

SUPPLEMENTAL RECORD ON APPEAL

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Bentley D. Price, Circuit Court Judge

Court of Appeals Case No. 2022-000775

Civil Court Case Nos. 2021-CP-10-2682, 2021-CP-10-2848

Pet Helpers, Inc.....Respondent,

v.

Janet L. Frisco.....Appellant,

v.

Melissa Susko.....Third-Party Defendant

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

Stephan V. Futeral
Futeral & Nelson, LLC
534 Johnnie Dodds Blvd., Suite 202
Mount Pleasant, South Carolina 29464
sfuteral@charlestonlaw.net

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Pet Helpers

Dog Surrender Form

"Slim Jim"

Owner Name: JANET FRISCO D.L. Number: [REDACTED] Phone Number: 843 804-0875

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.



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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 kennel.

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 ever 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

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).

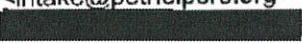
Signature

Janet Frisco

Date

4/13/21

wd: Toby

ake pethelpers <intake@pethelpers.org>
: Melissa Susko 

Tue, May 11, 2021 at 6:51 PM

Just received this.

----- Forwarded message -----

From: **Janet Frisco** <janetfrisco@yahoo.com>
Date: Tue, May 11, 2021 at 6:48 PM
Subject: Toby
To: Intake Pethelpers <intake@pethelpers.org>

Katie,
I will light up the internet with this story and stand on the street protesting Pet Helpers for what you did to my dog Toby if you don't let him back. I will contact the Humane Society and PETA and tell them what you did. What were you thinking? Don't you give a damn about these animals? Just a 9-5 job?

Sent from Yahoo Mail on Android



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



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

ELECTRONICALLY FILED - 2021 Jun 09 11:55 AM - CHARLESTON - COMMON PLEAS - CASE#2021CP1002682



Subject: Notice to Cease and to Desist

Date: Saturday, May 29, 2021 at 10:42:29 AM Eastern Daylight Time

From: Stephan Futeral

To: Janet Frisco

Ms. Frisco,

This email is notice to you to cease and to desist from making defamatory (false) statements regarding Pet Helpers and its staff. Immediately remove all text posts, videos posts, and comments on any social media alluding to the following false statements:

- 1) that Pet Helper's or its staff have euthanized any of the animals they shelter;
- 2) that Pet Helper's or its staff treated Toby cruelly; and
- 3) that Toby has been euthanized.

Also, immediately remove all text posts, videos posts, and comments on any social media offering financial rewards for information or the "return" of Toby. As you have already acknowledged on Facebook, you have no legal claim to Toby. In other words, your posts falsely suggest that Toby has been lost by Pet Helpers and that you are Toby's lawful owner.

As you know, your past includes manic behaviors that resulted in a criminal charge, no trespass orders, and restraining orders against you. Before you repeat your past, I urge you to seek professional help. You are not a victim, and neither is Toby.

Lastly, this email is notice to you that you are prohibited from visiting my office.

Stephan Futeral, Esq.

Civil & Family Court Mediator, Futeral & Nelson, LLC

843.284.5500

charlestonlaw.net

1004 Anna Knapp Ext, Mt. Pleasant SC 29464



Subject: Re: Notice to Cease and to Desist

Date: Saturday, May 29, 2021 at 8:43:08 PM Eastern Daylight Time

From: Stephan Futeral

To: Janet Frisco

Ms. Frisco,

Today you displayed a sign falsely stating that "Corporate greed killed my dog." Also, you posted a video wherein you claimed that Pet Helpers killed Slim Jim on May 11th.

Toby is alive and well, and you have intentionally defamed my client and individual members of its staff. If you do not have a lawyer, then it would be in your interest to hire one and to **have him or her contact my office first thing Tuesday morning.**

IMPORTANT - SPOILIATION NOTICE

Additionally, this email is a demand to you, or any other person acting on your behalf, preserve all documents, tangible things, and electronically stored information potentially relevant to Toby/Slim Jim, Pet Helpers, any member of Pet Helpers staff, and your roadside and online protests regarding Pet Helpers and/or its staff.

