 2, Paragraph 3: "Defendant failed to answer Plaintiff' Interrogatories and Requests for Production that were due by July 23, 2021. On January 11, 2022, the lower court ordered Defendant to respond to Plaintiff' discovery by

Defendant's reply: The Plaintiff's Production and Interrogatories were overly broad, oppressive and were submitted to prevent the Defendant from being able to defend herself against the barrage of motions and actions implemented by the Plaintiff's attorney (EXHIBIT L). Defendant has stated in initial brief in the pending appeal that the Plaintiff implemented a Strategic Lawsuit Against Public Participation (S.L.A.P.P.).

I contracted COVID-19 with related Pneumonia in August 2021 and was severely anemic afterwards. I work full-time as a security guard. I'm widowed and have to take care of my home, yard, and my six remaining rescued dogs and two cats. There is no possible way anyone could have answered those production requests and the interrogatories were irrelevant to the case and violated Defendant's right to privacy. The Plaintiff's attorney knew Defendant wouldn't be able to complete them and he would be able to request sanctions and incarcerate me if I didn't and that was his strategy to win the case and prevent a jury trial. It's a formula that he has probably had a great deal of success with in the past. It was only after the Partial Summary hearing that I had time to file my first interrogatories and I had requested by affidavit a continuance on the judgement on April 22, 2022 hearing pursuant to affidavit to 56(f) in order to submit interrogatories, but it was denied by the Court (EXHIBIT M).

The Plaintiff's Attorney states the following on Page 3 Paragraph 2: " On January 11, 2022, the lower court denied Defendant's motion to amend because Defendant failed to submit a proposed amended pleading for the court's review..."

Defendant's Reply: I filed a form motion to supplement my answer with the proposed amended pleading attached as Exhibit A. pursuant to SCRPC 56(d), but the court did not respond when I requested the review for the supplement to my answer (**EXHIBIT N**).

The Plaintiff's Attorney states the following on Page 4, Paragraph 3: "In other words, Defendant seeks information about Plaintiff's claims and Defendant's defenses that have been already rendered moot by this court's summary judgment order."

The Defendant's Reply: The judgements of the lower court are pending appeal based on the lower court's abuse of the standard of discretion and the Plaintiff's attorney's abuse of civil process including possibly criminal acts. A jury trial where evidence can be subpoenaed and witnesses can be cross-examined to prove that the plaintiffs engaged in fraud by staging an adoption of Toby and their lawyer committed fraud upon the court in manufacturing evidence.

Judge Bentley D. Price has been deemed overall unqualified after receiving one unqualified mark in the "reputation" category by the South Carolina Bar as of October 6, 2023 so Defendant now fully understands why the Plaintiff's attorney wanted a continuance at the first hearing for the Partial Summary Judgement scheduled December 12, 2021 so the motion could be heard by Judge Price. My appeal specifically mentions his abuse of the standard by Judge Price for accepting the unredacted adoption application without photo identification and not allowing Defendant to argue her motions during the hearing.

The Plaintiff's Attorney States the following on Page 5, Paragraph 3: " In other words, Defendant has demonstrated significant instability and Defendant cannot be trusted with the information she seeks."

Reply of the Defendant: The Plaintiff's attorney thinks the Defendant is unstable because she protested what Pet Helpers did and exposed their wrongdoing. He also thinks Defendant is unstable because she defended herself from his illicit lawsuit. In addition, he doesn't want anyone to have the information Defendant is requesting on the Interrogatories because he knows it will incriminate them and all those involved could face legal consequences including him.

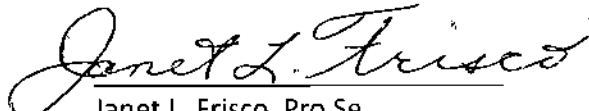
The Plaintiff Attorney States the following on Page 6, Paragraph 1: "In the unlikely event this court grants Defendant's motion, Plaintiff requests that this court issue a protective order prohibiting Defendant from disseminating any information to the public and from harassing any persons or entities identified in response to interrogatories."

Reply of the Defendant: The practices and profits of any 501-c3 Non-Profit charitable organization are available to the public to monitor the integrity of the charity that is soliciting donations. Defendant was able to find the answer for the amount of donations in Interrogatory 6 by performing an internet search. Charitable organizations are monitored and scored by independent groups to protect the potential donors, and Pet Helpers, Inc. should not be concerned with Defendant's interrogatories unless they have something to hide which at this point seems to be the case. This is probably only the tip of the iceberg considering what Defendant has brought to the surface concerning Ms. Susko's deceptive, mercenary, and sadistic nature and through the remaining interrogatories much will be gained to expose their other probable criminal acts.

CONCLUSION

The case is not over until the Appeals Court rules on Defendant's appeal and the Plaintiff's Attorney should be aware of that. He's afraid the Interrogatories will illuminate the truth and he doesn't want the truth about Pet Helpers and Melissa Susko to be known. In addition, he is protecting himself because he's an accessory to criminal fraud by trying to cover it up with the lawsuit and falsely accusing me of libel and slander. I was victimized by the Plaintiff's and the lower court who have assisted them in furthering that by sanctioning me for thousands of dollars and falsely imprisoning me until I paid the extortion money the Plaintiff's lawyer demanded. Defendant requests that all interrogatories be answered which will assist in supporting the pending appeal.

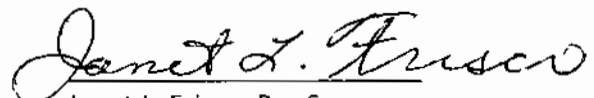
DATED: October 10, 2023


 Janet L. Frisco, Pro Se
 203 Cardinal Drive
 Summerville, South Carolina 29485
 843-804-0875
 janetfrisco@yahoo.com

PROOF OF SERVICE

The foregoing document **AMENDED REPLY TO PLAINTIFF'S MEMORANDUM IN OPPOSITION TO DEFENDANT'S MOTION TO COMPEL DISCOVERY** in Case No. 2021-CP-10-2682 Pet Helpers, Inc. v. Janet Frisco was served by email and regular U.S. Mail with sufficient postage affixed this 10th day of October 2023 to the Plaintiff's legal representative named below:

Stephan V. Futeral
1004 Anna Knapp Blvd., Suite 3
Mount Pleasant, South Carolina 29464
sfuteral@charlestonlaw.net


Janet L. Frisco, Pro Se

FILED
2023 OCT 10 PM 2:35
CLERK OF COURT
JL

HOME MAIL NEWS FINANCE SPORTS ENTERTAINMENT LIFE SEARCH SHOPPING Yahoo! PLUS Upgrade Now

Toby x Search in toby... Advanced v Home

Compose

Inbox 43k

Unread

Starred

Drafts 1

Sent

Archive

Spam

Trash

^ Less

Views Hide

Photos

Documents

Emails to myself

Subscriptions

Shopping

Receipts

Credits

Travel

Folders Hide

+ New Folder

2019 tax documents

Accident

Andrea

Animal Advocacy 3

Appeal 1

AT & T 3

carriage horses 1

complaint

Computer Updates

Important 6

Judge Griffin

Meadowbrook

MILDRED BLACK

Outbox

Toby 1

trident Security

Received Email Re: Toby 3 Yahoo/Toby ☆

 **intake pethelpers** Thank you for contacting me Fri, Apr 23, 2021 at 2:06 AM ☆

 **Janet Frisco** <janetfrisco@yahoo.com> Fri, Apr 23, 2021 at 2:06 PM ☆
To: intake pethelpers

Katie, Could I please come there and get Toby back tomorrow. I thought I was doing the right thing for him, but he doesn't look happy at all in the pictures. He's had a rough life and I can't let him down like the hunter who previously owned him.

Janet Frisco

Sent from Yahoo Mail on Android

> Show original message

 **intake pethelpers** <intake@pethelpers.org> Fri, Apr 23, 2021 at 2:57 PM ☆
To: Janet Frisco

I will call you in a few minutes.

Katie

> Show original message

 **Pet Helpers**
Adoption Center
Spay/Neuter Clinic

Intake Department
1447 Folly Rd Charleston, SC 29412
t: 843-795-1110 | p: 843-531-6130

<http://www.pethelpers.org/>


Image not found

Get Trey Taylor Tickets at:
<https://charleston.boldtypetickets.com/events/111137472/an-intimate-evening-with-trey-taylor>

The information contained in this email, and any attachments hereto, is from Pet Helpers, Inc. and is intended only for use by the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this email, you are hereby notified that any dissemination, distribution, copying or use of the contents of this email, and any attachments hereto, is strictly prohibited. If you have received this email in error, please immediately notify me by reply email and permanently delete the original and any copy of this e-mail and any printout thereof.

EXHIBIT B

5/8/2021

Contract

Adoption Contract - May 8 2021

Tel.: 843-795-1110 | Fax: 843-795-8090



Pet Helpers
1447 Folly Road
Charleston, South Carolina 29412 USA
mausko@pethelpers.org
<https://www.pethelpers.org/index.html>

Person ID: [REDACTED]

Animal Information

Animal ID: A47529858 Name: Slim Jim Types: Dog Gender: Male
 ARN: Toby DOB: 4/13/2020 Breeds: Hound/Mix Altered: Yes
 Chip #: 982091063428429 Current Age: 1 y 0 m 25 d Colors: Brown/White Size: Large
 Type: 24PetWatch Age Group: Adult - 1 year and older Pattern: Tricolor Weight: 50.20 pound

I, [REDACTED] (hereinafter Adopter), acknowledge receiving from Pet
 Helpers Adoption Center and Spay/Neuter Clinic (hereinafter Pet Helpers), custody of
Slim Jim (microchip #: 982 09 1063428429), and, in return consideration
 to Pet Helpers hereby promise and agree to the following:

1. Use as Companion Animal: [REDACTED] Adopter Initials

- a. Adopter agrees that the animal will be kept only as a companion animal. The above-named animal will not be used for fighting, breeding, racing, or experimental/research purposes.

2. Animal Care: [REDACTED] Adopter Initials

- a. Adopter will, at his/her own expense, provide the adopted animal with adequate and proper quantities of wholesome food and water, safe and adequate shelter, proper and adequate exercise, training, appropriate veterinary attention, and, in general, treatment in accordance with the humane and prudent practices of animal care.
- b. Adopter shall comply with all city, county, and state laws and regulations, including but not limited to, those relating to care, housing, licensing, ordinances, etc.
- c. The animal adopted must live indoors and cannot be tethered or kenneled outdoors.
- d. Although your adopted animal is microchipped, adopter agrees to have an ID tag and collar on adopted animals at all times.
- e. Adopter shall provide heartworm and/or flea preventative for life of animal. If a canine is returned to Pet Helpers, adopters agrees to provide current heartworm test results at time of return. If tested positive, adopter shall be financially responsible for heartworm treatment.
- f. Adopter is aware of maintenance needs of the species being adopted. Adopter agrees that he/she will not declaw, crop, dock or otherwise mutilate any animal he/she is adopting from Pet Helpers unless in cases of medical necessity.

5/8/2021

Contract

g. Adopter agrees that if any behavioral issues arise after adoption, the adopter will enlist help from the Pet Helpers staff by contacting our shelter immediately. Adopter also agrees to work with our shelter trainer who can assist in overcoming any issues that may arise.

3. Prior Animal Care Charges or Convictions: [REDACTED] Adopter Initials

a. Adopter represents that he/she has never been subject to legal action for cruelty to or neglect of animals. Adopter further represents that he/she has never owned an animal that has been confiscated by any animal control or humane organization for violations of state or local animal control regulations or animal adoption agreements.

4. Full Household Consent: [REDACTED] Adopter Initials

a. Adopter represents that all household members have agreed to the adoption of the animal and will abide by the terms of this agreement.

5. Tenant and zoning: [REDACTED] Adopter Initials

a. If the Adopter is a tenant, then Adopter agrees that he/she has permission from his/her landlord to own and possess this animal at his/her residence.
b. It is the responsibility of adopters to check local zoning and housing communities to ensure animal/breed is acceptable to live in such community.

6. No Guarantee Given Regarding Breed, Health or Temperament: [REDACTED] Adopter Initials

a. Adopter acknowledges and understands that Pet Helpers makes no claims as to the temperament, health, disposition, or general condition of this animal. Pet Helpers has provided the adopter, to the fullest extent possible, information about the health, history and background of the animal. The Adopter understands that animals at Pet Helpers come from a rescue environment in which little may be known about the animal's past. Hence, Pet Helpers cannot guarantee that this animal is free from all illness despite the organization's best efforts and due diligence to minimize and prevent disease transmission. The adopter accepts responsibility for the animal based on the information available and provided at the time of this agreement.

b. Pet Helpers does not perform DNA testing to determine the breed of our animals. All breeds are 'best guessed' and opinion may vary.

7. Release of Liability: [REDACTED] Adopter Initials

a. Adopter accepts possession of (subject to the conditions of the adoption contract), and responsibility for the animal adopted and agrees to release and discharge Pet Helpers, its agents, officers and directors, heirs or assignees forever from liability for any injury or damages to any person or property caused by the adopted animal, and from any causes of action, claims, suits, or demands whatsoever that may arise as a result of such injury or damages.

8. Transfer of Ownership: [REDACTED] Adopter Initials

a. The Adopter agrees not to sell, trade, loan, or give away the animal without the prior written consent of Pet Helpers. This adoption agreement is non-transferable.
b. Adopter agrees to notify Pet Helpers via email of any address or phone number changes so that we can keep our records current in case your pet gets lost and we are notified.

9. Return of Animal to Pet Helpers: [REDACTED] Adopter Initials

a. We at Pet Helpers seek forever homes for the animals that come through our shelter and encourage adopters to adopt our philosophy. Adopter can transfer the adopted animal into another home only after notifying Pet Helpers, giving us the first option of return and providing Pet Helpers with new adopters' information. Adopter will not be eligible for any refund of adoption donation fees or expenses.

5/8/2021

Contract

However, if Pet Helpers can accept animal back into our shelter, all intakes are scheduled through our intake coordinator by appointment only.

10. Reservation of Rights: [REDACTED] Adopter Initials

- a. Pet Helpers reserves the right to an ongoing review of this adoption at random, to follow up on any complaints or reports to protect the welfare of this animal. If the Adopter does not satisfactorily uphold any of the terms of this Agreement and/or if any misrepresentations have been made to Pet Helpers in order to obtain the animal, Pet Helpers reserves the right to void this Agreement and take immediate possession of the animal, wherever it is located. At such time the adopter's rights shall be terminated and adopter agrees that he/she shall have no direct cause of action or claim against Pet Helpers, its officers, directors, staff, or volunteers regarding such removal and termination of rights. In the event the Adopter fails or refuses to return such animal upon demand, he/she hereby agrees to pay Pet Helpers reasonable attorneys' fees in the event an attorney is consulted or if suit is brought for the return of the animal.

11. Copy of Contract: [REDACTED] Adopter Initials

- a. Adopter acknowledges that he/she has received a copy of this Animal Adoption Contract signed by both parties.

I certify that I am over the age of 18 and lawfully competent to enter into this contract. I agree that all information provided in the Adoption Application and Adoption Contract is truthful to the best of my knowledge and belief. If it is found that any statements I have made on the Adoption Application and Contract are not true, the adopted animal can be confiscated.

[REDACTED]
Adopter Signature

[REDACTED] 05/08/21
Date

[REDACTED]
Signature
Agent, Pet Helpers Adoption Center

[REDACTED] 5/8/21
Date

EXHIBIT C

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

PET HELPERS, INC.,

Plaintiff,

vs.

JANET FRISCO,

Defendant.

IN THE COURT OF COMMON PLEAS

NINTH JUDICIAL CIRCUIT

CASE NO.: 2021-CP-10-_____

**AFFIDAVIT OF MELISSA SUSKO IN
SUPPORT OF PLAINTIFF'S MOTION
FOR EMERGENCY/EX PARTE
RESTRAINING ORDER AND
INJUNCTIVE RELIEF**

PERSONALLY, appeared before me, Melissa Susko, who after being duly sworn, deposes and states as follows:

1. I am the Executive Director of the Plaintiff company, Pet Helpers, Inc. which is a non-profit animal adoption center and spay/neuter clinic which serves communities in the Lowcountry, including, Charleston County, Dorchester County, Berkeley County, and surrounding areas.

2. Plaintiff's mission is to end the euthanasia of all adoptable cats and dogs by sheltering all animals until adopted; providing low cost spay/neuter surgeries; offering humane education programs; pursuing animal-cruelty prosecution; and initiating animal-welfare legislation. Plaintiff is a "no-kill" facility meaning that it does not euthanize any animals it takes into its shelter.

3. Plaintiff receives donations to support its mission, to assist in the costs of caring for surrendered animals, and to support its ability to provide low cost spay/neuter surgeries for animals in the community.

4. On April 13, 2021, because she had too many animals in her home, Defendant willingly released and relinquished all ownership of a hound mix dog "Toby" to Plaintiff (see Exhibit

ELECTRONICALLY FILED - 2021 Jun 09 11:54 AM - CHARLESTON - COMMON PLEAS - CASE#2021CP1002682



A to the Complaint). After “Toby” was surrendered by Defendant, Plaintiff changed the dog’s name to “Slim Jim.”

5. On April 23, 2021, Plaintiff posted photographs of “Slim Jim” to their Facebook page indicating that the dog was ready for adoption. That same day, Defendant sent an email to Plaintiff stating that Plaintiff “traumatized” the dog by renaming him, questioned why the dog was not using the leash she provided, and stating that the dog looked “sad.” Defendant subsequently left voicemail messages with Plaintiff requesting to take the dog back.

6. On May 7, 2021, Defendant called Plaintiff stating that the dog looked “happier with her,” and she wanted to adopt the dog. Defendant was informed that she would need to complete the adoption application. However, “Slim Jim” was adopted that same day by someone else who had already completed the adoption process.

7. On May 10, 2021, adoption photographs of “Slim Jim” and his new owner were posted to Plaintiff’s Facebook page.

8. On May 11, 2021, Defendant sent an email to Plaintiff stating that she was going to “light up the internet with this story...” and threatening to call the Humane Society and PETA if Plaintiff did not get the dog back from his new owner (**see Exhibit B to Complaint**).

9. On May 12, 2021, after calling the shelter numerous times demanding the dog back, Defendant left a voicemail for Plaintiff indicating she was “bringing God’s Army” to get the dog back.

10. On May 12, 2021 Plaintiff contacted the City of Charleston Police Department due to Defendant’s erratic behavior and threats towards Plaintiff and Plaintiff’s staff. Plaintiff was advised to keep the facility doors locked for the day and was informed that an officer would sit in the parking lot at Plaintiff’s facility.

11. On May 13, 2021, Defendant began posting defamatory statements about Plaintiff to social media such as Facebook and reviewing websites such as Yelp.

12. Defendant's numerous and regular online posts have been viewed hundreds of times, shared dozens of times, and are being commented on and shared by countless unknown parties causing the exponential spread of Defendant's defamatory statement, online posts, and videos.

13. On May 15, 2021, the City of Charleston Police Department issued a no contact/no trespass order on Defendant due to her threatening and harassing behavior towards Plaintiff.

14. Defendant has positioned herself outside of Plaintiff's facility on numerous occasions and yelled to customers that Plaintiff "killed her dog." Most recently, on June 5, 2021, Defendant stood in the driveway of Plaintiff's facility with a written sign that "Corporate Greed Killed My Dog Toby" (See photograph attached hereto as Exhibit A).

15. As more fully outlined in the Complaint, Defendant has made defamatory statements in her in her online postings, including but not limited to:

- a. [Pet Helpers] is "just cruel. And they're dishonest, and they're deceptive."
- b. [Pet Helpers are] despicable, just horrible, horrible human beings... They didn't help Toby. They hurt Toby. They made him suffer. And I'm sure he's not the only one."
- c. "...Melissa [Executive Director of Pet Helpers], she has licensed euthanize and she has euthanized other dogs are ordered that they be euthanized even though they were not sick, or aggressive. But she's all about corporate greed."
- d. "[Pet Helpers] killed him because they didn't adopt him to anyone. They killed him. And I know they did."
- e. "I think they're killing other dogs, because I've heard people who are former employees here, and they told me that they, they're killing dogs."
- f. "I think they had you know a plan for him a death plan for him the whole time... I'm talking about Melissa [the Executive Director of Pet Helpers] because she's she's got

a certification to kill dogs. And she's done it herself. And she's ordered dogs killed too ... I'm sure that's just the tip of the iceberg here."

- g. "[My] sign says, corporate greed kills my dog, Toby. corporate greed. And the other side says pet helpers killed Slim Jim May 11th ... And I'm not going to stop until first of all these people, a bunch of people here, Melissa, Katie, and intake, and anybody else that knew and the guy that killed him, anybody else, they'll all be fired. If this company cares, any and all this place will be shut down and reopened by somebody who really cares about animals... But it's really a kill shelter."
- h. "And most of these dogs will not make it out of here alive. They really won't. Toby did not make it out of this place alive... And then they killed him. They killed Toby. They killed my dog."
- i. "I'm here to tell you it's not so quick giving them money. Don't give them any more money. You don't ever surrender a dog to any shelter. And if they claim to be no kill, don't believe them."
- j. "They're monsters... Yeah, you've got a no trespass notice on me. I'm not trespassing. I'm on the right away. And I'll be here as long as I have to be until I get justice from from Toby. And people know what you're really doing here because you're putting on a big charade. It's an evil charade too."
- k. "But my sign, I'm protesting Janet Frisco is protesting Pet Helpers in their cruelty to my dog and probably too many other dogs. But my sign says Pet Helpers killed Slim Jim May 11th."
- l. "[Pet Helpers] just let him suffer and then they, you know, we're taking a lot of pictures of him and you know, and they just let him suffer here for a whole month."
- m. "[Pet Helpers] used [Toby] as a marketing tool to solicit donations and then euthanized him after they staged an adoption the weekend of May 7-11, 2021."

16. On June 2, 2021, I met with "Slim Jim's" new owner and spent some time with "Slim Jim." I am personally able to confirm that "Slim Jim" is happy, well adjusted, and thriving in his new home (see **photograph attached hereto as Exhibit B**).

17. On June 2, 2021, while visiting "Slim Jim," using the microchip reader, I confirmed that "Slim Jim's" microchip number (see **photograph attached hereto as Exhibit C**) matches the microchip number registered to "Slim Jim" (formerly known as "Toby") when he was owned by Defendant (see **Microchip Registration Form attached hereto as Exhibit D**).

18. I am informed and believe that due to Defendant's defamatory statements, Plaintiff has sustained injury to its reputation which has and/or will result in the loss of donations to the "no-kill" shelter.

19. I am informed and belief that due to Defendant's defamatory statements, third parties have and/or will be unwilling to surrender in-need animals to Plaintiff's care for fear that the animals will be treated cruelly or euthanized by Plaintiff or its staff.

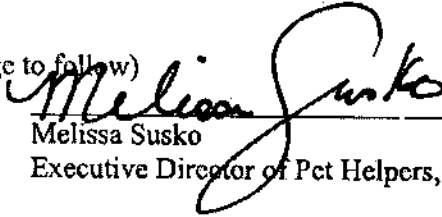
20. I respectfully request that the Court issue an emergency/*ex parte* restraining order and injunction to prevent further damage and loss by Plaintiff due to the numerous and constant defamatory statements being made by Defendant orally and in writing on the internet and at Plaintiff's facility.

21. I request that the Court issue an emergency/*ex parte* restraining order and injunction Defendant to set any and all of her internet and social media postings to her personal Facebook page and/or group Facebook pages or other social media accounts to "private" as to hide the posts from public view while preserving evidence in this matter.

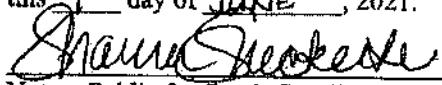
22. I also request that the court restrain and prohibit Defendant from creating and publishing any other text or video posts which are defamatory to Plaintiff and/or Plaintiff staff such claims that we euthanized the pet in issue, that we euthanize pets, that we were cruel to the pet in issue, or that we are cruel to the animals we care for. I also request that Defendant be enjoined from trying to intimidate our staff members by posting pictures of them, presumably taken from our website or social media feeds, and portraying these staff members as the person or persons who Defendant falsely claims were cruel to or euthanized Toby/Slim Jim.

(signature page to follow)

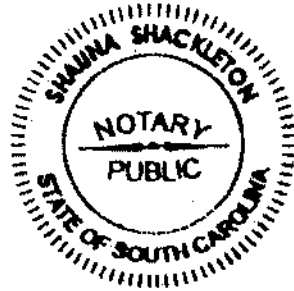
(signature page to follow)


Melissa Susko
Executive Director of Pet Helpers, Inc.

SWORN to and subscribed before me
this 9th day of JUNE, 2021.


Notary Public for South Carolina
My commission expires: 12/18/2030

NOTARY SEAL











Microchip Registration Details

MICROCHIP DETAILS	YOUR PET	SHELTER/CLINIC DETAILS
Microchip Number: 982091063428429	Pet Name: Toby	Shelter/Clinic Name: Patrick Veterinary Clinic
Microchip Provider: 24PetWatch	Species: Dog	Date of Adoption/Registration: 09/09/2020
	Sex: Male	Tel: 843-722-4470
	Description: Tan and Black	
	Breed: Hound	
	Birth Date: 09/09/2019	

YOUR DETAILS	ONLINE ACCOUNT	LOST PET SERVICES
Owner Name: Janet Frisco	Ensure your account information is accurate by visiting mypethealth.com	Yes ☐ No ☒
Owner Address: 203 Cardinal Dr Summerville, SC 29485-7015		Important: If you selected 'no', we will not be able to contact you in the event that your pet goes missing. Should you wish to change your selection, please call us at 1-866-597-2424.
Tel(Primary): 843-804-0875		
Email(Personal):		

Get Toby the protection they deserve!

The Lifetime Protection Membership™

Best in class Lost Pet Services and member benefits:



Live Agents available 24/7/365 to quickly launch the lost pet recovery process.



\$25 Petco Coupon redeemable for in-store purchases with Pals Rewards member sign-up.



\$30 discount code to Rover.com* that covers 1-2 walks or 1 night of dog boarding.

LIMITED TIME OFFER: 10% OFF

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(Regular Price: \$94.95)

1-833-461-8757 www.24PetWatch.com

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EXHIBIT D



EXHIBIT E



BLAINE JOHN

Animal Care Technician

EXHIBIT F

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

PET HELPERS, INC.,

Plaintiff,

vs.

JANET FRISCO,

Defendant.

IN THE COURT OF COMMON PLEAS

NINTH JUDICIAL CIRCUIT

CASE NO.: 2021-CP-10-_____

COMPLAINT**(Jury Trial Demanded)**

Plaintiff would show unto this Honorable Court:

1. Plaintiff is a citizen and resident of the County of Charleston, State of South Carolina.
2. Plaintiff is informed and believes Defendant Janet Frisco is a citizen and resident of the County of Dorchester, State of South Carolina.
3. Plaintiff is a non-profit corporation formed and organized in 1983 under the laws of South Carolina and maintaining a registered agent, and doing business in the County of Charleston, State of South Carolina.
4. Plaintiff is an adoption center, and spay/neuter clinic which serves communities in the Lowcountry, including, Charleston County, Dorchester County, Berkeley County, and surrounding areas.
5. Plaintiff's mission is to end the euthanasia of all adoptable cats and dogs by sheltering all animals until adopted; providing low cost spay/neuter surgeries; offering humane education programs; pursuing animal-cruelty prosecution; and initiating animal-welfare legislation.

6. Plaintiff receives donations to support its mission, to assist in the costs of caring for surrendered animals, and to support its ability to provide low cost spay/neuter surgeries for animals in the community.

7. Plaintiff is a "no-kill" facility meaning that it does not euthanize any animals it takes into its shelter.

8. The acts that give rise to this lawsuit occurred in the County of Charleston, State of South Carolina.

9. On April 13, 2021, because she had too many animals in her home, Defendant willingly released and relinquished all ownership of a hound mix dog "Toby" to Plaintiff (**Exhibit A**).

10. Plaintiff changed the dog's name from "Toby" to "Slim Jim."

11. On April 23, 2021, Plaintiff posted photographs of "Slim Jim" to their Facebook page indicating that the dog was ready for adoption.

12. On April 23, 2021, Plaintiff received an email from Defendant stating that Plaintiff "traumatized" the dog by renaming him, questioned why the dog was not using the leash she provided, and stating that the dog looked "sad." Defendant subsequently left voicemail messages with Plaintiff requesting to take the dog back from Plaintiff.

13. On May 7, 2021, Defendant called Plaintiff stating that the dog looked "happier with her," and she wanted to adopt the dog. Plaintiff informed Defendant that she would need to complete the adoption application.

14. On May 7, 2021, "Slim Jim" was adopted by someone who had already completed the adoption process.

15. On May 10, 2021, adoption photographs of "Slim Jim" and his new owner were posted to Plaintiff's Facebook page.

16. On May 11, 2021, Defendant sent an email to Plaintiff stating that she was going to "light up the internet with this story..." and threatening to call the Humane Society and PETA if Plaintiff did not get the dog back (**Exhibit B**).

17. On May 12, 2021, after calling the shelter numerous times demanding the dog back, Defendant left a voicemail for Plaintiff indicating she was "bringing God's Army" to get the dog back.

18. On May 12, 2021, due to Defendant's threatening and erratic behavior, Plaintiff contacted the City of Charleston Police Department and was instructed to keep their doors locked that day, that an officer would sit in the parking lot, and that officers would be patrolling the area.

19. On May 13, 2021, Defendant began posting defamatory statements and videos about Plaintiff and Plaintiff's staff to social media, including, Yelp and Facebook falsely claiming, among other things, that Plaintiff killed the dog in issue and that Plaintiff and its staff euthanize the animals that are turned into their organization.

20. Defendant's numerous and regular online posts have been viewed hundreds of times, shared dozens of times, received numerous comments, and are being disseminated to countless unknown parties causing the exponential spread of Defendant's defamatory statements, online posts, and videos.

21. On May 15, 2021, the City of Charleston Police Department issued a no contact/no trespass order by the City of Charleston Police Department as to Plaintiff.

22. Since Defendant received the no contact/no trespass order, Defendant has intensified her manic behaviors by frequently protesting on Folly Road holding up signs falsely claiming that

Plaintiff killed the dog in question and posting lengthy, rambling videos wherein Defendant makes false statements regarding Plaintiff as set forth herein.

23. On or about June 6, 2021, Defendant violated the no-trespass order by standing at the edge of Plaintiff's drive screaming at Plaintiff's customers that Plaintiff "killed her dog" as the customers entered Plaintiff's facility.

24. On May 29, 2021, Plaintiff's counsel sent an email to Defendant requesting that she cease and desist from making defamatory statements regarding Plaintiff and its staff, and to remove all text posts, video posts, and comments on any social media alluding to defamatory statements (1) that Plaintiff or its staff euthanized any animals they shelter; (2) that Plaintiff or its staff treated her dog cruelly; and (3) that her dog was euthanized (**Exhibit C**).

25. Defendant has made defamatory statements regarding Plaintiff and its staff in text posts and video posts to her private Facebook page as follows:

- a. On May 25, 2021 video post with 255 views;
<https://www.facebook.com/janet.frisco/videos/4327803420571826>

"[T]hey're, they're just cruel. And they're dishonest, and they're deceptive."

"[Pet Helpers are] despicable, just horrible, horrible human beings... They didn't help Toby. They hurt Toby. They made him suffer. And I'm sure he's not the only one."

"Melissa [Executive Director of Pet Helpers], she has licensed euthanize and she has euthanized other dogs are ordered that they be euthanized even though they were not sick, or aggressive. But she's all about corporate greed."

- b. On May 29, 2021 video post with 44 views;
<https://www.facebook.com/janet.frisco/videos/4341909919161176>

"I think they're killing other dogs, because I've heard people who are former employees here, and they told me that they, they're killing dogs."

"I think they had you know a plan for him a death plan for him the whole time... I'm talking about Melissa [the Executive Director of Pet Helpers] because she's she's got

a certification to kill dogs. And she's done it herself. And she's ordered dogs killed too ... I'm sure that's just the tip of the iceberg here."

- c. On May 29, 2021 video post (that Defendant deleted after receiving a spoliation notice from Plaintiff's counsel, attached hereto as **Exhibit D**);

"[My] sign says, corporate greed kills my dog, Toby. corporate greed. And the other side says pet helpers killed Slim Jim May 11th ... And I'm not going to stop until first of all these people, a bunch of people here, Melissa, Katie, and intake, and anybody else that knew and the guy that killed him, anybody else, they'll all be fired. If this company cares, any and all this place will be shut down and reopened by somebody who really cares about animals... But it's really a kill shelter."

"And most of these dogs will not make it out of here alive. They really won't. Toby did not make it out of this place alive... And then they killed him. They killed Toby. They killed my dog."

"I'm here to tell you it's not so quick giving them money. Don't give them any more money. You don't ever surrender a dog to any shelter. And if they claim to be no kill, don't believe them."

"They're monsters...Yeah, you've got a no trespass notice on me. I'm not trespassing. I'm on the right away. And I'll be here as long as I have to be until I get justice from from Toby. And people know what you're really doing here because you're putting on a big charade. It's an evil charade too."

- d. On June 3, 2021 video post with 21 views;
<https://www.facebook.com/janet.frisco/videos/4356514411034060>

"But my sign, I'm protesting Janet Frisco is protesting Pet Helpers in their cruelty to my dog and probably too many other dogs. But my sign says Pet Helpers killed Slim Jim May 11th."

- e. On June 3, 2021 written post with 2 shares;
<https://www.facebook.com/photo?fbid=4354669251218576&set=a.964410813577787>

"Rest in peace Toby, my good boy, no one can abuse or cause you to suffer any more. You're in the safe and loving hands of God now."

- f. On June 5, 2021 video post with 25 views and 7 shares;
<https://www.facebook.com/janet.frisco/videos/4362304657121702>

"[Pet Helpers] killed him because they didn't adopt him to anyone. They killed him. And I know they did."

- g. On June 5, 2021 video post with 21 views;
<https://www.facebook.com/janet.frisco/videos/4356514411034060>

"[Pet Helpers] just let him suffer and then they, you know, we're taking a lot of pictures of him and you know, and they just let him suffer here for a whole month."

26. Defendant created a Facebook group page "Justice for Toby" which has 4 members and 34 total posts (see <https://www.facebook.com/groups/162011289227451>). In the description of her "Justice for Toby" group page, Defendant posted defamatory statements that Plaintiff "used [Toby] as a marketing tool to solicit donations and then euthanized him after they staged an adoption the weekend of May 7-11, 2021."

27. Defendant posted defamatory videos about Plaintiff on at least two occasions to a Facebook group page "The Real Dorchester County Watchdog Group" (see <https://www.facebook.com/groups/1480789522086545>).

FOR A FIRST CAUSE OF ACTION

(Slander and Libel)

28. All prior allegations not inconsistent with this cause of action are realleged and incorporated by reference herein.

29. Plaintiff is informed and believes that beginning on May 13, 2021, Defendant orally and in writing, published to third parties with actual or implied malice and with intentional reckless disregard of Plaintiff's rights multiple defamatory statements concerning Plaintiff and its staff, including but not limited to the following:

- a. That Plaintiff and/or its staff killed her dog;
- b. That Plaintiff and/or its staff euthanizes other animals in its shelter;
- c. That Plaintiff and/or its staff was cruel to her dog;

d. That Plaintiff and/or its staff is cruel to other animals in its shelter; and

e. Such other statements as the evidence may show.

30. The above-referenced statements have defamatory meanings and are false.

31. The above-referenced statements are defamatory and actionable *per se*.

32. According to Defendant's now-deleted Facebook post dated May 29, 2021, Defendant admitted that her express purposes in defaming Plaintiff was to intentionally harm Plaintiff. Specifically, Defendant stated "Now I'm telling Toby's story. And I'm not going to stop until first of all these people, a bunch of people here, [and Plaintiff's staff] . . . and anybody else that knew and the guy that killed him, anybody else, they'll all be fired. If this company cares, any and all this place will be shut down. . . ." Defendant further stated, "I'm here to tell you it's not so quick giving them money. Don't give them any more money. You don't ever surrender a dog to any shelter. And if they claim to be no kill, don't believe them."

33. As a result of Defendant's defamatory statements, Plaintiff has sustained injury to its reputation which has and/or will result in the loss of donations to the "no-kill" shelter as well as an unwillingness by third parties to surrender in-need animals to Plaintiff's care for fear the animals will be treated cruelly or euthanized by Plaintiff or its staff.

34. Plaintiff is informed and believes it is entitled to actual, special, and punitive damages, and the costs of this action.

FOR A SECOND CAUSE OF ACTION

(Permanent and Temporary Injunction and Restraining Order Against Defendant)

35. All prior allegations not inconsistent with this cause of action are realleged and incorporated by reference herein.

36. Plaintiff is informed and believes that a Temporary and Permanent Restraining Order and Temporary and Permanent Injunction is necessary to prevent Defendant from continuing to disseminate defamatory statements orally and in writing on the internet, including social media sites such as Facebook and reviewing sites such as Yelp.

37. Plaintiff is informed and believes that a Temporary and Permanent Restraining Order and Temporary and Permanent Injunction is necessary requiring Defendant to set any and all of her internet and social media postings to her personal page and/or group pages to private as to hide the posts from public view and to preserve evidence in this matter.

38. The issuance of a Temporary and Permanent Restraining Order and Temporary and Permanent Injunction is necessary for the protection of Plaintiff's rights during the course of this litigation, and Plaintiff is likely to prevail on both the Complaint for a Permanent Injunction and Restraining Order and the merits of the trial in this action.

39. The issuance of Temporary and Permanent Restraining Order and Temporary and Permanent Injunction is necessary to prevent Defendant from causing irreparable harm and loss to Plaintiff by continuing to engage in the following:

- a. Making defamatory statements to Plaintiff's customers as they enter Plaintiff's facility that Plaintiff "killed her dog"; and
- b. Disseminating defamatory statements orally and in writing on the internet by video posts and texts posts as more fully described above.

40. Plaintiff is informed and believes that it has no adequate remedy at law.

41. Plaintiff further requests a hearing upon this application for Temporary Injunction with ten (10) days after entry of said Order as required by Rule 65, SCRCP.

WHEREFORE, Plaintiff respectfully prays this Court:

- A. Award Plaintiff such damages as are permitted by law, actual, consequential,

compensatory, punitive damages, and the costs of this suit;

- B. Award Plaintiff temporary and permanent restraining orders and injunctive relief as more fully described herein; and
- C. Award such other and further relief as law or equity may provide.