You should anticipate that much of the information subject to disclosure or responsive to discovery in this matter is stored on the current and former computer systems, online repositories, social media accounts, and cell phones.

Electronically stored information (hereafter "ESI") should be afforded the broadest possible definition and includes (by way of example and not as an exclusive list) potentially relevant information electronically, magnetically or optically stored as:

1. Digital communications (e-mail, voicemail, instant messaging, social media posts, social media comments);
2. Word processing documents (Word documents and drafts);
3. Image and Facsimile Files (.PDF, .TIFF, .JPG, .GIF images);
4. Sound Recordings (.WAV and .MP3 files);
5. Video and Animation (.AVI, .MOV, .MP4 files);
6. Network Access and Server Activity Logs;
7. Back up and Archival Files (Zip, .GHO).

ESI resides not only in areas of electronic, magnetic and optical storage media reasonably accessible to you, but also in areas you may deem not reasonably accessible. You are obligated to preserve potentially relevant evidence from both these sources of ESI, even if you do not anticipate producing such ESI.

The demand that you preserve both accessible and inaccessible ESI is reasonable and necessary. Please be aware that even ESI that you deem reasonably inaccessible must be preserved in the interim so as not to deprive my client of its right to secure evidence or the Court of its right to adjudicate the issue.

Preservation Requires Immediate Intervention

You must act immediately to preserve potentially relevant ESI in any way relating to my client's claim. You must

maintain your personal computer and any of its component parts.

Adequate preservation of ESI requires more than simply refraining from efforts to destroy or dispose of such evidence. You must also intervene to prevent loss due to routine operations and employ proper techniques and protocols suited to protection of ESI. Be advised that sources of ESI are altered and erased by continued use of your computers and other devices. Booting a drive, examining its contents or running any application will irretrievably alter the evidence it contains and may constitute unlawful spoliation of evidence. Consequently, alteration and erasure may result from your failure to act diligently and responsibly to prevent loss or corruption of ESI.

Nothing in this demand for preservation for ESI should be understood to diminish your concurrent obligation to preserve documents, tangible things, and other potentially relevant evidence.

Suspension of Routine Destruction

You are directed to immediately initiate a litigation hold for potentially relevant ESI, documents and tangible things, and to act diligently and in good faith to secure and audit compliance with such litigation hold. You are further directed to immediately identify and modify or suspend features of your information systems and devices that, in routine operation, operate to cause the loss of potentially relevant ESI. Examples of such features and operations include:

1. Purging the contents of e-mail repositories by age, capacity or other criteria;
2. Using data or media wiping, disposal, erasure or encryption utilities or devices;
3. Overwriting, erasing, destroying or discarding back up media;
4. Re-assigning, re-imaging or disposing of systems, servers, devices and media;
5. Running antivirus or other programs effecting wholesale metadata alteration;
6. Releasing or purging online storage repositories;
7. Using metadata stripper utilities;
8. Disabling server or IM logging; and
9. Executing drive or file defragmentation or compression programs.

Home Systems, Laptops, Online Accounts and Other ESI Venues

You must preserve the contents of systems, devices, and media used for your personal purposes (including not only potentially relevant data from portable and home computers, but also from portable thumb drives, CD-R disks and the user's PDA, smart phone, voice mailbox or other form of ESI storage). Similarly, if employees, officers, accountants, attorneys or board members used online or browser-based e-mail accounts and services (such as AOL, Gmail, Yahoo or the like) to send or receive potentially relevant messages and attachments, the contents of these account mailboxes (including Sent, Deleted, and Archived Message folders) should be preserved.

Ancillary Preservation

You must preserve the documents and other tangible items that may be required to access, interpret, or search potentially relevant ESI including, logs control sheets, specification, indices, naming protocols, file lists, network diagrams, flow charts, instruction sheets, data entry forms, abbreviation keys, user ID and password rosters or the like.