Futeral & Nelson, LLC

s. Stephan V. Futeral
Stephan V. Futeral, Esquire
S.C. Bar ID 66427
1004 Anna Knapp Blvd., Suite 3
Mount Pleasant, South Carolina 29464
Telephone (843) 284-5500
Facsimile (843) 284-5501
Email: sfuteral@charlestonlaw.net

Dated: _____

Attorney for Plaintiff

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

PET HELPERS, INC.,

Plaintiff,

vs.

JANET FRISCO,

Defendant.

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NO.: 2021-CP-10-_____

SUMMONS

(Jury Trial Demanded)

TO: THE DEFENDANT ABOVE-NAMED:

YOU ARE HEREBY SUMMONED AND REQUIRED TO ANSWER the Complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to this Complaint on the Clerk of Court for Charleston County and upon the subscriber at his office, 1004 Anna Knapp Blvd., 2nd FL, Mt. Pleasant, South Carolina, 29464, within thirty (30) days after service hereof, exclusive of the day of such service.

YOU ARE HEREBY GIVEN NOTICE FURTHER that if you fail to appear and defend and fail to answer the Complaint as required by this Summons within thirty (30) days after the service hereof, judgment by default will be rendered against you for the relief demanded in the Complaint.

Futeral & Nelson, LLC

s/ Stephan V. Futeral

Stephan V. Futeral, Esquire

S.C. Bar ID 66427

1004 Anna Knapp Blvd., Suite 3

Mount Pleasant, South Carolina 29464

Telephone (843) 284-5500

Facsimile (843) 284-5501

Email: sfuteral@charlestonlaw.net

Dated: _____

Attorney for Plaintiff

EXHIBIT G

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE #:2021-CP-10-2682

PET HELPERS, INC.,

Plaintiff,

vs.

JANET L. FRISCO,

Defendant.

DEFENDANT'S FIRST INTERROGATORIES
TO PLAINTIFF

2022 NOV 29 PM 4:30
JULIE A. HENNINGSON
CLERK OF COURT
BY
DGR

FILED

TO PLAINTIFF PET HELPERS, INC.:

YOU WILL PLEASE TAKE NOTICE that you are hereby required to answer in writing, under oath, the following Interrogatories pursuant to Rule 33, SCRPC. These interrogatories shall continue from the time of service until the time of trial so that the information sought, which comes to the knowledge of the party, representative, or counsel, after the original answers have been submitted, shall promptly be undersigned.

DEFINITIONS AND INSTRUCTIONS

The term "identify" when used in connection with the term "documents" or "prepared materials" means, regardless of whether the production of such items is objected to, list and describe such items, stating separately for each (a) its' location; (b) the name and title of the person(s) who has custody of the items; (c) its' date; and (d) its' author.

The term "describe" when used in connection with an event, conversation, or, transaction means to identify the sources from which the information was derived and to identify all parties to the transaction, to state the date and place where the transaction took place, to set forth in detail the statements made and actions taken by each party to the transaction, to identify each document to other recorded or prepared material relating to such transaction, regardless of whether the production of such information is objected to.

"Document" means every writing or record of every type and description that is or has been in your or your respective representatives (s) or attorney(s) possession, control or custody, or of which you or your representative(s) or attorney (s) have knowledge including but not limited to print-out sheets, movie film, videotape, slides, photographs, microfilm, notes, letters, memorandums, worksheets, books, magazines, diaries, calendars, appointment books, charts, tables, papers, agreements, contracts, invoices, budgets, payrolls, check stubs, canceled checks, analysis, projection, transcripts, minutes of meetings, of any kinds, correspondence, drafts, data processing, disks, or tapes and computer produced interpretations thereof, instructions, announcements and mechanical or electrical sound recordings and transcripts

thereof. "Document" also means all copies which are not identical to the original, such as those bearing marginal comments, alterations, notes or other notations not present in the original documents as originally types, or otherwise prepared.

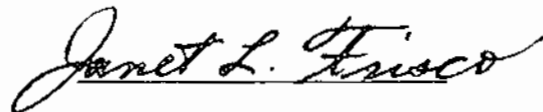
Whenever an Interrogatory calls for information claimed by YOU to be privileged, please supply sufficient factual detail to enable the Court to determine whether or not such document or communication is entitled to claim of privilege, including (1) the date and dates of the communication or document; (2) the name and position of each person who participated in the preparation of the document; (3) the name and position of each person who participated in the communication, or in the case of a document, state to whom the document was addressed, and the name of each person to whom the document, or the contents thereof have been communicated by copy, exhibition, reading, or oral conversation of any kind; (4) the general subject matter of the communication or document; and (5) the basis or bases for the claim of privilege.

INTERROGATORIES

1. Set forth the names of all veterinarians and offices that that provide medical services to Pet Helpers, Inc.
2. Provide any credentials, training or certificates held by Ms. Melissa Susko, the executive director qualifying her to euthanize dogs or cats.
3. Provide records of the number of all dogs and cats that were processed through Pet Helpers Intake Department of surrendered, stray or any otherwise acquired the year of 2021.
4. Provide record of the total number of adoptions that were processed by Pet Helpers in 2021.
5. Provide records of the number of dogs or cats that were moved to other shelters or rescue facilities during 2021.
6. Provide the amount in dollars of donations given to Pet Helpers by individuals, businesses or any other source in 2021.
7. For each person known to you to be a witness concerning the facts of the case, set forth either in 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.
8. 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.
9. Explain what percentage of animals can be lethally disposed of and for what reasons at a "no-kill shelter".
10. Is there any government agency that oversees the handling of animals at animal shelters such as Pet Helpers and reviews their records?

11. Did Pet Helpers advertise on their website that they try to keep pets and their owners together and help people avoid surrendering their pets?
12. Does Pet Helpers believe that dogs and cats do not suffer the effects of separation when they are abandoned by their owners at shelters?
13. Did Ms. Susko order two of her employees to try and entice the defendant to violate Ms. Susko's No Trespass Notice and to take photographs on or about June 5th, 2021 so she could press charges against the defendant?
14. Was Ms. Susko directly or indirectly involved in the deaths of two dogs, Cody and Dixie, while Sue Lambert was an employee there?
15. Did Ms. Susko tell Ms. Lambert she had received training in euthanasia as she was returning from the training?
16. Does Ms. Susko have a donation goals/quotas she must achieve set down by Pet Helpers' Board of Directors?
17. What was the dollar amount in donations Pet Helpers received on Toby after posting the "I'm Going Home" and "Happy Ending Update" photos on their website?
18. Was Toby still confined at Pet Helper's shelter in the photograph titled "Happy Ending Update" posted on Pet Helpers' website in May of 2021?
19. Did Pet Helper's employee, Blaine John, pose with Toby in an adoption photo holding a sign which read, "I'm Going Home" on or about May 10, 2021 on Pet Helpers' website?
20. Did Melissa Susko leave a phone message on May 7, 2021 for the Defendant stating that Toby had been adopted that morning?
21. Was the redacted adoption application the Plaintiff's lawyer submitted to the Defendant dated May 8, 2021?
22. Did the Defendant electronically submit an adoption application on the evening of May 7, 2021 that Katie Leasure in the Pet Helper's Intake Department had sent her on May 6, 2021?
23. On a preadoption form dated May 8, 2021, why were the names of two other dogs crossed off on the form?
24. Is it fraudulent for a nonprofit organization to collect donations and subsidies under false pretenses?
25. Did Pet Helpers send the defendant a video of Toby with Melissa Susko and other employees of Pet Helpers on or about June 15, 2021 to prove he was alive?

Dated: November 29, 2022



Janet L. Frisco, Pro Se Defendant
 203 Cardinal Drive
 Summerville, South Carolina 29485
 843-804-0875
 janetfrisco@yahoo.com

EXHIBIT H**RECEIVED****Jul 24 2023****SC Court of Appeals**

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable Bentley D. Price

Court of Appeals Case No. 2022-000775
Circuit Court Case No. 2021-CP-10-2682

Pet Helpers, Inc.....Respondent,

v.

Janet L. Frisco.....Appellant,

v.

Melissa Susko Third-Party Respondent.

**RESPONDENTS' RETURN TO APPELLANT'S MOTION TO STRIKE SECOND
AMENDED DESIGNATION OF MATTER**

Respondents move this Honorable Court for an Order denying Appellant's Motion to Strike Matters from Respondents' Second Amended Designation of Matter because Respondents' Second Amended Designation of Matter was timely filed and served and because Respondents' Designation does not include any matter irrelevant to this appeal.

PROCEDURAL BACKGROUND

On December 6, 2022, this Court ordered, among other things, that Respondents had until January 5, 2023 to file their Initial Brief and Designation of Matter. Respondents filed their Designation of Matter on December 12, 2022, but neglected to certify that the Designation did not

include any irrelevant matters. Thereafter, on December 20, 2022, Appellant filed a Motion to Strike Respondents' Designation of Matter. On December 21, 2022, Respondents filed their first Amended Designation of Matter to include the proper certification.

On February 15, 2023, this Court ordered that Respondents' Amended Designation of Matter was accepted as filed. Also, on February 15, 2023, this Court ordered Appellant, among other things, to amend her Initial Brief within thirty days.

Appellant filed her Amended Initial Brief on March 17, 2023. On March 21, 2023, Respondents filed a Motion to Strike Appellant's Amended Initial Brief. On May 15, 2023, this Court denied Respondents' Motion to Strike and ordered Respondents to submit their Initial Brief and Designation of Matter within thirty days.

On June 15, 2023, this Court ordered an extension of time to allow Respondents to file and serve their Initial Brief and Designation of Matter until July 14, 2023. Thereafter, Respondents timely filed and served their Initial Brief and a Second Amended Designation of Matter on July 11, 2023.

ARGUMENT

I. THIS COURT SHOULD DENY APPELLANT'S MOTION BECAUSE RESPONDENTS TIMELY FILED THEIR SECOND AMENDED DESIGNATION OF MATTER PURSUANT TO DEADLINES SET FORTH BY THIS COURT IN ITS ORDER DATED JUNE 15, 2023.

Appellant argues that Respondents' Second Amended Designation of Matter is untimely. Appellant's argument is without merit because this Court extended the deadline for Respondents' Designation of Matter. Pursuant to Rule 263(b), SCACR, "[t]he time prescribed by these Rules for performing any act except the time for serving the notice of appeal under Rules 203 and 243 may be extended or shortened by the appellate court, or by any judge or justice thereof."

Here, on June 15, 2023, this Court ordered that the “time for filing the Respondent’s . . . Designation of Matter is extended to July 14, 2023.” Thereafter, Respondents timely filed and served their Second Amended Designation of Matter on July 11, 2023. Accordingly, this Court should deny Appellant’s Motion to Strike.

II. THIS COURT SHOULD DENY THE MOTION BECAUSE RESPONDENTS’ SECOND AMENDED DESIGNATION OF MATTER MEETS THE REQUIREMENTS OF RULE 209, SCACR.

Rule 209(b) provides,

The Designation must clearly identify what the party desires to have included in the Record on Appeal, and the Designation may only propose to include portions of the transcript, pleadings, orders, exhibits, or other materials which may be properly included in the Record on Appeal [See Rule 210(c)]. A party shall not include any matter in his Designation which is not relevant to the appeal.

Here, Appellant moves to strike eight (8) designations from Respondents’ Second Amended Designation of Matter. In her Motion to Strike, Appellant does not directly assert that these designations are irrelevant. Instead, Appellant asserts that Respondents “arbitrarily” included additional designations. Assuming, *arguendo*, that Appellant asserts that the designations are irrelevant, this Court should deny Appellant’s Motion to Strike because the designations are relevant to this appeal as follows:

1) **Affidavit of Third-Party Respondent Melissa Susko in Support of Respondents’ Motion for Emergency Ex Parte Restraining Order and Injunctive Relief filed June 9, 2021** – Third-Party Respondent Melissa Susko’s affidavit is relevant because the lower court based its Order Granting Summary Judgment, which is the subject of this appeal, on the affidavits on file in this case. For example, the lower court wrote that [Respondents] submitted affidavits and exhibits to the court to show that [Appellant’s] claims that [Respondents] killed the dog were false. Additionally, on page 10 of Appellant’s Initial Brief, she claims that Respondents,

including Respondent Melissa Susko, made false statements on court documents, such as the affidavit in issue, to obtain restraining orders against her. Accordingly, Ms. Susko's affidavit is relevant, it should be included in the Record on Appeal, and Appellant's Motion to Strike should be denied.

2) **Appellant's Answers to Requests for Admission dated July 7, 2021** – In the Summary Judgment Order that is the subject of this appeal, the lower court refers explicitly to Appellant's Answers to Requests for Admission as part of the basis for the lower court's decision. Specifically, on page 11 of its order, the lower court wrote "Moreover, in [Appellant's] answers to requests for admission, the only discovery request [Appellant] responded to, [Appellant] conceded that her claims that [Respondents] killed the dog are untrue." Accordingly, Appellant's Answers to Requests for Admission are relevant, they should be included in the Record on Appeal, and Appellant's Motion to Strike should be denied.

3) **Respondents' Answer and Counterclaim filed July 9, 2021** – As previously indicated, the lower court based its order, which is the subject of this appeal, upon "the record in this case, the pleadings, affidavits, and memorandums filed by the parties" which includes the aforementioned Answer and Counterclaim. Additionally, Appellant argues on appeal that Respondents' claims against her, including those asserted in the Answer and Counterclaim, were "fraudulent," that Respondents made "false claims on court documents" such as the Answer and Counterclaim, and that the lower court is an "accomplice" in injustice. Accordingly, Respondents' Answer and Counterclaim is relevant, it should be included in the Record on Appeal, and Appellant's Motion to Strike should be denied.

4) **Respondents' Motion for Consolidation filed July 9, 2021** – In her Statement of the Case in her Initial Brief, Appellant references Respondents' Motion for Consolidation.

Moreover, Appellant argues that all orders of the lower court should be reversed which, presumably, includes the lower court's order to consolidate Appellant's separate lawsuit into the case at bar. Moreover, Respondents' Motion and the order consolidating Appellant's separate lawsuit with this action are part of the procedural history of this case. Indeed, on page 3 of the order on appeal, the lower court specifically referenced Respondents' Motion to Consolidate and the Order of Consolidation. Accordingly, Respondents' Motion to Consolidate is relevant, it should be included in the Record on Appeal, and Appellant's Motion to Strike should be denied.

5) **Affidavit of Blaine John filed July 28, 2021** – The Affidavit of Blaine John was filed with the lower court to support Respondents' motion for summary judgment. Additionally, in granting Respondents summary judgment, the lower court wrote on page 11 of its order that it reviewed “the affidavits and exhibits to the court to show that [Appellant's] claims that [Respondents] killed the dog were false.” Lastly, Appellant references Blaine John and his Affidavit in her Initial Brief. On page 7 of her Initial Brief, Appellant argues that the lower “court acted like they knew beforehand that the Respondent's lawyer was going to submit an adoption application as evidence that a third party, not Blaine John the Pet Helper's employee, as Appellant contends, had legitimately adopted [the dog].” Additionally, on page 10 of her Initial Brief, Appellant argues that “Blaine John . . . posed as the adopter” and that Respondents “presented an affidavit from Blaine John . . . [that was not] admissible as evidence in court and [does] not prove that the adoption was legitimate.” Accordingly, the Affidavit of Blaine John is relevant, it should be included in the Record on Appeal, and Appellant's Motion to Strike should be denied.

6) **Amended Notice of Appeal filed on January 14, 2022 in Pet Helpers, Inc. v. Janet L. Frisco, Appellant Case No, 2022-000021** – As previously set forth herein, Appellant argues that all orders of the lower court should be reversed. This Court must determine what issues

have been preserved for appellate review. Accordingly, Appellant's first appeal is relevant, it should be included in the Record on Appeal, and Appellant's Motion to Strike should be denied.

7) **Order Dismissing Appeal filed March 2, 2022 re: Pet Helpers, Inc. v. Janet L. Frisco, Appellant Case No. 2022-000021** – Inasmuch as Appellant argues that all orders of the lower court should be reversed, and this Court must determine what issues have been preserved for appellate review, this Court's Order dismissing Appellant's first appeal is relevant, it should be included in the Record on Appeal, and Appellant's Motion to Strike should be denied.

8) **Third-Party Respondent Melissa Susko's Affidavit in Support of Motion for Partial Summary Judgement filed on April 12, 2022** – Third-Party Respondent Melissa Susko's Affidavit was filed with the lower court in support of Respondents' summary judgment motion. As previously set forth herein, the lower court wrote on page 11 of its order that it reviewed "the affidavits and exhibits to the court to show that [Appellant's] claims that [Respondents] killed the dog were false."

As the lower court noted on pages 12 and 13 in the Order Granting Summary Judgment, "after learning the dog was still alive, [Appellant] pivoted her case to claim that [Respondents] had 'staged' the dog's adoption . . . to prevent [Appellant] from reclaiming the dog." On page 10 of Appellant's Initial Brief, Appellant still contends that Third-Party Respondent Melissa Susko "staged" the dog's adoption. Here, the lower court considered Third-Party Respondent Melissa Susko's Affidavit wherein Ms. Susko refutes Appellant's allegation that the dog's adoption was a ruse. Accordingly, Ms. Susko's affidavit is relevant, it should be included in the Record on Appeal, and Appellant's Motion to Strike should be denied.

CONCLUSION

This Court should deny Appellant's Motion to Strike because Respondents timely filed and served their Second Amended Designation of Matter on July 11, 2023, pursuant to this Court's order on June 15, 2023, extending the time for filing Respondents' Designation of Matter to July 14, 2023. Additionally, this Court should deny Appellant's Motion to Strike because the pleadings, discovery responses, witness affidavits, and other documents Respondents designated are relevant to this appeal.

Respectfully submitted,

FUTERAL & NELSON, LLC

/s/ Stephan V. Futeral _____

Stephan V. Futeral

SC Bar ID 66427

1004 Anna Knapp Blvd., Suite 3

Mount Pleasant, South Carolina 29464

(843) 284-5500 Phone (843) 284-5501 Fax

sfuteral@charlestonlaw.net

Attorney for Respondent and Third Party Respondent

Dated: July 24, 2023

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

Jul 24 2023

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

SC Court of Appeals

The Honorable Bentley D. Price

Court of Appeals Case No. 2022-000775
Common Pleas Court Case No. 2021-CP-10-2682

Pet Helpers, Inc. Respondent,

v.

Janet L. Frisco Appellant,

v.

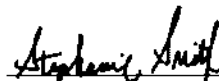
Melissa Susko Third-Party Respondent.

PROOF OF SERVICE

I certify that I have served the *Respondents' Return to Appellant's Motion to Strike Second Amended Designation of Matter* by delivering the same via email and United States Regular Mail, postage prepaid, on July 24, 2023, addressed to the Appellant as follows:

Janet Frisco
203 Cardinal Drive
Summerville, SC 29485
Janetfrisco@yahoo.com

FUTERAL AND NELSON, LLC



Stephanie M. Smith
Paralegal to Stephan V. Futeral, Esq.

Dated: July 24, 2023

EXHIBIT H (CONT.)

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

PET HELPERS, INC.,

Plaintiff,

vs.

JANET FRISCO,

Defendant.