You must preserve any passwords, keys, or other authenticators required to access encrypted files or standard CD or DVD optical disk drive if needed to access the encrypted files or run applications, along with installation disks, user manuals and license keys for applications required to access the ESI.

You must preserve any cabling, drivers and hardware, other than a standard 3.5" floppy disk drive or standard CD or DVD optical disk drive, if needed to access or interpret medical records on which ESI is stored. This included tape drives, bar code readers, Zip drives and other legacy or proprietary devices.

Do Not Delay Preservation

Should your failure to preserve potentially relevant evidence result in the corruption, loss, or delay in production of evidence to which we are entitled, such failure would constitute spoliation of evidence, and we will not hesitate to seek sanctions.

Confirmation of Compliance

Please confirm that you have taken the steps outlined in this form to preserve ESI and tangible documents potentially relevant to this action. If you have not undertaken the steps outlined above or have taken other actions, please describe what you have done to preserve potentially relevant evidence.

Stephan Futeral, Esq.

Civil & Family Court Mediator, Futeral & Nelson, LLC

843.284.5500

charlestonlaw.net

1004 Anna Knapp Ext, Mt. Pleasant SC 29464



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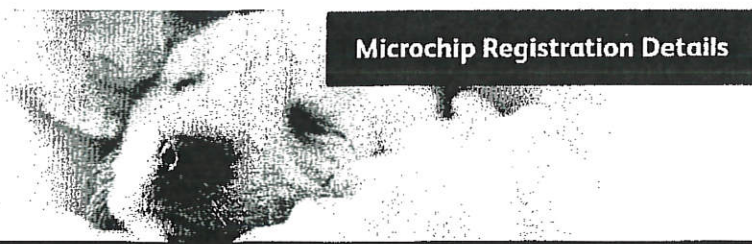








Microchip Registration Details



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):		

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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.

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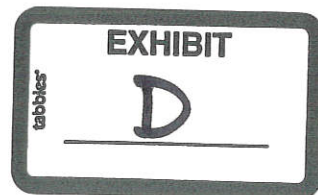
(Regular Price: \$94.95)

1-833-461-8757 www.24PetWatch.com

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Subject: FW: Scheduling Plaintiff's Summary Judgment Motion
Date: Friday, July 9, 2021 at 11:26:43 AM Eastern Daylight Time
From: Stephanie Smith
To: Stephanie Smith
Attachments: Adopted Paperwork (5.8.2021).pdf

On Jun 16, 2021, at 6:45 AM, Janet Frisco <janetfrisco@yahoo.com> wrote:

Mr.Futeral,

Yesterday I filed a motion for a time change for the June 17th scheduled from from 1pm to 2pm. If the court does not grant that, I will make arrangements to be there at the originally scheduled time of 1pm. At that time I will bring to the courts attention that there was no legitimate adoption of Toby/Slim Jim and request the court subpoena the alleged adoption application. I will also provide other evidence that it was a deception engineered by Melissa Susko and her staff to prevent me from reclaiming Toby. I also plan to file a civil action of my own if Toby is not returned to me immediately. I will also bring up the false accusations Ms.Susko made against me to the City of Charleston police when she called them June 7, 2021 and seek recompense for her malicious actions.

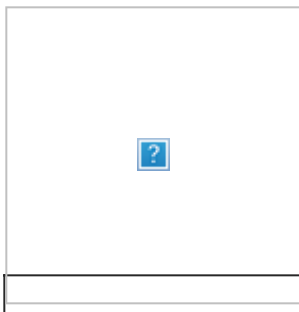
Janet Frisco

[Sent from Yahoo Mail on Android](#)

On Tue, Jun 15, 2021 at 4:42 PM, Stephan Futeral
<sfuteral@charlestonlaw.net> wrote:

Ms. Frisco, attached is a copy of my client's Motion for Summary Judgment that we have filed with the court. Again, please provide your available dates for the hearing.