IN THE COURT OF COMMON PLEAS

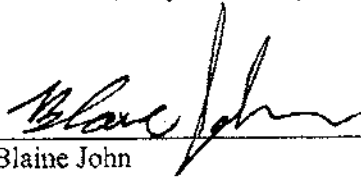
NINTH JUDICIAL CIRCUIT

CASE NO.: 2021-CP-10-2682

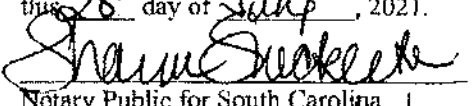
AFFIDAVIT OF BLAINE JOHN

PERSONALLY, appeared before me, Blaine John, who after being duly sworn, deposes and states as follows:

I am an employee at Pet Helpers, Inc. It is my understanding that the Defendant in this matter alleges that I adopted the canine (Toby/Slim Jim) which Defendant relinquished to Pet Helpers, Inc. on April 13, 2021. I did not adopt the canine (Toby/Slim Jim) as alleged by the Defendant.


Blaine John

SWORN to and subscribed before me
this 28th day of July, 2021.


Notary Public for South Carolina

My commission expires: 02/18/2020

NOTARY SEAL

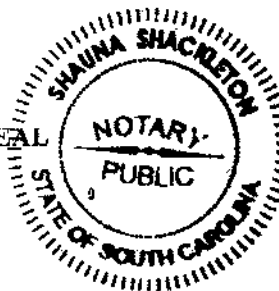


EXHIBIT I



Blaine John
Oct. 24, 2021

31



Owner
Oct. 23, 2021

EXHIBIT J

The South Carolina Court of Appeals

Pet Helpers, Inc., Respondent,

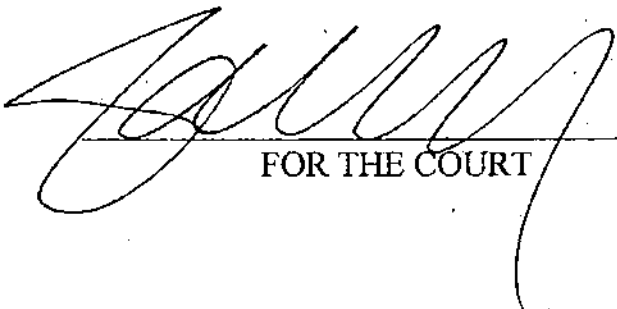
v.

Janet L. Frisco, Appellant.

Appellate Case No. 2022-000021

ORDER

Appellant failed to timely serve her notice of appeal pursuant to Rule 203(b)(1), SCACR, which provides "[a] notice of appeal shall be served on all respondents within thirty (30) days after receipt of written notice of entry of the order or judgment." Accordingly, this appeal is dismissed. *See Elam v. S.C. Dep't of Transp.*, 361 S.C. 9, 14-15, 602 S.E.2d 772, 775 (2004) ("The requirement of service of the notice of appeal is jurisdictional, *i.e.*, if a party misses the deadline, the appellate court lacks jurisdiction to consider the appeal and has no authority or discretion to 'rescue' the delinquent party by extending or ignoring the deadline for service of the notice."). The remittitur will be sent as provided by Rule 221(b), SCACR.



FOR THE COURT

Columbia, South Carolina

cc: Janet L. Frisco
Stephan Victor Futeral, Esquire

FILED
Mar 02 2022

EXHIBIT K

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT COURT
CASE #: 2021-CP-10-2848

PLAINTIFF'S AMENDED OBJECTION TO
DEFENDANTS' MOTION TO RECONSIDER
CONSOLIDATION

JANET L. FRISCO,
PLAINTIFF

Vs.

PET HELPERS, INC. & MELISSA SUSKO

DEFENDANTS

2021 NOV 19 PM 3:38
JULIE J. ARMSTRONG
CLERK OF COURT
DGR

FILED

CURRENT TWO CASES INVOLVING THE PARTIES SHOULD NOT BE CONSOLIDATED AS REQUESTED IN PLAINTIFFS MOTION TO RECONSIDER MOTION TO CONSOLIDATE BECAUSE COURT OF COMMON PLEAS HAS EXHIBITED BIAS IN THIS CASE AS IN A PREVIOUS CASE #2005CP100368 JANET FRISCO VS. DEBRA WALKER:

I object to my complaint #2021CP102848 against Pet Helpers, Inc being consolidated into their complaint #2021CP102682 because the merits of my case have not been considered and my *Motion to Amend My Answer* filed on October 19, 2021 has not been scheduled for a hearing. Pet Helper's attorney has been given preference by the court in his motions to place restraining orders on me which he told blatant lies in order to attain. After which he made two motions to show cause which resulted in me paying a sanction of \$5434.32 to pay for his lawyer fees and court costs. I was jailed for four days for contempt of court because I didn't comply with the restraining orders that were created by plaintiff's legal counsel to cover-up Pet Helpers fraudulent behavior in faking the adoption of my dog Toby and soliciting donations based on a fabrication that they had found him a good home. My objections and motions that I have filed in Case #2021-CP-10-2682 have been ignored by the court while they consistently favored Pet Helpers' complaint against me throughout the litigation.

Now contrary to Mr. Futeral's claim that I had no injury on which to base a claim, I can adamantly say that I have unjustly been charged \$5434.32 to avoid serving a thirty-day sentence in which I suffered an untold amount of mental duress and hardship for four days of incarceration. I should be compensated for that by the plaintiffs as well as refunded the entire amount of money I had to pay to Mr. Futeral to be released from jail.

Pet Helpers took Toby under false pretenses and he suffered the entire time he was with them waiting for me to return and bring him home. I would have immediately done so if they had allowed me to, but they wouldn't because they wanted to use Toby to solicit donations claiming he had been adopted. They didn't care how much suffering they inflicted on him or me. When I protested, Ms. Susko and Pet Helpers turned their lawyer loose on me and he has done everything in his power to literally destroy me aided by the Court of Common Pleas who has cooperated almost 100% in everything he has demanded during this litigation. I am submitting the complete history of my previous experience with the court in 2005 Janet Frisco Vs. Debra Walker to show that even though my case was ironclad against Ms. Walker

after she attempted to steal my car through the courts, she was protected and favored by all the Charleston County courts in North Charleston Magistrate Court of David Coker, Small Claims Court of James Turner and finally in the Court of Common Pleas with Markley Dennis.

The plaintiffs are basing their motion for consolidation on Rule 42 (A) SCRPC Which states "when the two actions involve a common question of law", but the two cases do not involve a common question of law. Plaintiffs claim I libeled and slandered them in their lawsuit, but they are using the lawsuit and the allegations of libel and slander against me to cover-up a crime of fraud and portray me as a liar when in fact they are the party that is practicing deceit not only to me but to their donors and to the Bissell corporation that was subsidizing Pet Helper's low-cost adoption event on May 7th-9th 2021. There is no common question in the two lawsuits so consolidation of the two cases should not be allowed by the court, because the two cases are based on entirely different issues. There was no liable or slander by me against Pet Helpers. Everything I said is true except that I mistakenly I assumed they had euthanized him after the alleged adoption because I heard from a previous employee that Ms. Susko was certified to euthanize and had previously been involved in the deaths of two dogs when she worked for Pet Helpers. I never violated the No Trespass Order or tried to manufacture evidence by registering Toby's chip as their legal counsel claimed. I never broke any laws or threatened anyone while protesting and the restraining orders should never have been granted because they were an attempt to silence the truth about what happened to me at Pet Helper's after I surrendered Toby to them on April 13, 2021. These are cruel and greedy people who are trying to cover up fraud they committed just like Ms. Walker did in the 2005 case that follows. Both parties committed fraud and were then protected by law enforcement and the court system. Pet Helper's complaint should be dismissed, I should be refunded the sanction I paid to secure my release from jail and Toby should be returned to me. I will then agree to withdraw my complaint against them and not take further legal action.

HISTORY CASE #2005CP100368

In October of 2004 my 1990 Honda Accord was stolen by someone my son was living with at the time. When I found out about the theft I called and then went by the Dorchester County Sheriff's Department on 3/5/05 in person, but they refused to make a stolen car report because they said they didn't know the jurisdiction of the crime because I didn't know where my son was living. When I asked Lt. Barnhill and Lt. Thomas Marshall how I was supposed to turn in my tags or cease my car insurance, he said I had a problem. Later I found out from the highway department if there is no stolen car report, the car is considered "abandoned". I paid the taxes and renewed the registration and tags for the vehicle on 12/09/05. On 2/25/05 I received a *Notice to Claim Vehicle/Item of Personal Property* from North Charleston Magistrate David Coker that I had 30 days to reclaim my car and I owed a storage fee of \$2666 or the car would be auctioned off. The individual who claimed to have stored my car was using SC Statue 29-15-10 that can only be legitimately used by "a proprietor, owner, operator of a towing company, storage facility or repair shop that repaired or furnished any materials for repair" as the statue states. I called the individual, Debra Walker, assuming she was a towing or storage facility, but when I asked her where she found the car, she said a friend of her daughter's had brought it to her house. Shocked I replied that was probably the person who stole the car. I called her back a few days later because the notice said I had the right to inspect the car and she said the wheel was off. While I was on the phone with her, I asked her why she hadn't tried to find the owner of the car and she asked me why

I didn't try to find the car. After this conversation I went to see Judge Coker thinking he was unaware of the situation, but he only told me I could pick up my car and "not to make a fuss". Then I went to the City of North Charleston Police on March 12, 2005 and told them I wanted to report a stolen car since I now knew its' location. I asked for a police escort to Ms. Walker's home and called Jennings Towing to take my vehicle to Rick Hendrick's Honda on Savannah Highway. When the police and I arrived at her residence my car was parked on the street in front of her house. Ofc. Gann knocked on her door, she Ms. Walker waved at me and a young girl came out of the house and removed a fishing pole and other items from my car. I asked the police officer to write a report, but he was reluctant because he said I had retrieved my property. He also said he was leaving and I told him that I didn't feel comfortable waiting for the tow truck in front of the house where my stolen car was located. When I got the report a few days later, it said my son didn't remember where he had left his car which I never at any time said concerning the car so that was completely fabricated by the officer. I said he wouldn't tell me where he was living when the car was stolen and I found out later he was afraid to because the person who stole the car pointed a gun at his head and warning him not to report the theft.

When I had the car inspected at Rick Hendrick's Honda, they said the suspension was damaged and it would cost approximately \$1000 to repair it. I had also paid insurance on the car the entire time it was in Ms. Walker's possession. A hearing was scheduled in Judge Coker's magistrate court for 4/1/05, but Ms. Walker did not appear. I filed a complaint in the North Charleston Small Claims Court with Judge Turner asking for damages, but Judge Turner said we "were both innocent" and ruled in her favor on 8/5/05 even though she had committed fraud by attempting to gain ownership of the car through the Charleston County Magistrate Court and admitted during the hearing that she "just wanted the car for her daughter". She had violated a federal law when she submitted SCHD Form 5027-A to the highway department, *The Driver's Privacy Protection Act of 1994-18 USC, Chapter 123 as Amended*. I appealed his ruling on 8/12/05 and it was denied on 8/17/05. On 9/9/05 I filed a claim with the Charleston County Court of Common Pleas requesting a jury trial. When I came to the hearing on the appointed day, a court clerk told me Ms. Walker had not been notified to come and Judge Markley Dennis dismissed the case. The public record reflects that my case was disposed by nonjury trial on 1/27/06.

I was tempted to take the case to the Federal Court because Ms. Walker had broken a federal law when she went to the SC Highway Department and requested my vehicle information, but I thought I would probably be wasting my time and the filing fee there, too. Judges David Coker was involved in trying to launder my car through his court. Judges Turner and Dennis were both involved in protecting Judge Coker and in the cover-up afterwards. Ms. Walker was in possession of stolen property and had knowingly attempted to gain ownership of my car by claiming she had stored it when she wasn't a storage facility and should have reported the car to the police so they could have restored it to its' rightful owner. The obvious conclusion is that the Dorchester County Sheriff's Department, North Charleston Police Department, North Charleston Magistrate Court, North Charleston Small Claims Court, and Charleston County Court of Common Pleas were all involved in the cover-up of car theft.

The actions of these courts are available on the Charleston County Public Record case #2005CP1003681 Janet Frisco vs. Debra Walker and confirm that the courts did not take any action against Ms. Walker and ruled in her favor although she had been in possession of stolen vehicle and illegally obtained personal information on my car from the South Carolina Highway Department for the purpose of gaining ownership. Ms. Walker did so with the assistance of law enforcement and the judicial system in Charleston County. Tragically these activities date back many years and are manifest in my current situation with Pet Helpers, Inc.

TIMELINE OF CASE 2005CP1003681

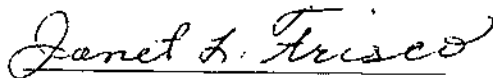
- 10/04** - My 1990 Honda Accord is stolen from the residence where my son, Charles A. Frisco is living.
- 12/09/04** - After finding out that from him that his roommate took the car while he was out, I call the Dorchester County Sheriff's Office to report it. Then I went in person to the DCSO to report the car stolen and Lt. Barnhill refuses to take a report because don't know where the car was stolen from.
- 01/26/05** - Debra Walker files a *REQUEST FOR VEHICLE INFORMATION (FORM 5027-A)* with South Carolina Highway Department checking box #7 which reads "For use in providing notice to owners of towed or impounded vehicles" and *REPORT OF UNCLAIMED VEHICLE (FORM TR-2)* checking box "Reporting and Requesting Information".
- 02/08/05** - I pay \$14.13 taxes on the vehicle with the County of Dorchester.
- 02/09/05** - I renew my registration and tags on the Honda.
- 02/09/05** - Debra Walker receives information from the SCHD that the car is not stolen (since there's no stolen car report).
- 02/25/05** - I receive a certified letter from Magistrate David C. Coker *NOTICE TO CLAIM VEHICLE/ITEM OF PERSONAL PROPERTY* which states that my vehicle has been stored since October 13, 2004 and has accrued storage fees of \$2660.00 saying it will be sold in a magistrate's sale if unclaimed with Ms. Walker's contact information.
- 03/05/05** - I go to the North Charleston Police to report the vehicle as stolen since I know it's located at Ms. Walker's home. Ofc. Alston tells me to go to Judge Coker and explain the situation.
- 03/08/05** - I spoke with Judge Coker and he said I can request a hearing and I can pick up my car.
- 03/12/05** - I return to the North Charleston Police Department to report the car stolen and request that Ofc. Gann follow me to Ms. Walker's home to meet Jennings Towing. I request that the officer file a report concerning the incident. The car is towed to Rick Hendrick's Honda on Savannah Highway. The report states in error that my son didn't remember where he left the car.
- 03/17/05** - I return to Judge Coker and schedule a hearing for 4/1/05 and Ms. Walker is summoned.
- 04/01/05** - Ms. Walker does not appear at the hearing and Judge Coker says, that I got my car back and the matter is finished in his court.
- 04/27/05** - I turn in my tags to SCDMV.
- 04/29/05** - I cancel my insurance on the Honda effective 3/18/05 with Charles Chitwood State Farm.
- 05/13/05** - I receive a refund from State Farm in the amount of \$178.35
- 06/17/05** - A supplement to correct the North Charleston police report #2005009502 by is added by Lt. Tetanich at my request.
- 06/19/06** - I write Governor Mark Sanford concerning the story.
- 06/29/05** - I request copies of forms 5027-A and TR-2 as per Section 56-3-520 (B) under Article 4 that Ms. Walker filed with SCHD and release of my motor vehicle registration and licensing under Chapter 3.
- 06/05** - I file a complaint against Ms. Walker in the Charleston County Small Claims Court asking for \$2893.43 for damages, towing and insurance costs which is scheduled for 8/5/05.
- 07/18/05** - I request forms 5027-A and TR-2 under Section 56-3-520 (B) from the SCHD that were illegally submitted by Debra Walker to obtain information on my vehicle.
- 08/05/05** - Judge James Turner rules in favor of Ms. Walker.
- 08/10/05** - Faxed copies of Form 5027-A Ms. Walker illegally submitted to SCHD to Calvin Jones with FBI per his request.
- 08/12/05** - I appeal and file a motion for a new trial in case #2005-SC-87-0481 against Ms. Walker.
- 08/17/05** - My motion for a new trial is denied in small claims court.

08/24/05 - I pay fees at the SCDMV in Columbia, SC for information on my vehicle's current status.
09/09/05 - I appeal and file a complaint with the Charleston County Court of Common Pleas case #05-CP-10-3681 requesting \$2893 in damages plus court costs demanding a jury trial.
09/09/05 - I write to Mr. Edward Wicker with the SCDMV concerning Ms. Walker's fraudulent use of Form 5027-A.
09/21/05 - Ms. Walker is served a summons by Charleston County Sheriff's Department.
09/22/05 - I receive a RETURN from the Small Claims Court Judge James Turner.
10/20/05 - I write another letter to SCHD concerning the fraudulent use of Form 5027-A and gave them Special Agent Calvin Jones with FBI contact information.
11/01/06 - I receive letter from my state senator Thomas L. Moore acknowledging correspondence I sent him concerning story.
12/02/05 - I receive letter from Charles Chitwood acknowledging receipt of my letter to him concerning the fraud that was committed and irregularities with the courts and law enforcement.
12/05/06 - I receive letter from The Supreme Court of South Carolina Office of the Disciplinary Counsel after reporting a complaint about Judge Davis Coker's involvement with laundering my car and they say they can't do anything.
12/11/06 - I write another letter to Governor Sanford concerning the story.
01/25/06 - I appear at hearing in the Court of Common Pleas and am told by a court clerk that Ms. Walker was not notified to be there. Judge Markley Dennis dismisses the case and it is ended by a non-jury trial according to Public Record as of 1/27/06.
02/02/06 - Last entrée in public record Form 4 in RE: order 2006 127 9990 mailed first class. I am not sure who it was mailed to, but I never received anything concerning the verdict in the case.
02/06/05 - Wrote letter to State Farm Insurance Company in Bloomington, IL relating the entire incident with Ms. Walker, the courts and law enforcement.
05/01/06 - Wrote letter to Dorchester County Sheriff's Department to the attention of Thomas Marshall relating the problems I had reporting the theft of my car and the subsequent lawsuits.
02/06/07 - I write a letter to Representative Henry Brown concerning the story.
03/07/07 - I write another letter to State Farm Insurance Corporate Office to the attention of Susan Mullinax concerning Ms. Walker, law enforcement and the courts and how they handled the theft and fraudulent activities surrounding it.
10/08/09 - Sold my 1990 Honda Accord for \$200.00 to a private party. According to Blue Book it had a value of approximately \$2000 if it was not damaged.

Case #2005CP1003681 PUBLIC RECORD ENTREES

05/18/05 - Non liquidated, civil converted cost
05/23/05 - Service Vanderhorst
06/17/05 - Answer
07/01/05 - Civil Court Default Date
08/05/05 - Civil court event
08/05/05 - Finding for defendant at non-jury trial
09/09/05 - Receipt #05-11475
09/09/05 - Civil appeal from small claims court
09/20/05 - Transfer to other court
09/20/05 - Findings for defendant jury trial

09/20/05 – Judgement Janet Frisco
09/20/21 – Judgement Debra Walker
09/20/05 – Memo Return done



Janet L. Frisco, Pro Se

Dated: 11/19/21

CERTIFICATE OF SERVICE

The foregoing document Plaintiff's Amended Objection to the Defendants' Motion to Reconsider Consolidation was served on the following by email and U.S. Mail with sufficient postage affixed, this 19th day of November 2021:

Stephan V. Futeral

1004 Anna Knapp Blvd. Suite 3
Mt. Pleasant, South Carolina 29494
sfuteral@charlestonlaw.net

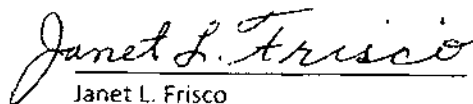

Janet L. Frisco

EXHIBIT L

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

PET HELPERS, INC.,

Plaintiff,

vs.