Best wishes,



Stephan Futeral, Esq.
Civil & Family Court Mediator, Futeral & Nelson, LLC

EXHIBIT 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-_____

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 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-_____

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



Pet Helpers

Dog Surrender Form

"Slim Jim"

Owner Name: JANET FRISCO D.L. Number: [REDACTED] Phone Number: 843 804-0875

Address: 203 CARDINAL DRIVE City/State/Zip: SUMMERVILLE, SC 29585

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.



ELECTRONICALLY FILED - 2021 Jun 09 11:54 AM - CHARLESTON - COMMON PLEAS - CASE#2021CP1002682
ELECTRONICALLY FILED - 2021 Jul 09 12:27 PM - CHARLESTON - COMMON PLEAS - CASE#2021CP1002848

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 kenne

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

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 Russo

Date

4/13/21

wd: Toby

ake pethelpers <intake@pethelpers.org>
: Melissa Susko

Tue, May 11, 2021 at 6:48 PM

Just received this.

----- Forwarded message -----

From: **Janet Frisco** <janetfrisco@yahoo.com>
Date: Tue, May 11, 2021 at 6:48 PM
Subject: Toby
To: Intake Pethelpers <intake@pethelpers.org>

Katie,
I will light up the internet with this story and stand on the street protesting Pet Helpers for what you did to my dog Toby if you don't get him back. I will contact the Humane Society and PETA and tell them what you did. What were you thinking? Don't you give a damn about these animals? Just a 9-5 job?

Sent from Yahoo Mail on Android

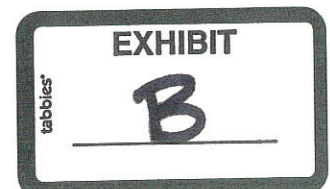


Intake Department
1447 Folly Rd Charleston, SC29412
t: 843-795-1110 | p: 843-531-6160



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

ELECTRONICALLY FILED - 2021 Jun 09 11:56 AM - CHARLESTON - COMMON PLEAS - CASE#2021CP1002682
ELECTRONICALLY FILED - 2021 Jul 09 12:27 PM - CHARLESTON - COMMON PLEAS - CASE#2021CP1002848



Subject: Notice to Cease and to Desist

Date: Saturday, May 29, 2021 at 10:42:29 AM Eastern Daylight Time

From: Stephan Futeral

To: Janet Frisco

Ms. Frisco,

This email is notice to you to cease and to desist from making defamatory (false) statements regarding Pet Helpers and its staff. Immediately remove all text posts, videos posts, and comments on any social media alluding to the following false statements:

- 1) that Pet Helper's or its staff have euthanized any of the animals they shelter;
- 2) that Pet Helper's or its staff treated Toby cruelly; and
- 3) that Toby has been euthanized.

Also, immediately remove all text posts, videos posts, and comments on any social media offering financial rewards for information or the "return" of Toby. As you have already acknowledged on Facebook, you have no legal claim to Toby. In other words, your posts falsely suggest that Toby has been lost by Pet Helpers and that you are Toby's lawful owner.

As you know, your past includes manic behaviors that resulted in a criminal charge, no trespass orders, and restraining orders against you. Before you repeat your past, I urge you to seek professional help. You are not a victim, and neither is Toby.

Lastly, this email is notice to you that you are prohibited from visiting my office.

Stephan Futeral, Esq.

Civil & Family Court Mediator, Futeral & Nelson, LLC

843.284.5500

charlestonlaw.net

1004 Anna Knapp Ext, Mt. Pleasant SC 29464



Subject: Re: Notice to Cease and to Desist

Date: Saturday, May 29, 2021 at 8:43:08 PM Eastern Daylight Time

From: Stephan Futeral

To: Janet Frisco

Ms. Frisco,

Today you displayed a sign falsely stating that "Corporate greed killed my dog." Also, you posted a video wherein you claimed that Pet Helpers killed Slim Jim on May 11th.

Toby is alive and well, and you have intentionally defamed my client and individual members of its staff. If you do not have a lawyer, then it would be in your interest to hire one and to **have him or her contact my office first thing Tuesday morning.**

IMPORTANT - SPOILIATION NOTICE

Additionally, this email is a demand to you, or any other person acting on your behalf, preserve all documents, tangible things, and electronically stored information potentially relevant to Toby/Slim Jim, Pet Helpers, any member of Pet Helpers staff, and your roadside and online protests regarding Pet Helpers and/or its staff.

You should anticipate that much of the information subject to disclosure or responsive to discovery in this matter is stored on the current and former computer systems, online repositories, social media accounts, and cell phones.

Electronically stored information (hereafter "ESI") should be afforded the broadest possible definition and includes (by way of example and not as an exclusive list) potentially relevant information electronically, magnetically or optically stored as:

1. Digital communications (e-mail, voicemail, instant messaging, social media posts, social media comments);
2. Word processing documents (Word documents and drafts);
3. Image and Facsimile Files (.PDF, .TIFF, .JPG, .GIF images);
4. Sound Recordings (.WAV and .MP3 files);
5. Video and Animation (.AVI, .MOV, .MP4 files);
6. Network Access and Server Activity Logs;
7. Back up and Archival Files (Zip, .GHO).

ESI resides not only in areas of electronic, magnetic and optical storage media reasonably accessible to you, but also in areas you may deem not reasonably accessible. You are obligated to preserve potentially relevant evidence from both these sources of ESI, even if you do not anticipate producing such ESI.

The demand that you preserve both accessible and inaccessible ESI is reasonable and necessary. Please be aware that even ESI that you deem reasonably inaccessible must be preserved in the interim so as not to deprive my client of its right to secure evidence or the Court of its right to adjudicate the issue.

Preservation Requires Immediate Intervention

You must act immediately to preserve potentially relevant ESI in any way relating to my client's claim. You must

maintain your personal computer and any of its component parts.

Adequate preservation of ESI requires more than simply refraining from efforts to destroy or dispose of such evidence. You must also intervene to prevent loss due to routine operations and employ proper techniques and protocols suited to protection of ESI. Be advised that sources of ESI are altered and erased by continued use of your computers and other devices. Booting a drive, examining its contents or running any application will irretrievably alter the evidence it contains and may constitute unlawful spoliation of evidence. Consequently, alteration and erasure may result from your failure to act diligently and responsibly to prevent loss or corruption of ESI.

Nothing in this demand for preservation for ESI should be understood to diminish your concurrent obligation to preserve documents, tangible things, and other potentially relevant evidence.

Suspension of Routine Destruction

You are directed to immediately initiate a litigation hold for potentially relevant ESI, documents and tangible things, and to act diligently and in good faith to secure and audit compliance with such litigation hold. You are further directed to immediately identify and modify or suspend features of your information systems and devices that, in routine operation, operate to cause the loss of potentially relevant ESI. Examples of such features and operations include:

1. Purging the contents of e-mail repositories by age, capacity or other criteria;
2. Using data or media wiping, disposal, erasure or encryption utilities or devices;
3. Overwriting, erasing, destroying or discarding back up media;
4. Re-assigning, re-imaging or disposing of systems, servers, devices and media;
5. Running antivirus or other programs effecting wholesale metadata alteration;
6. Releasing or purging online storage repositories;
7. Using metadata stripper utilities;
8. Disabling server or IM logging; and
9. Executing drive or file defragmentation or compression programs.

Home Systems, Laptops, Online Accounts and Other ESI Venues

You must preserve the contents of systems, devices, and media used for your personal purposes (including not only potentially relevant data from portable and home computers, but also from portable thumb drives, CD-R disks and the user's PDA, smart phone, voice mailbox or other form of ESI storage). Similarly, if employees, officers, accountants, attorneys or board members used online or browser-based e-mail accounts and services (such as AOL, Gmail, Yahoo or the like) to send or receive potentially relevant messages and attachments, the contents of these account mailboxes (including Sent, Deleted, and Archived Message folders) should be preserved.