JANET FRISCO,

Defendant.

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NO.: 2021-CP-10-2682

**PLAINTIFF'S REQUESTS FOR
PRODUCTION**

TO: JANET FRISCO, THE ABOVE-NAMED DEFENDANT:

Pursuant to Rule 34, SCRCP, you are requested to produce and/or permit the inspection, copying and/or photographing of the documents described below within the next thirty (30) days. These requests shall be deemed continuing and supplemental productions shall be required of you directly or indirectly to obtain further documents if the nature of the documents sought herein are altered or supplemented between the time these documents are produced and the time of trial of this action.

DEFINITIONS

As used herein, the terms listed below are defined as follows:

(A) "Document" shall mean every writing or record of every type and description that is or has been in your or your respective representative(s) or attorney(s) possession, control, or custody, or of which you or your respective representative(s) or attorney(s) have knowledge, including but not limited to print-out sheets, movie film, videotape, slides, photographs, microfilm, notes, letters, memorandum, worksheets, books, magazines, diaries, calendars, appointment books, charts, tables, papers, agreements, contracts, invoices, budgets, payrolls,

check stubs, canceled checks, analysis, projection, transcripts, minutes of meetings of any kinds, correspondence, drafts, data processing, disks, or tapes and computer produced interpretations thereof, instructions, announcements and mechanical or electrical sound recordings and transcripts thereof. "Document" also means all copies which are not identical to the original, such as those bearing marginal comments, alterations, notes or other notations not present on the original document as originally typed, or otherwise prepared.

(B) "Communications" shall mean any statement or utterance, whether written or oral made by one person to another, or in the presence of another, or any document delivered or sent from one person to another.

INSTRUCTIONS

(A) All documents covered in this request shall be produced in an orderly manner (with appropriate markings or other identification) so that we will be able to identify the source of the document and the number of the request to which it responds.

(B) If you refuse to produce any requested material in whole or in part, describe the basis for your refusal to produce, including any claim or privilege or work product in sufficient detail so as to permit the Court to adjudicate the validity of your refusal, and identify each document for which a privilege is claimed.

(C) If a privilege of any kind is claimed as a basis for withholding or redacting any document responsive to this request, the information as to which the privilege is being asserted should be clearly identified and the entire factual and legal basis for the claim of the privilege stated. Each document withheld should be identified by setting forth (i) the name(s) of the document's author(s) or sender(s); (ii) the name(s) of the document's addressee(s) and

recipient(s); (iii) the date of the document; (iv) the nature of the document (*e.g.* letter, memorandum, report, etc.); (v) the location of the document and its custodian; and (vi) a description of the contents of the document.

(D) If any document described in this request was, but no longer is, in your possession, or subject to your custody or control, or in existence, please state:

- i) whether it is missing or lost;
- ii) whether it has been destroyed;
- iii) whether it has been transferred, voluntarily or involuntarily, to others; and
- iv) who may have a copy.

(E) This request to produce seeks all documents known to or reasonably available to you, including without limitation, documents known or available to you, and all agents, attorneys, investigators, representatives of any kind, and all persons acting on your behalf.

REQUESTS FOR PRODUCTION

1. Any and all documents, photographs, charts, statements, recordings, correspondence, and any and all other demonstrative evidence which you intend to use at the trial of this case.

2. Any and all records which relate to Toby/Slim Jim.

3. Any and all communications, including emails, text messages, Facebook messages or any other mode of communication, between you and others relating in any way to the claims or defenses in this lawsuit.

4. Copies of any and all statements given by you, and/or any witnesses whether written, recorded, or on a tape recording, or otherwise.

5. With regard to any expert witness Defendant intends to call as a witness at the trial of this case, please produce:

- a) All documents, including a curriculum vitae, that Defendant contends will establish the expert's qualifications to testify at trial.
- b) All reports prepared by the expert, including the draft versions of said reports;
- c) All field notes prepared by or at the direction of the expert;
- d) All photographs or videotapes taken, utilized, reviewed, or consulted by the expert;
- e) All diagrams or drawing prepared by the expert;
- f) All correspondence to or from any expert, including electronic communications (e-mail);
- g) The fee agreement with the expert;
- h) The time and billing records of the expert;
- i) All articles, treatises, publications, or other authoritative documents which the expert utilized, consulted, or in any way reviewed in the subject action;
- j) All articles, treatises, publications, or other authoritative documents which support the expert's opinion in this action;
- k) All articles, treatises, publications, or other authoritative documents which do not support the expert's opinion in this action;
- l) All documents which establish that the expert's opinion is generally accepted in the scientific community;
- m) All documents indicating that the expert's opinions were subject to peer review.

6. An entire copy of your personal Facebook accounts, groups, and pages to include your personal page, your "Justice for Toby" Group Page, your OCD Pruning and Landscaping Page, and your Real Dorchester County Watchdog Page. To download a copy of your Facebook data:

- Click in the top right of Facebook.
- Select Settings & Privacy, then click Settings.
- In the left column, click Your Facebook Information.
- Next to Download Your Information, click View.

To add or remove categories of data from your request, click the boxes on the right side of Facebook.

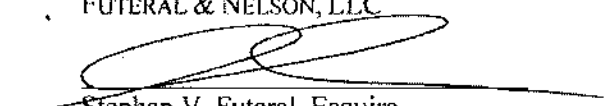
- Select other options, including:
 - The format of your download request.
 - The quality of photos, videos and other media.
 - A specific date range of information. If you don't select a date range, you'll request all the information for the categories you've selected.

- Click Create File to confirm the download request.

After you've made a download request, it will appear as Pending in the Available Copies section of the Download Your Information tool. To download a copy of data you saved:

- Go to the Available Copies section of the Download Your Information tool.
- Click Download and enter your password.

FUTERAL & NELSON, LLC


Stephan V. Futeral, Esquire

S.C. Bar ID 66427

1004 Anna Knapp Blvd., 2nd Floor
Mt. Pleasant, South Carolina 29465

Telephone (843) 284-5500

Facsimile (843) 284-5501

email to: sfuteral@charlestonlaw.net

Dated: 6/18/21

Attorney for Plaintiff

Page 5 of 6

CERTIFICATE OF SERVICE

The foregoing document *Plaintiff's Requests for Production* was served on the following by email and U.S. Mail with sufficient postage affixed, this 18th day of June, 2021:

Janet Frisco
203 Cardinal Drive
Summerville, SC 29485
Janetfrisco@yahoo.com

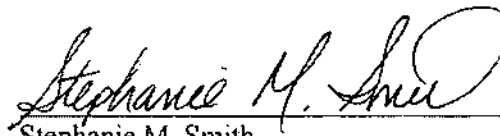

Stephanie M. Smith
Paralegal to Stephan V. Futeral

EXHIBIT M

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL COURT
CASE NO.: 2021-CP-10-2682

PET HELPERS, INC.,

AFFADAVIT OF JANET FRISCO

Plaintiff

JANET FRISCO,

Defendant

FILED
2022 APR 21 PM 1:48
CLERK OF COURT

PERSONALLY, appeared before me, Janet Frisco, who after being duly sworn, deposes and states as follows:

I, Janet Frisco, pursuant to SCRCR Rule 56(f) request additional time to submit discovery requests to Plaintiff which is essential to justify my opposition to their Motion for Partial Summary Judgement. I cannot present by affidavit facts concerning the staged adoption of my dog Toby and Pet Helper's fraud soliciting donations and subsidies without their discovery disclosures.

Janet Frisco
Janet Frisco

SWORN to and subscribed before me
this 21 day of April, 2022.

Sherry M Funk
Notary Public for South Carolina

My commission expires 09/24/2022



EXHIBIT N

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTONPET HELPERS, INC.

Plaintiff,

vs.

JANET FRISCO

Defendant.

IN THE COURT OF COMMON PLEAS
JUDICIAL CIRCUITCASE NO. 2021-CP-10-2682MOTION AND ORDER INFORMATION
FORM AND COVERSHEET

Plaintiff's Attorney: <u>Stephan Futera</u> Bar No. _____ Address: <u>1004 ANNAPOLIS BLVD, Ste. 3</u> Phone: _____ Fax: _____ E-mail: _____ Other: _____	Defendant's Attorney: <u>Janet Frisco</u> Bar No. <u>PRO SE</u> Address: <u>203 CARDINAL DR. SUMMERVILLE</u> Phone: _____ Fax: _____ E-mail: _____ 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: _____ 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.																	
<u>Janet L. Frisco</u> <u>March 24,</u> 20 <u>22</u> Signature of Attorney for ☐ Plaintiff / ☒ Defendant Date submitted																	
SECTION III: Motion Fee																	
☐ PAID - AMOUNT: \$ _____ ☐ EXEMPT: (check reason) <table style="width: 100%; border: none;"> <tr> <td>☐ Rule to Show Cause in Child or Spousal Support</td> <td>☐ State Agency v. Indigent Party</td> </tr> <tr> <td>☐ Domestic Abuse or Abuse and Neglect</td> <td>☐ Post-Conviction Relief</td> </tr> <tr> <td>☐ Indigent Status</td> <td>☐ Motion for Stay in Bankruptcy</td> </tr> <tr> <td>☐ Sexually Violent Predator Act</td> <td>☐ Motion for Execution (Rule 69, SCRCP)</td> </tr> <tr> <td>☐ Motion for Publication</td> <td>☐ Proposed order submitted at request of the court, or,</td> </tr> <tr> <td colspan="2">reduced to writing from motion made in open court per judge's instructions</td> </tr> <tr> <td colspan="2">Name of Court Reporter: _____</td> </tr> <tr> <td colspan="2">☐ Other: _____</td> </tr> </table>		☐ Rule to Show Cause in Child or Spousal Support	☐ State Agency v. Indigent Party	☐ Domestic Abuse or Abuse and Neglect	☐ Post-Conviction Relief	☐ Indigent Status	☐ Motion for Stay in Bankruptcy	☐ Sexually Violent Predator Act	☐ Motion for Execution (Rule 69, SCRCP)	☐ Motion for Publication	☐ 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: _____	
☐ Rule to Show Cause in Child or Spousal Support	☐ State Agency v. Indigent Party																
☐ Domestic Abuse or Abuse and Neglect	☐ Post-Conviction Relief																
☐ Indigent Status	☐ Motion for Stay in Bankruptcy																
☐ Sexually Violent Predator Act	☐ Motion for Execution (Rule 69, SCRCP)																
☐ Motion for Publication	☐ 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: _____, 20____																
CLERK'S VERIFICATION																	
Collected by: _____ Date Filed: _____, 20____																	
☐ MOTION FEE COLLECTED: \$ _____ ☐ CONTESTED - AMOUNT DUE: \$ _____																	

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT COURT
CASE #:2021-CP-10-2682

**MOTION FOR LEAVE TO SUPPLEMENT ANSWER TO
PLAINTIFF'S COMPLAINT PURSUANT TO SCRCP RULE
15(D) and AMENDED COUNTERCLAIM FOR MALICIOUS
PROSECUTION**

Pet Helpers, Inc., Plaintiff

Vs.

Janet L. Frisco, Defendant

FILED
2022 MAR 24 PM 3:38
JULIE J. JAMES, CLERK OF COURT

To: THE ABOVE-NAMED PLAINTIFF, PET HELPERS, INC.:

YOU WILL PLEASE TAKE NOTICE that the undersigned will move before the presiding judge, Court of Common Pleas for Charleston County, within ten (10) days or as soon thereafter as defendant may be heard to request leave of the court to supplement original answer to the Plaintiff's complaint pursuant to SCRCP 15(d) as follows:

SCRCP 15(d) SUPPLEMENTAL PLEADINGS. Upon motion of a party the court may, upon reasonable notice and upon such terms as are just, permit him to serve a supplement pleading setting forth transactions or occurrences or events which have happened since the date of the pleading sought to be supplemented, whether or not the original pleading is defective in its statement of a cause or action or defense. If the court deems it advisable that the adverse party plead thereto, it shall so order, specifying the time therefor.

Note:

This Rule 15(d) is the same as the Federal Rule, State practice since 1870 has followed this procedure. McClasian v. Latimer, 17 S.C. 123 (1882); Francis Marion Hotel v. Chicco, 131 S.C. 344, 127 S.E. 436 (1924).

Defendant's proposed **MOTION FOR LEAVE TO SUPPLEMENT ANSWER TO PLAINTIFF'S COMPLAINT AND AMENDED COUNTERCLAIM FOR MALICIOUS PROSECUTION** is attached to this pleading (see Exhibit A) for the court's consent and for review by the plaintiff.

Janet L. Frisco

Janet L. Frisco, Pro Se

DATED: March 24, 2022

CERTIFICATE OF SERVICE

The foregoing document ***MOTION FOR LEAVE TO SUPPLEMENT ANSWER TO PLAINTIFF'S COMPLAINT AND AMENDED COUNTERCLAIM FOR MALICIOUS PROSECUTION*** was served on the following by email and U.S. Mail with sufficient postage affixed this 21st day of March 2022:

Stephan V. Futeral
1004 Anna Knapp Blvd., Suite 3
Mt. Pleasant, South Carolina 29464
sfuteral@charleston.net

Janet L. Frisco

Janet L. Frisco, Pro Se

FILED
2022 MAR 24 PM 3:38
JULIE J. ARMSTRONG
CLERK OF COURT

EXHIBIT A

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT COURT
CASE #: 2021-CP-10-2682

**MOTION TO SUPPLEMENT ANSWER TO PLAINTIFF'S
COMPLAINT PURSUANT TO SCRPC RULE 15(d) AND
AMENDED COUNTERCLAIM FOR MALICIOUS
PROSECUTION**

Pet Helpers, Inc., Plaintiff

Vs.

Janet L. Frisco, Defendant

TO: THE ABOVE-NAMED PLAINTIFF, PET HELPERS, INC.:

YOU WILL PLEASE TAKE NOTICE that the undersigned will move before the presiding judge, Court of Common Pleas for Charleston County, within ten (10) days or as soon thereafter as Pro Se may be heard, to supplement original answer to the Plaintiff's complaint pursuant to SCRPC Rule 15(d) and to counterclaim for malicious use of process in the wrongful initiation of a civil proceeding in order to seek relief of all sanctions, partial summary or default judgements, compensation for legal costs, sanction paid to the plaintiff's attorney, and return of my dog Toby that Pet Helpers obtained under false pretenses and whom they allowed to suffer separation from me contrary to their claims they try to keep pets and owners together or place them in good homes stated on their website. and to request a settlement from Pet Helpers for the immense pain and suffering inflicted on me by their lawsuit which caused me to be the victim of incarceration, intimidation, threats, multiple hearings, false accusations, calumny, oppressive discovery requests, unwarranted restraining orders, police harassment and other continued duress that I am still being subjected to through their malicious and fraudulent lawsuit.

SCRPC 15(d) SUPPLEMENTAL PLEADINGS. Upon motion of a party the court may, upon reasonable notice and upon such terms as are just, permit him to serve a supplement pleading setting forth transactions or occurrences or events which have happened since the date of the pleading sought to be supplemented, whether or not the original pleading is defective in its statement of a cause or action or defense. If the court deems it advisable that the adverse party plead thereto, it shall so order, specifying the time therefor.

Note:

This Rule 15(d) is the same as the Federal Rule, State practice since 1870 has followed this procedure. McClasian v. Latimer, 17 S.C. 123 (1882); Francis Marion Hotel v. Chicco, 131 S.C. 344, 127 S.E. 436 (1924).

BACKGROUND

At the time I answered the plaintiff's complaint I was not aware of information that is critical to any final decisions by the court. Since my original Answer to the Complaint, there is evidence that the adoption of my dog, Toby, a.k.a. Slim Jim, was staged by Melissa Susko and her employee, John Blaine on May 8, 2021. (See EXHIBIT A). The fake adoption was then advertised on their website in order to fraudulently solicit donations based on finding him a new home. (See EXHIBIT B). Katherine Leasure, in the Intake Department, and Ms. Susko lied about the date of the so-called adoption in order to prevent me from adopting my dog back after I submitted an online adoption application on the evening of May 7th 2021 (See EXHIBIT C) that Ms. Leasure sent me after I called and emailed and phoned her on several occasions about reclaiming my dog days after his surrender (See EXHIBIT D). Ms. Susko, Ms. Leasure, and Mr. Blaine are all complicit in the aforementioned behavior intended to defraud their donors by faking Toby's adoption in order to solicit donations from them and collect subsidies from the Bissell Pet Foundation.

Plaintiff's attorney filed the document *REPLY TO DEFENDANT'S 2ND MOTION TO AMEND ANSWER AND COUNTERCLAIMS* in reference to my two previous attempts to amend my answer to his client's complaint criticizing that I neglected to submit a proposed answer and reiterating again the history of this litigation including the plaintiff's claim of defamation and all the actions ordered against me thus far. He also includes that I haven't complied with his discovery requests or paid an additional sanction of \$1214 ordered by Judge Cothran. By doing this, counsel is attempting to distract the court from his serious infractions constituting fraud upon the court stemming from his false statements he used to obtain the restraining orders and concealing evidence of the fake adoption. The discovery requests, especially the Production, are oppressive and unreasonable because of their scope and were only created to prevent me from defending myself from a massive array of motions. Mr. Futeral also stresses that I haven't complied with his discovery requests or paid additional sanctions that were imposed by the court even though none of my arguments or filed objections were considered by the

court before their decisions. I made errors in filing amendments to my original answer and now Plaintiff's counsel is attempting to use my inadvertent oversites as an excuse to have the court dismiss my counterclaims against the plaintiff calling them "frivolous".

The plaintiff's attorney seems to think anything is permissible as long as he outwardly adheres to *The South Carolina Rules of Civil Procedure*, but he is actually abusing these rules in a fraudulent and malicious lawsuit in order to cover up the criminal behavior of his clients. There is a higher ethical rule that he entirely ignores in his pursuit of conquest.

He states in his Law Analysis II that I should not be allowed to amend my complaint until I pay additional sanctions ordered on January 22, 2021 because he is trying to incarcerate and extort more money from me so I will be unable to oppose him or defend myself in this lawsuit. I have already paid a sanction of \$5432.34 in order to be released from jail on November 9th, 2021 that is currently pending appeal in the South Carolina Court of Appeals and I shouldn't have to pay additional monies until a decision is reached concerning that and the other pending issues such as Mr. Futeral's fraud upon the court, malicious prosecution and possible abuse of discretion by other court officials in the Charleston County Court of Common Pleas that have been included in filings in the lower and upper court. My *Petition for Rehearing* was filed in the Court of Appeals on March 15, 2022 and is pending.

I am now submitting this **MOTION TO SUPPLEMENT ANSWER** under **SCRCP 15(d)** with **AMENDED CLAIM FOR MALICIOUS PROSECUTION** to the court, which I believe according to the rule, holds complete dominion as to whether my motion is heard, but additionally I have also submitted the proposed supplement for the plaintiff's review.