Ancillary Preservation

You must preserve the documents and other tangible items that may be required to access, interpret, or search potentially relevant ESI including, logs control sheets, specification, indices, naming protocols, file lists, network diagrams, flow charts, instruction sheets, data entry forms, abbreviation keys, user ID and password rosters or the like.

You must preserve any passwords, keys, or other authenticators required to access encrypted files or standard CD or DVD optical disk drive if needed to access the encrypted files or run applications, along with installation disks, user manuals and license keys for applications required to access the ESI.

You must preserve any cabling, drivers and hardware, other than a standard 3.5" floppy disk drive or standard CD or DVD optical disk drive, if needed to access or interpret medical records on which ESI is stored. This included tape drives, bar code readers, Zip drives and other legacy or proprietary devices.

Do Not Delay Preservation

Should your failure to preserve potentially relevant evidence result in the corruption, loss, or delay in production of evidence to which we are entitled, such failure would constitute spoliation of evidence, and we will not hesitate to seek sanctions.

Confirmation of Compliance

Please confirm that you have taken the steps outlined in this form to preserve ESI and tangible documents potentially relevant to this action. If you have not undertaken the steps outlined above or have taken other actions, please describe what you have done to preserve potentially relevant evidence.

Stephan Futeral, Esq.

Civil & Family Court Mediator, Futeral & Nelson, LLC

843.284.5500

charlestonlaw.net

1004 Anna Knapp Ext, Mt. Pleasant SC 29464



IMPORTANT: The information contained in this distribution, or copy of this communication is strictly prohibited by both State and Federal communications laws. If you have received this communication in error, please immediately notify us by telephone at the above number and permanently delete the original message received by you. IRS CIRCULAR 230 NOTICE: Any federal tax advice contained in this communication (or in any attachment) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending any transaction or matter addressed in this communication.

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

CLERK OF COURT
 SUMMERVILLE

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 Annaknapp 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

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 Toby 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 Toby 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. When 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 "no kill" but it doesn't mean there are zero euthanasia

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
07/09/21

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

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

JANET FRISCO,

Plaintiff,

vs.

PET HELPERS, INC.,

Defendant.

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

**AMENDED ORDER ON PLAINTIFF'S
MOTION TO CONSOLIDATE**

The Motion to Consolidate of Pet Helpers, Inc. was filed on July 9, 2021, and heard by this Court on December 3, 2021. Upon careful consideration of the arguments and submissions to the Court, it is hereby:

ORDERED that the captioned matters are hereby consolidated pursuant to Rule 42, SCRCF. The case shall be captioned as follows: Pet Helpers, Inc. v. Janet Frisco and said case shall take the case number of 2021-CP-10-2682; and

IT IS SO ORDERED.

Date: _____

The Honorable Jennifer B. McCoy
Presiding Judge, 9th Judicial Circuit



Charleston Common Pleas

Case Caption: Janet L Frisco VS Pet Helpers Inc

Case Number: 2021CP1002848

Type: Order/Consolidate

So Ordered

s/Jennifer B. McCoy #2764

Electronically signed on 2022-01-06 10:47:22 page 2 of 2

RECEIVED

Jan 14 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
9th Circuit Court of Common Pleas

Bentley D. Price & R. Kirk Griffin, Robert Bonds
Circuit Court Judges

Case # 2021-CP-10-2682

Pet Helpers, Inc.

Respondent,

V.

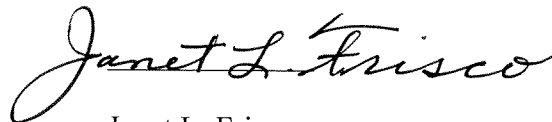
Janet L. Frisco

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 Robert Bonds and I received written notice on June 19, 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., Suite 3
Mt. Pleasant, South Carolina
29464
Attorney for Respondent
(843)-284-5500

Dated: 1-14-22

RECEIVED

Jan 14 2022

SC Court of Appeals

FORM 7
PROOF OF SERVICE OF A NOTICE OF APPEAL
(AMENDED)

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
9th Circuit Court of Common Pleas
Bentley P. Price, R. Kirk Griffin, & Robert Bonds
Circuit Court Judges

Case No. 2021-CP-10-2682

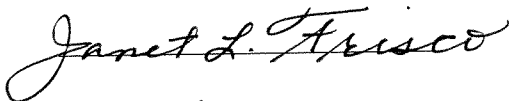
Pet Helpers, Inc.
Plaintiff

Vs.

Janet L. Frisco
Defendant.

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, 1004 Anna Knapp Blvd. Suite 3, Mt. Pleasant, South Carolina 29464 and emailed to sfuteral@charlestonlaw.net



Janet L. Frisco

DATED: 1-14-22

Janet L. Frisco,
Pro Se
203 Cardinal Drive
Summerville, SC 29485
843-804-0875

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.

**DEFENDANT'S MOTION PERSUANT TO SCRC
RULE 60(B) #3 FOR RELIEF OF RESTRAINING
ORDERS AND SANCTION**

Janet L. Frisco

Defendant.

TO DEFENDANTS PET HELPERS, INC.:

YOU WILL PLEASE TAKE NOTICE THAT AN APPEAL HAS BEEN FILED WITH THE SOUTH CAROLINA APPELLATE COURT based on new evidence that the plaintiff committed fraud by claiming that my dog Toby, that I surrendered to them on April 13, 2021, was legitimately adopted, but the adoption was actually staged by Melissa Susko, the executive director, and her employees in order to solicit donations and defraud Bissell Pet Foundation that was subsidizing adoptions during a low-cost adoption event May 7 – 9, 2021. Ms. Susko and several of her employees deceptively staged an adoption using an employee to pose as a legitimate adopter after I attempted to retrieve my dog. A few days later they falsely claimed on their website that my dog had been placed in a good home in order to solicit donations. Their attorney filed a complaint of slander and libel on June 9, 2021 after I began publicly exposing what they did on social media and through public protests. They were subsequently granted two restraining orders, and a \$5,434.32 sanction that I was forced to pay to be released from jail for violation of the restraining orders. Their lawyer was granted a continuance on December 17, 2021 for a Partial Summary Judgement motion and has filed affidavits asking for further payments of his court costs and legal fees.

"Pursuant to SCRC Rule 60(B)3 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:

(b) Mistakes; Inadvertence; Excusable Neglect; Newly Discovered Evidence; Fraud, etc. On motion and upon such terms as are just, the court may relieve a party or his legal representative from a final judgment, order, or proceeding for the following reasons:

- (1) mistake, inadvertence, s, or excusable neglect;
- (2) newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under Rule 59(b);
- (3) fraud, misrepresentation, or other misconduct of an adverse party;**
- (4) the judgment is void;

(5) the judgment has been satisfied, released, or discharged, or a prior judgment upon which it is based has been reversed or otherwise vacated, or it is no longer equitable that the judgment should have prospective application.

The motion shall be made within a reasonable time, and for reasons (1), (2), and (3) not more than one year after the judgment, order or proceeding was entered or taken. A motion under this subdivision (b) does not affect the finality of a judgment or suspend its operation. This rule does not limit the power of a court to entertain an independent action to relieve a party from a judgment, order, or proceeding, or to set aside a judgment for fraud upon the court. During the pendency of an appeal, leave to make the motion must be obtained from the appellate court. Writs of coram nobis, coram vobis, audita querela, and bills of review and bills in the nature of a bill of review, are abolished, and the procedure for obtaining any relief from a judgment shall be by motion as prescribed in these rules or by an independent action.

Note:

This Rule 60 is drawn from the Federal Rule. There are minor changes in the language of the Federal Rule. The last sentence of 60(a) was added permitting the trial judge to correct clerical errors even after departure from the circuit. Rule 60(b) deletes subsection (6) of the Federal Rule which permits relief for "any other reason justifying relief from the operation of the judgment." In the Federal Rule subsection (6) has created ambiguity about what is included.