CONCLUSION

Pet Helpers' legal counsel, Stephan V. Futeral, is guilty of attempting to conceal his client's fraudulent behavior through the lawsuit and its' actions and fraud upon the court for concealing evidence and making false statements on filed documents and in court hearings in order to cover up criminal fraud by Pet Helpers, Inc. Mr. Futeral lied that I threatened employees, trespassed on Pet Helper's property and committed defamation in order to obtain the restraining orders and file the complaint against me. The lawsuit filed by the plaintiff's constitutes malicious prosecution because there was no defamation against the plaintiff involved. The complaint against me is merely a ploy to

conceal the plaintiff's criminal fraudulent actions. Everything I said was true except they hadn't killed my dog yet because I brought too much attention to their sinister actions through my public protests. I believed they would have euthanized Toby shortly after the fake adoption because a former employee approached me as I was protesting in front of Pet Helpers and told me the executive manager, Melissa Susko, told her she was certified to euthanize and the former employee also said that Ms. Susko had been involved in the euthanasia of two dogs, Cody and Dixie, who were not medically untreatable or aggressive when the employee worked at Pet Helpers. I truly believe they planned to kill him because I saw how they needlessly let him suffer separation for weeks after I left him there waiting for me to return when they knew I would come back for him. Unbelievably, Pet Helpers later denied in their Admits that dogs experience depression when abandoned. Plaintiffs have maliciously, with the assistance of their legal counsel, attempted to conceal a crime through the restraining orders and sanctions contained in the lawsuit when I reacted to their deception after unsuspectingly surrendering my dog Toby to them on April 13, 2021. They mislead me to believe that they would find him a good home, but instead they faked his adoption and probably would have killed him after they collected the donations and subsidies. The reason for their lawsuit is to cover-up their crime of fraud by suppressing the truth about the fake adoption and to destroy me in the process if necessary to reach that end.

Pet Helpers, Inc. has caused great injury to me by subjecting me to threats, intimidation, illegitimate restraining orders, calling the police for no reason, violation of my constitutional right to free speech, traumatizing me by incarceration, and causing me financial hardship through sanctions and currently a motion for a partial summary judgement and further sanctions when there is no legal basis because I have not committed libel or slander against them. On the contrary, I have only attempted to expose the truth about what they did to my rescued hunting dog and to me. Each time I looked at his pictures on their website, my heart was broken because I could see, and so could they, how sad he was although they denied it when I called and emailed repeatedly with concerns after the surrender, but they were only concerned with making money.

Their lawsuit has affected my health and overall well-being that may be a permanent condition when I was doing very well even starting my own landscaping business before I fell into Pet Helpers' trap that they set for the public and unwarily surrendered my dog to them. I have had to undergo almost a year of pain and suffering because they were only concerned with exploiting Toby in

order to make money allowing him to suffer separation and then prosecuting me for exposing the fake adoption and disposal of dogs. They deliberately and maliciously tried to harm me financially through the lawsuit and physically harm me through the incarceration in order to cover up their criminal actions.

Accordingly, the Defendant respectfully requests the following of this court:

1. Pet Helpers' illegitimate complaint Case # 2021-CP-10-2682 be dismissed and all associated restraining orders and sanctions rendered against me be immediately revoked and/or refunded.
2. I be reimbursed for all costs, pertaining to this case and my own complaint Case #2021-CP-10-2848 that was consolidated January 6, 2022 as well as the sanction of \$5432.34 I was forced to pay to be released from jail of November 9, 2021, a form of theft and extortion by the Plaintiff's attorney.
3. My dog Toby, who was not legitimately adopted, be returned to me as he should have been when I requested that Pet Helpers return him a week after the surrender.
4. Mr. Stephan Futeral, the Plaintiff's attorney, be reprimanded by the court and referred to the South Carolina Bar for his deceptive actions constituting fraud upon the court in this lawsuit.
5. I be compensated \$50,000 for my pain and suffering inflicted by the Plaintiff during the course of this malicious prosecution.

Janet L. Frisco, Pro Se

Dated: _____



BLAINE JOHN

Animal Care Technician



EXHIBIT A

EXHIBIT A, CONT.

5/8/2021

Contract

Adoption Contract - May 8 2021

Tel.: 843-795-1110 | Fax: 843-795-8090



Pet Helpers
1447 Folly Road
Charleston, South Carolina 29412 USA
mausko@pethelpers.org
<https://www.pethelpers.org/index.html>

Person ID: [REDACTED]

Animal Information

Animal ID: A47529858

ARN: Toby

Chip #: 982091063428429

Type: 24PetWatch

Name: Slim Jim

DOB: 4/13/2020

Current Age: 1 y 0 m 25 d

Age Group: Adult - 1 year and older

Types: Dog

Breeds: Hound/Mix

Colors: Brown/White

Pattern: Tricolor

Gender: Male

Altered: Yes

Size: Large

Weight: 50.20 pound

I, [Signature] (hereinafter Adopter), acknowledge receiving from Pet
Helpers Adoption Center and Spay/Neuter Clinic (hereinafter Pet Helpers), custody of
Slim Jim (microchip #: 982 091063428429), and, in return consideration
to Pet Helpers hereby promise and agree to the following:

1. Use as Companion Animal: [REDACTED] Adopter Initials

- a. Adopter agrees that the animal will be kept only as a companion animal. The above-named animal will not be used for fighting, breeding, racing, or experimental/research purposes.

2. Animal Care: [REDACTED] Adopter Initials

- a. Adopter will, at his/her own expense, provide the adopted animal with adequate and proper quantities of wholesome food and water, safe and adequate shelter, proper and adequate exercise, training, appropriate veterinary attention, and, in general, treatment in accordance with the humane and prudent practices of animal care.
- b. Adopter shall comply with all city, county, and state laws and regulations, including but not limited to, those relating to care, housing, licensing, ordinances, etc.
- c. The animal adopted must live indoors and cannot be tethered or kenneled outdoors.
- d. Although your adopted animal is microchipped, adopter agrees to have an ID tag and collar on adopted animals at all times.
- e. Adopter shall provide heartworm and/or flea preventative for life of animal. If a canine is returned to Pet Helpers, adopters agrees to provide current heartworm test results at time of return. If tested positive, adopter shall be financially responsible for heartworm treatment.
- f. Adopter is aware of maintenance needs of the species being adopted. Adopter agrees that he/she will not declaw, crop, dock or otherwise mutilate any animal he/she is adopting from Pet Helpers unless in cases of medical necessity.

EXHIBIT A

5/8/2021

Contract

g. Adopter agrees that if any behavioral issues arise after adoption, the adopter will enlist help from the Pet Helpers staff by contacting our shelter immediately. Adopter also agrees to work with our shelter trainer who can assist in overcoming any issues that may arise.

3. Prior Animal Care Charges or Convictions: [REDACTED] Adopter Initials

a. Adopter represents that he/she has never been subject to legal action for cruelty to or neglect of animals. Adopter further represents that he/she has never owned an animal that has been confiscated by any animal control or humane organization for violations of state or local animal control regulations or animal adoption agreements.

4. Full Household Consent: [REDACTED] Adopter Initials

a. Adopter represents that all household members have agreed to the adoption of the animal and will abide by the terms of this agreement.

5. Tenant and zoning: [REDACTED] Adopter Initials

a. If the Adopter is a tenant, then Adopter agrees that he/she has permission from his/her landlord to own and possess this animal at his/her residence.
b. It is the responsibility of adopters to check local zoning and housing communities to ensure animal/breed is acceptable to live in such community.

6. No Guarantee Given Regarding Breed, Health or Temperament: [REDACTED] Adopter Initials

a. Adopter acknowledges and understands that Pet Helpers makes no claims as to the temperament, health, disposition, or general condition of this animal. Pet Helpers has provided the adopter, to the fullest extent possible, information about the health, history and background of the animal. The Adopter understands that animals at Pet Helpers come from a rescue environment in which little may be known about the animal's past. Hence, Pet Helpers cannot guarantee that this animal is free from all illness despite the organization's best efforts and due diligence to minimize and prevent disease transmission. The adopter accepts responsibility for the animal based on the information available and provided at the time of this agreement.

b. Pet Helpers does not perform DNA testing to determine the breed of our animals. All breeds are 'best guessed' and opinion may vary.

7. Release of Liability: [REDACTED] Adopter Initials

a. Adopter accepts possession of (subject to the conditions of the adoption contract), and responsibility for the animal adopted and agrees to release and discharge Pet Helpers, its agents, officers and directors, heirs or assignees forever from liability for any injury or damages to any person or property caused by the adopted animal, and from any causes of action, claims, suits, or demands whatsoever that may arise as a result of such injury or damages.

8. Transfer of Ownership: [REDACTED] Adopter Initials

a. The Adopter agrees not to sell, trade, loan, or give away the animal without the prior written consent of Pet Helpers. This adoption agreement is non-transferable.
b. Adopter agrees to notify Pet Helpers via email of any address or phone number changes so that we can keep our records current in case your pet gets lost and we are notified.

9. Return of Animal to Pet Helpers: [REDACTED] Adopter Initials

a. We at Pet Helpers seek forever homes for the animals that come through our shelter and encourage adopters to adopt our philosophy. Adopter can transfer the adopted animal into another home only after notifying Pet Helpers, giving us the first option of return and providing Pet Helpers with new adopters' information. Adopter will not be eligible for any refund of adoption donation fees or expenses.

5/8/2021

Contract

However, if Pet Helpers can accept animal back into our shelter, all intakes are scheduled through our intake coordinator by appointment only.

10. Reservation of Rights: [REDACTED] Adopter Initials

- a. Pet Helpers reserves the right to an ongoing review of this adoption at random, to follow up on any complaints or reports to protect the welfare of this animal. If the Adopter does not satisfactorily uphold any of the terms of this Agreement and/or if any misrepresentations have been made to Pet Helpers in order to obtain the animal, Pet Helpers reserves the right to void this Agreement and take immediate possession of the animal, wherever it is located. At such time the adopter's rights shall be terminated and adopter agrees that he/she shall have no direct cause of action or claim against Pet Helpers, its officers, directors, staff, or volunteers regarding such removal and termination of rights. In the event the Adopter fails or refuses to return such animal upon demand, he/she hereby agrees to pay Pet Helpers reasonable attorneys' fees in the event an attorney is consulted or if suit is brought for the return of the animal.

11. Copy of Contract: [REDACTED] Adopter Initials

- a. Adopter acknowledges that he/she has received a copy of this Animal Adoption Contract signed by both parties.

I certify that I am over the age of 18 and lawfully competent to enter into this contract. I agree that all information provided in the Adoption Application and Adoption Contract is truthful to the best of my knowledge and belief. If it is found that any statements I have made on the Adoption Application and Contract are not true, the adopted animal can be confiscated.

[REDACTED]
Adopter Signature

[REDACTED] 05/08/21
Date

[REDACTED]
Signature
Agent, Pet Helpers Adoption Center

[REDACTED] 5/8/21
Date



Thank you for choosing to adopt! Please complete this questionnaire to help guide our conversation today.

Date: 5/1/21 Animal's Name: Slim Jim Buster Acres Animal ID #: 47529858

Adopter Name: _____

Address: _____ City/State/ZIP: _____

Email: _____

Cell phone: _____ Home phone: _____ Work phone: _____

Microchip Emergency Contact *Must be someone other than yourself*

Name: _____ Phone: _____

Best way you can be reached by phone? _____

Best time of day you can be reached? _____

We welcome adopters who rent or live in an apartment or condo. We want to alert you that some landlords and management companies have size and breed restrictions, limits on number of pets, and/or require pet deposits or additional fees.

Tell us about members of the new pet's household (e.g., # of adults/seniors/young children):

Tell us about pets at home (check all that apply):

- ☐ We have one or more dog(s)
- ☐ We have one or more cat(s)
- ☐ We have one or more small animal(s)
- ☐ I'd like help with introducing a new pet

Form continued on other side →



Other info you want to share?

We'll explain this new pet's medical history and behavioral history. Check any additional topics you'd like to discuss:

☒ Feeding this pet	☐ Finding a veterinarian
☐ House-training/litter box training	☐ Declawing
☒ Grooming/nail trimming	☒ Crate-training
☐ Exercise, toys and fun activities	☐ Moving with pets
☒ Puppy/kitten-proofing your home	☐ Pulling on-leash
☐ Finding a trainer	☐ Flea/tick prevention
☐ Introducing this pet to other pets	☐ Heartworm prevention
☒ Microchips and other ID options	

Other questions:

Extra services and opportunities we offer; check any you are interested in:

☒ Buying a crate with this adoption	☐ Information about low-cost spay and neuter services
☐ Information on our low-cost vaccination clinic for any current pets	☒ Information about volunteering or fostering with us
☒ Information on our next low-cost microchip implantation day for any current pets	☐ Information about supporting us with financial or in-kind donation
☒ Information about our training classes	

Signature _____ Date 5/1/21

Approved by _____ Date 5/8/21

Notes:

Extensively counselled!

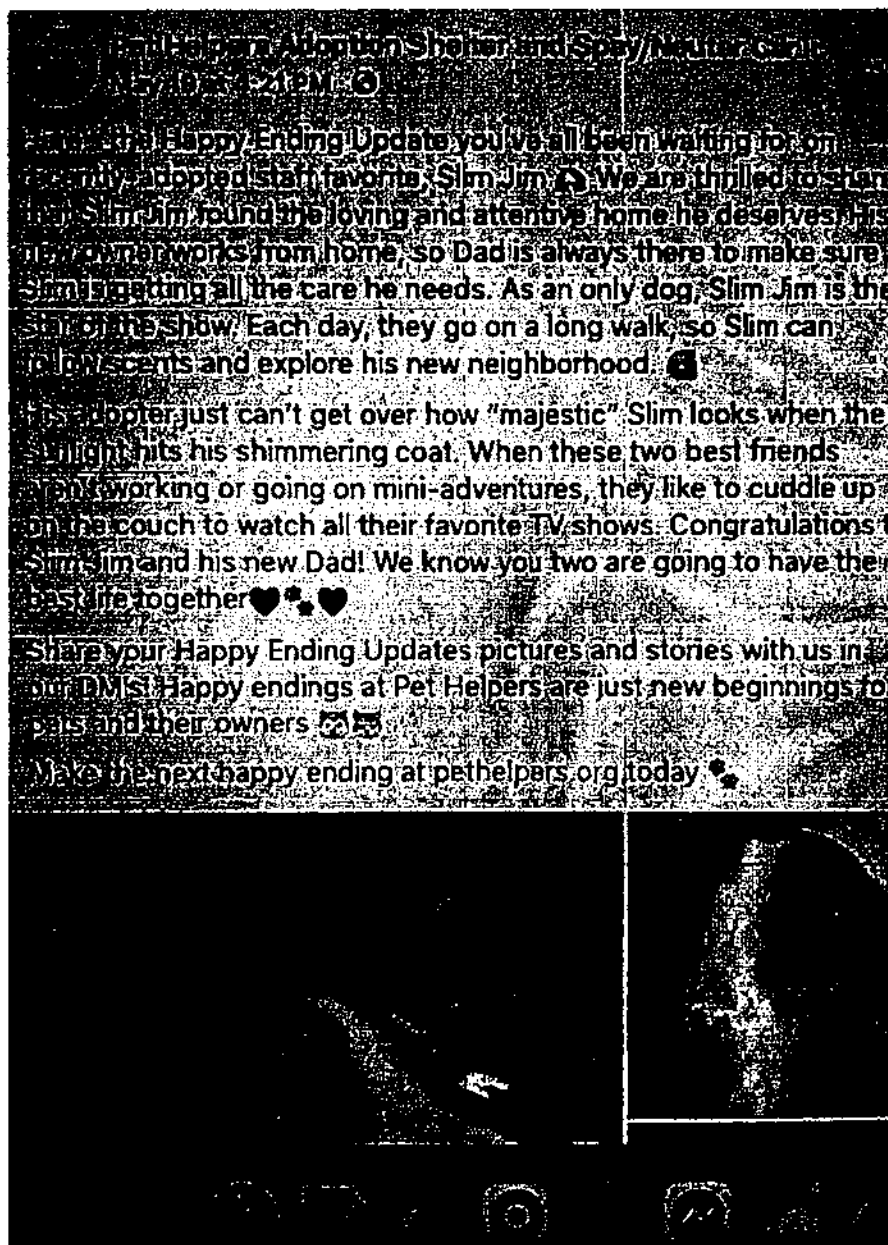


EXHIBIT B

2/28/22, 5:42 AM

Yahoo Mail - Re: Application for adoption

EXHIBIT C

Re: Application for adoption

From: Janet Frisco (janetfrisco@yahoo.com)

To: office@pethelpers.org

Date: Friday, May 7, 2021, 05:14 PM EDT

Thank you for sending the application. I would have sent it yesterday but I couldn't edit it on my phone and had to use my P.C. I am hoping I can get an appointment for adoption tomorrow or early next week. I miss him so much.

Janet Frisco

On Thursday, May 6, 2021, 04:33:36 PM EDT, Front Desk <office@pethelpers.org> wrote:



1447 Folly Rd Charleston, SC29412
t: 843-795-1110 | m: 843-795-1110
e: office@pethelpers.org



<http://www.pethelpers.org/>



Let your Child Learn the Magic of Animal Rescue this August at Pet Helpers!

Register Here: <https://pethelpers.org/hairy-pawtter/>

The information contained in this email, and any attachments hereto, is from Pet Helpers, Inc. and is intended only for use by the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this email, you are hereby notified that any dissemination, distribution, copying or use of the contents of this email, and any attachments hereto, is strictly prohibited. If you have received this email in error, please immediately notify me by reply email and permanently delete the original and any copy of this e-mail and any printout thereof.



Curbside adoption questionnaire.docx
53.9kB

2/28/22, 5:44 AM

(136,644 unread) - janetfrisco@yahoo.com - Yahoo Mail

HOME MAIL NEWS FINANCE SPORTS ENTERTAINMENT LIFE SHOPPING YAHOO PLUS MORE...

Front Desk Add keywords

Compose

Inbox 999+

Unread

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Archive

Spam

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Back



Let your Child Learn the Magic of Animal Rescue this August at Pet Helpers!

Register Here: <https://pethelpers.org/hairy-pawdite/>

The information contained in this email, and any attachments hereto, is from Pet Helpers, Inc. and is intended only for use by the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this email, you are hereby notified that any dissemination, distribution, copying or use of the contents of this email, and any attachments hereto, is strictly prohibited. If you have received this email in error, please immediately notify me by reply email and permanently delete the original and any copy of this e-mail and any printout thereof.



Curbside a....docx
53.9kb



Front Desk <office@pethelpers.org>
To: Janet Frisco

Sat, May 8, 2021 at 9:47 AM ★

Hello
This is Kellie. Have you received my emails concerning Slim Jim?

Thank You
Kellie



1447 Folly Rd Charleston, SC 29412
t: 843-795-1110 | m: 843-795-1110
e: office@pethelpers.org



<http://www.pethelpers.org/>

Show original message



Let your Child Learn the Magic of Animal Rescue this August at Pet Helpers!

Curbside adoption... Page 1 of 3



Thank you for choosing to adopt! Please complete this questionnaire to help guide you.

Date: 5/7/21 Adopter's Name: Janet Frisco Animal ID #:

Adopter's Name: JANET FRISCO

Address: 208 CANTON DRIVE DANMARTON SC 29412

Email: janetfrisco@yahoo.com

Cellphone: 843-425-0875 Home phone: Work phone:

Are you a Pet Helper member? Please check the appropriate box(es) below.

Name: ELIZABETH COOPER Phone: 843-425-0875

How long have you been a member? 1 year 2 years 3 years 4 years 5 years 6 years 7 years 8 years 9 years 10 years

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Thank you for choosing to adopt! Please complete this questionnaire to help guide our conversation today.

Date: 5/7/21 Animal's Name: SLIM JIM Animal ID #: not sure

Adopter Name: JANET FRISCO

Address: 203 CARDINAL DRIVE SUMMERVILLE SC 29485 City/State/ZIP:

Email: janetfrisco@yahoo.com

Cell phone: 843-804-0875 Home phone: n/a Work phone: 843-767-3855

Microchip Emergency Contact ***Must be someone other than yourself***

Name: ELIZABETH DOTSON Phone: 843-826-4274

Best way you can be reached by phone?	☒ Cell	☐ Home	☐ Work
Best time of day you can be reached?	☒ Morning	☒ Afternoon	☒ Evening

We welcome adopters who rent or live in an apartment or condo. We want to alert you that some landlords and management companies have size and breed restrictions, limits on number of pets, and/or require pet deposits or additional fees.

Tell us about members of the new pet's household (e.g., # of adults/seniors/young children): I am a single woman living in my own two story house with a large back yard with a privacy fence. I have other dogs of which two are elderly and a cat that lives outside in front yard.

Tell us about pets at home (check all that apply):

- ☒ We have one or more dog(s)
- ☐ We have one or more cat(s)
- ☐ We have one or more small animal(s)
- ☐ I'd like help with introducing a new pet

Form continued on other side →



Pet Helpers

Other info you want to share?

I surrendered Toby (Slim Jim) but I regret it because I was really attached to him after rescuing him from starvation and impoundment and keeping him for eight months. I neutered, wormed and vaccinated him and he was thriving. I know he is attached to me too and he looks really sad in his adoption pictures. I don't think he realized I wasn't coming back for him. I can take care of him and give him a good home like I do for all my other dogs that I've rescued. My whole life is dogs and going to church. They all sleep in the beds, eat well, heart worm prevention and are cared for better than some humans. They get to go on outings and walks and see vet regularly.

We'll explain this new pet's medical history and behavioral history. Check any additional topics you'd like to discuss:

☐ Feeding this pet	☐ Finding a veterinarian
☐ House-training/litter box training	☐ Declawing
☐ Grooming/nail trimming	☐ Crate-training
☐ Exercise, toys and fun activities	☐ Moving with pets
☐ Puppy/kitten-proofing your home	☐ Pulling on-leash
☐ Finding a trainer	☐ Flea/tick prevention
☐ Introducing this pet to other pets	☐ Heartworm prevention
☐ Microchips and other ID options	

Other questions:

Extra services and opportunities we offer; check any you are interested in:

☐ Buying a crate with this adoption	☐ Information about our training classes
☐ Information on our low-cost vaccination clinic for any current pets	☐ Information about low-cost spay and neuter services
☐ Information on our next low-cost microchip implantation day for any current pets	☐ Information about volunteering or fostering with us
	☐ Information about supporting us with financial or in-kind donation

Signature Janet L. Frisco Date 5/7/20

Approved by _____ Date _____

Notes:

2/28/22, 5:38 AM

Yahoo Mail - Re: Received Email Re: Toby

EXHIBIT D

Re: Received Email Re: Toby

From: Janet Frisco (janetfrisco@yahoo.com)

To: intake@pethelpers.org

Date: Friday, April 23, 2021, 02:06 PM EDT

Katie, Could I please come there and get Toby back tomorrow. I thought I was doing the right thing for him, but he doesn't look happy at all in the pictures. He's had a rough life and I can't let him down like the hunter who previously owned him.

Janet Frisco

Sent from Yahoo Mail on Android

On Fri, Apr 23, 2021 at 2:06 AM, intake pethelpers
<intake@pethelpers.org> wrote:

Thank you for contacting the Intake Department at Pet Helpers. We have received your email and are working very hard finding animals homes and will get back to you with in 24 to 48 hours. If this is an emergency, please call the shelter directly 843-795-1110.

****Note in our "peak seasons" it may take us longer to respond.****



Intake Department
1447 Folly Rd Charleston, SC29412
t: 843-795-1110 | p: 843-531-6160



<http://www.pethelpers.org/>



imgbb.com

image not found

Get Trey Taylor Tickets at:

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

PET HELPERS, INC.,

Plaintiff,

vs.

JANET FRISCO,

Defendant.

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NO.: 2021-CP-10-_____

**AFFIDAVIT OF MELISSA SUSKO IN
SUPPORT OF PLAINTIFF'S MOTION
FOR EMERGENCY/EX PARTE
RESTRAINING ORDER AND
INJUNCTIVE RELIEF**

PERSONALLY, appeared before me, Melissa Susko, who after being duly sworn, deposes and states as follows:

1. I am the Executive Director of the Plaintiff company, Pet Helpers, Inc. which is a non-profit animal adoption center and spay/neuter clinic which serves communities in the Lowcountry, including, Charleston County, Dorchester County, Berkeley County, and surrounding areas.

2. Plaintiff's mission is to end the euthanasia of all adoptable cats and dogs by sheltering all animals until adopted; providing low cost spay/neuter surgeries; offering humane education programs; pursuing animal-cruelty prosecution; and initiating animal-welfare legislation. Plaintiff is a "no-kill" facility meaning that it does not euthanize any animals it takes into its shelter.

3. Plaintiff receives donations to support its mission, to assist in the costs of caring for surrendered animals, and to support its ability to provide low cost spay/neuter surgeries for animals in the community.

4. On April 13, 2021, because she had too many animals in her home, Defendant willingly released and relinquished all ownership of a hound mix dog "Toby" to Plaintiff (see Exhibit

A to the Complaint). After “Toby” was surrendered by Defendant, Plaintiff changed the dog’s name to “Slim Jim.”

5. On April 23, 2021, Plaintiff posted photographs of “Slim Jim” to their Facebook page indicating that the dog was ready for adoption. That same day, Defendant sent an email to Plaintiff stating that Plaintiff “traumatized” the dog by renaming him, questioned why the dog was not using the leash she provided, and stating that the dog looked “sad.” Defendant subsequently left voicemail messages with Plaintiff requesting to take the dog back.

6. On May 7, 2021, Defendant called Plaintiff stating that the dog looked “happier with her,” and she wanted to adopt the dog. Defendant was informed that she would need to complete the adoption application. However, “Slim Jim” was adopted that same day by someone else who had already completed the adoption process.

7. On May 10, 2021, adoption photographs of “Slim Jim” and his new owner were posted to Plaintiff’s Facebook page.

8. On May 11, 2021, Defendant sent an email to Plaintiff stating that she was going to “light up the internet with this story...” and threatening to call the Humane Society and PETA if Plaintiff did not get the dog back from his new owner (**see Exhibit B to Complaint**).

9. On May 12, 2021, after calling the shelter numerous times demanding the dog back, Defendant left a voicemail for Plaintiff indicating she was “bringing God’s Army” to get the dog back.

10. On May 12, 2021 Plaintiff contacted the City of Charleston Police Department due to Defendant’s erratic behavior and threats towards Plaintiff and Plaintiff’s staff. Plaintiff was advised to keep the facility doors locked for the day and was informed that an officer would sit in the parking lot at Plaintiff’s facility.

11. On May 13, 2021, Defendant began posting defamatory statements about Plaintiff to social media such as Facebook and reviewing websites such as Yelp.

12. Defendant's numerous and regular online posts have been viewed hundreds of times, shared dozens of times, and are being commented on and shared by countless unknown parties causing the exponential spread of Defendant's defamatory statement, online posts, and videos.

13. On May 15, 2021, the City of Charleston Police Department issued a no contact/no trespass order on Defendant due to her threatening and harassing behavior towards Plaintiff.

14. Defendant has positioned herself outside of Plaintiff's facility on numerous occasions and yelled to customers that Plaintiff "killed her dog." Most recently, on June 5, 2021, Defendant stood in the driveway of Plaintiff's facility with a written sign that "Corporate Greed Killed My Dog Toby" (See photograph attached hereto as Exhibit A).

15. As more fully outlined in the Complaint, Defendant has made defamatory statements in her in her online postings, including but not limited to:

- a. [Pet Helpers] is "just cruel. And they're dishonest, and they're deceptive."
- b. [Pet Helpers are] despicable, just horrible, horrible human beings... They didn't help Toby. They hurt Toby. They made him suffer. And I'm sure he's not the only one."
- c. "...Melissa [Executive Director of Pet Helpers], she has licensed euthanize and she has euthanized other dogs are ordered that they be euthanized even though they were not sick, or aggressive. But she's all about corporate greed."
- d. "[Pet Helpers] killed him because they didn't adopt him to anyone. They killed him. And I know they did."
- e. "I think they're killing other dogs, because I've heard people who are former employees here, and they told me that they, they're killing dogs."
- f. "I think they had you know a plan for him a death plan for him the whole time... I'm talking about Melissa [the Executive Director of Pet Helpers] because she's she's got

a certification to kill dogs. And she's done it herself. And she's ordered dogs killed too ... I'm sure that's just the tip of the iceberg here."

- g. "[My] sign says, corporate greed kills my dog, Toby. corporate greed. And the other side says pet helpers killed Slim Jim May 11th ... And I'm not going to stop until first of all these people, a bunch of people here, Melissa, Katie, and intake, and anybody else that knew and the guy that killed him, anybody else, they'll all be fired. If this company cares, any and all this place will be shut down and reopened by somebody who really cares about animals... But it's really a kill shelter."
- h. "And most of these dogs will not make it out of here alive. They really won't. Toby did not make it out of this place alive... And then they killed him. They killed Toby. They killed my dog."
- i. "I'm here to tell you it's not so quick giving them money. Don't give them any more money. You don't ever surrender a dog to any shelter. And if they claim to be no kill, don't believe them."
- j. "They're monsters... Yeah, you've got a no trespass notice on me. I'm not trespassing. I'm on the right away. And I'll be here as long as I have to be until I get justice from from Toby. And people know what you're really doing here because you're putting on a big charade. It's an evil charade too."
- k. "But my sign, I'm protesting Janet Frisco is protesting Pet Helpers in their cruelty to my dog and probably too many other dogs. But my sign says Pet Helpers killed Slim Jim May 11th."
- l. "[Pet Helpers] just let him suffer and then they, you know, we're taking a lot of pictures of him and you know, and they just let him suffer here for a whole month."
- m. "[Pet Helpers] used [Toby] as a marketing tool to solicit donations and then euthanized him after they staged an adoption the weekend of May 7-11, 2021."

16. On June 2, 2021, I met with "Slim Jim's" new owner and spent some time with "Slim Jim." I am personally able to confirm that "Slim Jim" is happy, well adjusted, and thriving in his new home (see **photograph attached hereto as Exhibit B**).

17. On June 2, 2021, while visiting "Slim Jim," using the microchip reader, I confirmed that "Slim Jim's" microchip number (see **photograph attached hereto as Exhibit C**) matches the microchip number registered to "Slim Jim" (formerly known as "Toby") when he was owned by Defendant (see **Microchip Registration Form attached hereto as Exhibit D**).

18. I am informed and believe that due to Defendant's defamatory statements, Plaintiff has sustained injury to its reputation which has and/or will result in the loss of donations to the "no-kill" shelter.

19. I am informed and belief that due to Defendant's defamatory statements, third parties have and/or will be unwilling to surrender in-need animals to Plaintiff's care for fear that the animals will be treated cruelly or euthanized by Plaintiff or its staff.

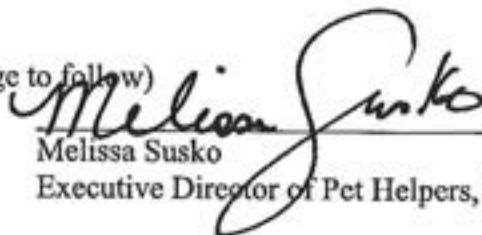
20. I respectfully request that the Court issue an emergency/*ex parte* restraining order and injunction to prevent further damage and loss by Plaintiff due to the numerous and constant defamatory statements being made by Defendant orally and in writing on the internet and at Plaintiff's facility.

21. I request that the Court issue an emergency/*ex parte* restraining order and injunction Defendant to set any and all of her internet and social media postings to her personal Facebook page and/or group Facebook pages or other social media accounts to "private" as to hide the posts from public view while preserving evidence in this matter.

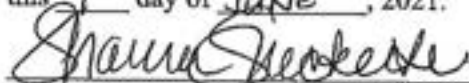
22. I also request that the court restrain and prohibit Defendant from creating and publishing any other text or video posts which are defamatory to Plaintiff and/or Plaintiff staff such claims that we euthanized the pet in issue, that we euthanize pets, that we were cruel to the pet in issue, or that we are cruel to the animals we care for. I also request that Defendant be enjoined from trying to intimidate our staff members by posting pictures of them, presumably taken from our website or social media feeds, and portraying these staff members as the person or persons who Defendant falsely claims were cruel to or euthanized Toby/Slim Jim.

(signature page to follow)

(signature page to follow)


Melissa Susko
Executive Director of Pet Helpers, Inc.

SWORN to and subscribed before me
this 9th day of JUNE, 2021.



Notary Public for South Carolina

My commission expires: 12/18/2030

NOTARY SEAL



STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

PET HELPERS, INC.,

Plaintiff,

vs.

JANET FRISCO,

Defendant.

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NO.: 2021-CP-10-2682

**AFFIDAVIT OF MELISSA SUSKO IN
SUPPORT OF PLAINTIFF'S 2nd
MOTION FOR EMERGENCY/EX
PARTE RESTRAINING ORDER AND
INJUNCTIVE RELIEF**

PERSONALLY, appeared before me, Melissa Susko, who after being duly sworn, deposes and states as follows:

1. I am the Executive Director of the Plaintiff company, Pet Helpers, Inc. which is a non-profit animal adoption center and spay/neuter clinic which serves communities in the Lowcountry, including, Charleston County, Dorchester County, Berkeley County, and surrounding areas.

2. Plaintiff's mission is to end the euthanasia of all adoptable cats and dogs by sheltering all animals until adopted; providing low cost spay/neuter surgeries; offering humane education programs; pursuing animal-cruelty prosecution; and initiating animal-welfare legislation. Plaintiff is a "no-kill" facility meaning that it does not euthanize any animals it takes into its shelter.

3. On June 17, 2021, this Court issued a Temporary Restraining Order and Injunction prohibiting Defendant from making defamatory statements orally or in writing about Plaintiff, Pet Helpers, Inc.

4. Since the issuance of the Temporary Restraining Order and Injunction, Defendant continues to display signs with written defamatory statements outside of Plaintiff's place of business, including signs containing defamatory statements as follows:

- a. “Pet Helpers (and) Futeral & Nelson is suing me for caring about my dog!”
(emphasis in original)
- b. “Pet Helpers doesn’t believe dogs feel sadness.” (emphasis in original)

5. Defendant sent an email stating that she is “asking people to call Pet Helpers and the local news media.” Defendant’s email affirms that her protests are designed to attract public and media attention to this lawsuit.

6. Because Defendant is displaying defamatory signs on heavily trafficked Folly Road, Defendant continues to try to attract pretrial publicity and influence prospective jurors in Charleston County. Furthermore, Defendant continues to spread false statements about Plaintiff for the purpose of harming Plaintiff and to deter the public from surrendering animals to Plaintiff for adoption, to deter the public from adopting animals from Plaintiff and to deter the public from making financial contributions to Plaintiff’s not-for-profit mission to provide a “no-kill” shelter for lost or unwanted animals.

7. It recently came to my attention that Defendant re-registered the dog’s microchip to herself on June 14, 2021 after the dog’s microchip had been registered by Pet Helpers, Inc. to the dog’s new owner on May 8, 2021.

8. A 2nd Restraining Order and Injunction against Defendant is necessary to prevent Defendant from causing irreparable harm and loss to Plaintiff and to protect Plaintiff’s rights during this litigation as Defendant’s defamatory statements are being disseminated to countless passersby on Folly Road where Defendant is displaying her signs.

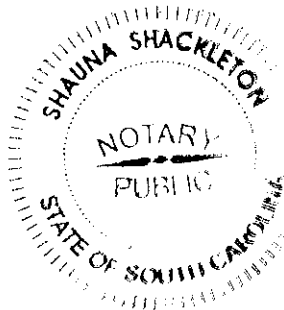
9. It is necessary that the Court expand the protection under the current restraining order and prohibit Defendant from the following:

- a. Communicating to third parties orally or in writing about this litigation as well as the litigation filed by Defendant against Plaintiff (2021-CP-10-2848);
- b. Communicating to third parties orally or in writing about Plaintiff, myself, Plaintiff's staff, and Plaintiff's legal representatives;
- c. Communicating to third parties orally or in writing that Defendant is the owner of the canine Toby/Slim Jim;
- d. Attempting to register the canine Toby/Slim Jim through any microchip tracking service, such as Pet Link or 24 Pet Watch; and
- e. Attempting to track, follow, identify, or contact the canine's current owner.

10. I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment by contempt.

Melissa Susko
 Melissa Susko
 Executive Director of Pet Helpers, Inc.

Date: 7/22/21



Shauna Shackleton
 NOTARY
 My commission expires:
 02/18/2030

VERIFICATION

Melissa Susko

NOTARY SEAL

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

PET HELPERS, INC.,

Plaintiff,

vs.

JANET FRISCO,

Defendant.

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NO.: 2021-CP-10-2682

**AFFIDAVIT OF MELISSA SUSKO IN
SUPPORT OF MOTION FOR
SUMMARY JUDGMENT**

PERSONALLY, appeared before me, Melissa Susko, who after being duly sworn, deposes and states as follows:

1. I am providing this Affidavit in support of Plaintiff's Motion for Summary Judgment which was filed on June 16, 2021.

2. The Defendant voluntarily surrendered the dog, "Toby/Slim Jim" to Pet Helpers on April 13, 2021 because she had "seven other dogs" and did not "have the time to give him attention or train." I have attached the "Dog Surrender Form" which was completed by Defendant when she surrendered "Toby/Slim Jim" to Pet Helpers (**Exhibit A**).

3. The Defendant has repeatedly alleged that "Toby/Slim Jim" was killed by Pet Helpers and that Pet Helpers staged the adoption of "Toby/Slim Jim" by allowing Blaine John, an employee of Pet Helpers to adopt the dog. Defendant's allegations are blatantly false as "Toby/Slim Jim" was not killed by Pet Helpers nor was the dog was not adopted by an employee of Pet Helpers.

4. On May 8, 2021, "Toby/Slim Jim" was adopted by a 3rd party. The adopter of "Toby/Slim Jim" was an ideal candidate to become "Toby/Slim Jim's" owner.

5. The Defendant was a far less than ideal candidate to adopt "Toby/Slim Jim" or any other pet due to her already having seven other dogs and admittedly did not have time to give

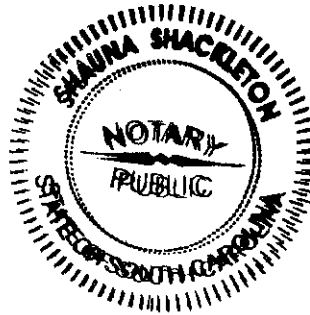
"Toby/Slim Jim" the attention that a pet deserves. In fact, on April 30, 2021, the Defendant sent an email to Pet Helpers seeking to surrender another one of her dogs to Pet Helpers. (Exhibit B)

Melissa Susko
Melissa Susko
Executive Director of Pet Helpers, Inc.

SWORN to and subscribed before me
this 8th day of April, 2022.

Shauna Shackleton
Notary Public for South Carolina
My commission expires: 02/18/2030

NOTARY SEAL





Pet Helpers

Dog Surrender Form

"Slim Jim" ♥

Owner Name: JANET FRISCO D.L. Number: 004853415 Phone Number: 843 804-0075

Address: 203 CARDINAL DRIVE City/State/Zip: SUMMERVILLE, SC 29485

Dog's Name: Toby "Tob" Age: 1 yr Gender (circle): Female ☐ Male ☒

Breed: Deer Hound Color/Markings: Tricolor Spayed/Neutered? (Circle) Yes ☒ No ☐

How long have you had the dog? 6-8 months

Where did you adopt/purchase/find the dog? running loose on Century Aluminum

Property with three other hunting dogs

Please give us as much information as possible about the dog and feel free to elaborate on particular habits/issues as this information helps us find their perfect new home.

Has the dog lived with other dogs? How do they get along with other dog friends?

He lived with me in my home and I have seven other dogs. He gets along with other dogs but I separate him when he eats or has a toy.

Has the dog lived with cats? Interacted with cats? Does they have a prey drive (with squirrels etc.)?

No, I have an outside cat but he doesn't come in contact with her.

Has the dog interacted with or lived with children? What ages? Would they feel comfortable living in a home with children under ten years old?

No children in the household but I think he would be good with them generally speaking

Where does the dog live primarily? Indoor/Outdoor/Both?

Inside in a cage but goes outside frequently in a yard with a privacy fence

Is the dog housebroken or crate trained?

not completely, won't go in his cage

Is the dog trained to walk on a leash? Do they have any reactivity when they're on the leash?

yes he's good now.

Do they have any anxiety? (Ex. separation, storm/firework, etc.) Do they bark when left alone? Have they ever jumped a fence or been an escape artist?

No he's never tried to escape. He barks occasionally when he wants to come in

Have they ever chewed on items in the home other than toys? (Ex. Furniture, shoes) If so please explain.

No he loves rawhide free chewys & chews though.

366
How does the dog react to new stimulations outside of the home? Are they nervous when meeting new people or animals?

Good, he's friendly with strangers

Does the dog like affection? Are there any places they don't like to be touched? (Ex. face, paws, tail, etc.)

Yes, he's okay with petting & baths

Is there any type of aggression we should know about? How are they with food and toys?

Not really except once I put another dog in his cage with a toy and he snapped at him

What is the dog's typical daily schedule? Are they fed on a particular schedule?

He eats about 5:30 AM & again at about 8:00 PM 4 cups, goes outside in the back yard & stays in his cage a good bit

Please provide a description of their personality. What type of home do you think would be best for them?

His friendly and docile and responds when you call him by name or say "cage" he goes in it. He'd adapt well to any situation. He likes kennels.

Please explain your reasons for surrendering this dog.

I have seven other dogs at this time. I don't have the time to give him attention or train.

Has the dog every bitten anyone or attacked an animal? (Circle) Yes/No

If yes, please explain the incident:

N/A

If the dog is being surrendered for behavioral reasons please describe the behaviors in detail here:

N/A

Please describe in detail what you have done to try and correct any unwanted behaviors (ex. Exercise, dog trainer, clicker training, shock collar, etc.)

He hasn't needed any because he's a good dog. He jumped up on the door & I placed stuff there so he wouldn't do it

Does the dog have a regular veterinarian? (Circle) Yes/No If yes, did you bring their records? (Circle) Yes/No

If no, please provide the veterinarian/clinic information below so we may retrieve the records.

DR PATRICK

Is the dog currently on monthly flea and heartworm prevention? (Circle) Yes/No

366
I give him Ivermectin from the feed store that's made for pigs according to his weight. He had it for April.

Are there any other medications that they require for their health?

THERE IS A SURRENDER FEE TO PLACE ANIMALS IN THIS SHELTER

OWNER SURRENDER

(Owned or stray found more than 1 month ago)

FULLY VETTED

(Vaccinated, HW Negative, and spayed/neutered)

\$100.00

FULLY VETTED, HEARTWORM POSITIVE

(Vaccinated, spayed/neutered, positive for heartworms)

\$200.00

NOT FULLY VETTED and HEARTWORM NEGATIVE

(No vaccines, not tested, not spayed or neutered)

Must be tested for HW before admittance:

If HW negative: \$200

How will you be paying to help offset the cost of the care of this animal? (Circle)

Cash

Check

Debit/Credit (AE / V / MC only)

I hereby state that the above animal(s) have not bitten anyone in the last 10 days. I authorize my veterinarian to release any and all medical information on said animal(s). I understand that I am willingly releasing this animal to Pet Helpers Adoption Center and Spay/Neuter Clinic and relinquish all ownership of said animal(s).

Signature

Janet Frisco

Date

4/13/21

wd: Trixie
messages

Intake pethelpers <intake@pethelpers.org>
o: Melissa Susko <msusko@pethelpers.org>

Wed, May 12, 2021 at 4:04 AM

She sent this as well. This is also the thread where she wanted me to take another dog from her.

----- Forwarded message -----
From: **Janet Frisco** <janetfrisco@yahoo.com>
Date: Tue, May 11, 2021 at 10:25 PM
Subject: Re: Trixie
To: intake pethelpers <intake@pethelpers.org>

I'm keeping her safe with me and after what has happened to Toby, I would never surrender another animal to Pet Helpers. You better hope you can get him back from that guy you handed him over to for 25 bucks who was probably a hunter. I cannot believe this kind of callousness. The heartache and suffering you caused me and God only knows what Toby is going through so your adoption stats would look good. I was practically begging you to give him back to me. I pray to God nothing has happened to him and I get him back immediately. What a fool I was even giving you \$100 when the dog was already neutered, chipped and vaccinated.

Sent from Yahoo Mail on Android

On Sat, May 1, 2021 at 8:08 AM, intake pethelpers
<intake@pethelpers.org> wrote:

Hello
We are packed full at this time and cannot intake for several weeks.
I'd say reach out in early June to see if things have improved.

Thank you
Katie

On Fri, Apr 30, 2021 at 4:51 PM Janet Frisco <janetfrisco@yahoo.com> wrote:
I have a young small female Beagle I rescued and need to surrender. She's fearful and has anxiety in many situations. She's not spayed or vaccinated.

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

PET HELPERS, INC.,

Plaintiff,

vs.

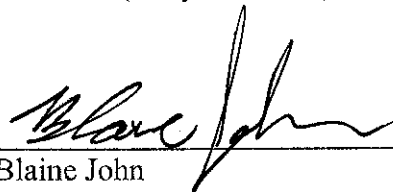
JANET FRISCO,

Defendant.

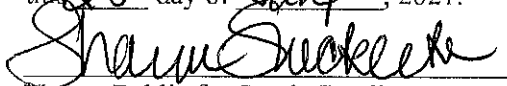
IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NO.: 2021-CP-10-2682**AFFIDAVIT OF BLAINE JOHN**

PERSONALLY, appeared before me, Blaine John, who after being duly sworn, deposes and states as follows:

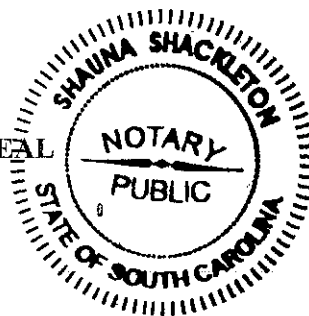
I am an employee at Pet Helpers, Inc. It is my understanding that the Defendant in this matter alleges that I adopted the canine (Toby/Slim Jim) which Defendant relinquished to Pet Helpers, Inc. on April 13, 2021. I did not adopt the canine (Toby/Slim Jim) as alleged by the Defendant.


Blaine John

SWORN to and subscribed before me
this 28th day of July, 2021.


Notary Public for South Carolina
My commission expires: 02/18/2030

NOTARY SEAL



STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL COURT
CASE NO.: 2021-CP-10-2682

PET HELPERS, INC.,

AFFADAVIT OF JANET FRISCO

Plaintiff

JANET FRISCO,

Defendant

FILED
2022 APR 21 PM 1:48
JULIE J. ARMSTRONG
CLERK OF COURT
BY *RA*

PERSONALLY, appeared before me, Janet Frisco, who after being duly sworn, deposes and states as follows:

I, Janet Frisco, pursuant to SCRCP Rule 56(f) request additional time to submit discovery requests to Plaintiff which is essential to justify my opposition to their Motion for Partial Summary Judgement. I cannot present by affidavit facts concerning the staged adoption of my dog Toby and Pet Helper's fraud soliciting donations and subsidies without their discovery disclosures.

Janet Frisco
Janet Frisco

SWORN to and subscribed before me
this 21 day of April, 2022.

Sherry M Funk

Notary Public for South Carolina

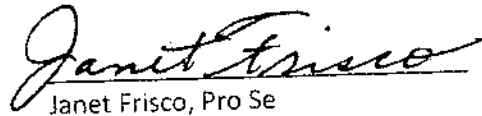
My commission expires 09/24/2022



CERTIFICATE OF SERVICE

The foregoing document *AFFIDAVIT OF JANET FRISCO* was served on the following by email and U.S. Mail with sufficient postage affixed, this 21st day of April 2022:

Stephan V. Futeral
1004 Anna Knapp Blvd., Suite 3
Mt. Pleasant, South Carolina 29485
sfuteral@charlestonlaw.net


Janet Frisco, Pro Se

FILED
2022 APR 21 PM 1:49
JULIE A. HUNTER
CLERK OF COURT
DCL

RECEIVED**Jan 10 2022****SC Court of Appeals**

**FORM 1
NOTICE OF APPEAL IN A CIVIL CASE**

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Bentley D. Price & R. Kirk Griffin,

Circuit Court Judges

Case No. 2021-CP-10-2682

Pet Helpers, Inc.

Respondent,

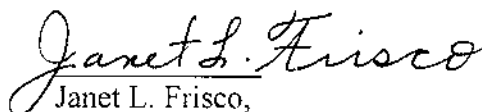
v.

Janet L. Frisco

Appellant.

NOTICE OF APPEAL

Janet L. Frisco appeals the orders of the Honorable Bentley D. Price dated October 12, 2021 and November 5, 2021 and Honorable R. Kirk Griffin dated July 30, 2021. Under SCRCR RULE 60(B)3, the deadline is one year after the notification of the order to file an appeal with the higher court.


Janet L. Frisco,

Cc: Stephan V. Futeral
1004 Anna Knapp Blvd.
Mt. Pleasant, South Carolina
29464
Attorney for Respondent
(843)-284-5500

Dated: 1/8/22

FORM 9
LETTER TO CLERK OF LOWER COURT
FILING NOTICE OF APPEAL

RECEIVED
Jan 10 2022
SC Court of Appeals

January 8, 2021

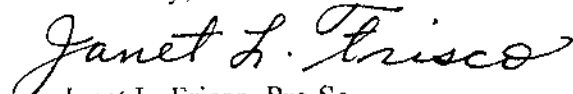
The Honorable Julie Armstrong
Clerk of Court for Charleston County
100 Broad Street
Charleston, South Carolina 29401

RE: Pet Helpers, Inc. vs. Janet Frisco_Case No. 2021-CP-10-2682

Dear Ms. Armstrong,

Enclosed for filing is a notice of appeal with the South Carolina Appellate Court in the above case.

Sincerely,


Janet L. Frisco, Pro Se

cc: Stephan V. Futeral,
Attorney for Plaintiff
1005 Anna Knapp Blvd.
Mt.Pleasant, SC 29464

FORM 8
LETTER TO THE APPELLATE COURT CLERK
FILING THE NOTICE OF APPEAL

RECEIVED
Jan 10 2022
SC Court of Appeals

January 8, 2021

Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

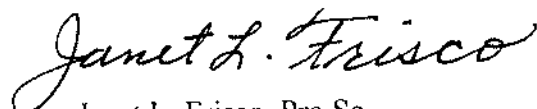
RE: Janet L. Frisco Appellant vs. Pet Helpers, Respondents, Case No. 2021-CP-10-2682 Pet Helpers, Inc. vs Janet Frisco

Dear Ms. Kitchings:

Enclosed for filing is a notice of appeal in the above case. Also enclosed are the following:

- (1) Proof of service of the notice of appeal on the respondents.
- (2) A copy of the orders and judgments which are to be challenged on appeal.
- (3) A filing fee of \$250.00 and motion fee of \$25.00 forthcoming.
- (4) This appeal is being filed with the Appellate Court based on Rule 60(B)3

Sincerely,


Janet L. Frisco, Pro Se

cc: Stephan V. Futeral,
Attorney for Respondent
1004 Anna Knapp Blvd.
Mt. Pleasant, SC 29464
843-284-5500

RECEIVED**Jan 11 2022****SC Court of Appeals**

FORM 1
NOTICE OF APPEAL IN A CIVIL CASE
(Amended)

THE STATE OF SOUTH CAROLINA
 In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
 Court of Common Pleas

Bentley D. Price & R. Kirk Griffin,

Circuit Court Judges

Case No. 2021-CP-10-2682

Pet Helpers, Inc.

Respondent,

V.

Janet L. Frisco

Appellant.

NOTICE OF APPEAL

Janet L. Frisco appeals the orders of the following judges: Honorable Bentley D. Price filed October 12, 2021 and I received written notice by email and attachment from plaintiff's attorney the same day and November 5, 2021 I received written notice as I was arrested after the hearing. Honorable R. Kirk Griffin filed July 30, 2021 and I received written notice by email and attachment the same day from plaintiff's attorney. Honorable Judge R. Breber I received written notice on June 12, 2021 from plaintiff's attorney by email and attachment. Under SCRCP RULE 60(B)3, the deadline is one year after the notification of the order to file an appeal with the higher court.

 Janet L. Frisco,

Cc: Stephan V. Futeral
 1004 Anna Knapp Blvd.
 Mt. Pleasant, South Carolina
 29464
 Attorney for Respondent
 (843)-284-5500

Dated: _____

FORM 7
PROOF OF SERVICE OF A NOTICE OF APPEAL
AMENDED

RECEIVED
Jan 11 2022
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
 In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
 Court of Common Pleas

Bentley D. Price, R.Kirk Griffin,

R.Breber, Circuit Court Judges

Case No. 2021-CP-10-2682

Pet Helpers, Respondent

v.

Janet L. Frisco,
 Appellant

PROOF OF SERVICE

I certify that I have served the Notice of Appeal ***Amended*** on Pet Helpers, Inc. by depositing a copy of it in the United States Mail, postage prepaid, addressed to their attorney of record, Stephan V. Futeral, 4005 Anna Knapp Blvd., Suite 3 Mount Pleasant, South Carolina 29464 and by email to s.futeral@charlestonlaw.net.

DATED: _____

Janet L. Frisco, Pro Se
 203 Cardinal Drive
 Summerville, SC 29485
 843-804-0875
 janetfrisco@yahoo.com

FORM 8
LETTER TO THE APPELLATE COURT CLERK
FILING THE NOTICE OF APPEAL (Amended)

RECEIVED
Jan 11 2022
SC Court of Appeals

January 12, 2022

(Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: Janet L. Frisco Appellant vs. Pet Helpers, Respondents, Case No. 2021-CP-10-2682 Pet Helpers, Inc. vs Janet Frisco

Dear Ms. Kitchings:

Enclosed for filing is a notice of appeal in the above case. Also enclosed are the following:

- (1) Proof of service of the notice of appeal on the respondents.
- (2) A copy of the orders and judgements which are to be challenged on appeal.
- (3) A filing fee of \$250.00 and motion fee of \$50.00 forthcoming.
- (4) This appeal is being filed with the Appellate Court based on Rule 60(B)3

Sincerely,

Janet L. Frisco, Pro Se

cc: Stephan V. Futeral,
Attorney for Respondent
1004 Anna Knapp Blvd.
Mt.Pleasant, SC 29464
843-284-5500



Janet Frisco
203 Cardinal Drive

Summerville, SC 29485

NOTICE OF MOTION SCHEDULING

April 06, 2022

**Motion "MOFREE - Motion/Leave to Supplement Answer to Complaint" for Case: 2021CP1002682 - Pet Helpers Inc VS Janet Frisco has been added to the following Motions Roster:
532 - Judge Price Motions Week of April 18, 2022**

This hearing of this motion has been scheduled for 4/22/2022 at 9:30 AM.

Motion(s) for the herein referenced case will be heard IN PERSON by the Honorable Judge Bently Price at the above specified date and time in Courtroom 4D of the Charleston County Judicial Center.
Please submit any supporting briefs and memos by 5PM on the day prior to the scheduled motion hearing.
Please check the televisions in the courthouse lobby for any possible changes in the courtroom assignment.

If you have any questions please contact the Common Pleas Docket Manager, Angela Rigney, at (843) 958-5013 or arigney@charlestoncounty.org.

Mail Notice To:	Court Info:
Janet Frisco 203 Cardinal Drive Summerville, SC 29485	Common Pleas Charleston County Judicial Center 100 Broad Street - Suite 106 Charleston, SC 29401-9401

If you have any questions regarding the scheduling of this motion, please contact the courts at:

(843)958-5000

Respectfully,

Julie Armstrong
Clerk of Court

August 31, 2021

2021 SEP -9 PM 4:25
JULIE M. BENTON
CLERK OF COURT

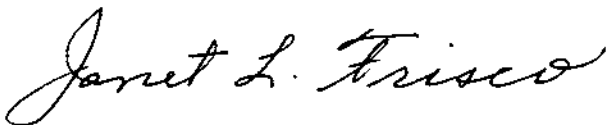
Charleston County Court of Common Pleas
100 Broad Street
Charleston, South Carolina 29485

RE: Case #2021-CP-10--2682

MOTION TO RECONSIDER ORDER ON PLAINTIFF'S 2ND MOTION FOR TEMPORARY RESTRAINING ORDER
AND INJUNCTIVE RELIEF
AND RULE TO SHOW CAUSE FOR CONTEMPT

I was tested and treated for COVID-19 at Summerville Regional Hospital Emergency Room on August 26, 2021 and received my positive results and on August 30, 2021 when I returned for additional treatment. I am currently under medication and medical care for COVID 19 related pneumonia and other symptoms of the virus. I am under quarantine and am not sure when I will be fully recovered from the virus and be able to return to work and other normal activities.

Thank you,



Janet L. Frisco, Pro Se

CC; Stephan V. Futeral

*Requesting a continuance
for health reasons.*

*Janet L. Frisco
9/9/21*

Defendant

RECEIVED**May 29 2024****SC Court of Appeals****CERTIFICATE OF COUNSEL**

The undersigned hereby certifies that The Record on Appeal contains all material proposed to be included by any of the parties and not and other material.

Dated: May 28, 2024

Janet L. Frisco

Janet L. Frisco
203 Cardinal Drive
Summerville, South Carolina 29485
843-804-0875
janetfrisco@yahoo.com