Finally, Rule 60(b) provides, leave to make the motion need not be obtained from any appellate court except during such time as an appeal from the judgment is actually before the appellate court. This permits the motion to be made before the trial court. The United States Supreme Court approved a similar result in Standard Oil Co. v. U.S., 429 U.S. 17, 97 S.Ct. 31, 50 L.Ed.2d 21 (1976). This change will not, except in civil actions, affect S.C. Supreme Court Rule 24, Motions for New Trial upon After-discovered Evidence, which now requires leave by the Supreme Court before the motion can be made in the trial court.

Rule 60(b) is substantially the same as Code § 15-27-130. There are two differences. First, existing State law provides for relief from a "judgment taken against him through his mistake." Rule 60(b) deletes "his" and thus there may be a motion for relief from other mistakes. Second, the statute provides that the relief must be sought within one year. This Rule retains the one-year limitation for Rule 60(b)(1)-(3) for mistake, inadvertence, excusable neglect, newly-discovered evidence, and fraud; but permits relief under Rule 60(b)(4) and (5) after one year, but within a "reasonable time" when the judgment is void or the judgment has been satisfied, avoiding the necessity of bringing a new action to set aside the judgment in such cases after one year.

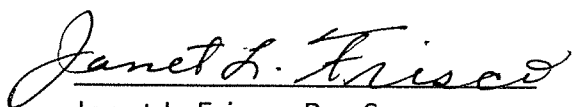
Editor's Note: Effective September 1, 1990, the Supreme Court Rules were repealed by the South Carolina Appellate Court Rules.

Note to 1994 Amendment:iv

The amendment to Rule 60(a) and (b) clarifies that leave of the appellate court is necessary to correct a clerical mistake or to make a motion to set aside an order of judgment while the appeal is pending. An appeal is pending from the time the notice of appeal is served until the issuance of the remittitur. **See** Rules 203, 204 and 221(b), SCACR.

I ask the S.C. Court of Appeals to relieve me of the two restraining orders and sanction of \$5434.32 imposed by 9th Circuit Court in Charleston County due to the fact that the defendants committed fraud which is reason for relief under Rule 60(B). (Exhibit A) This motion is made upon the following grounds:

- 1. The appellate court should grant my motion for relief because the defendants committed fraud when they staged the adoption of my dog Toby and received donations and subsidies based on the falsehood that he had been adopted.**
- 2. Pet Helper's lawsuit is an attempt by the defendants to cover-up that they received donations from the public and subsidies from the Bissell Pet Foundation under false pretenses.**
- 3. The two temporary restraining orders and the sanction of \$5434.32 I was forced to pay for violating the "gag order" should not have been imposed because Pet Helpers committed fraud and lied in their motions.**
- 4. The 9th Circuit Court in Charleston County has refused to consider or investigate my allegations concerning the fraud by Pet Helpers while continuing to impose unjust restrictions and punishments on me.**
- 5. Pet Helpers is attempting to avoid a jury trial by requesting sanctions, a Partial Summary Motion they are requesting intended to force me to concede due to financial insolvency. Their lawyer has asked for a total of \$9,903.98 in legal fees in addition to the \$5,432.34 sanction. It is a travesty that courts can jail or financially penalize an individual without a fair trial or verdict and prevent due process.**
- 6. If Pet Helpers' fraud is not exposed and stopped, they will be able to continue to defraud the public, victimize people like me who patronized their business and continue to cause suffering to animals in their care.**



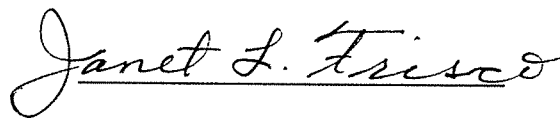
Janet L. Frisco, Pro Se

Dated: 1-10-22

CERTIFICATE OF SERVICE

The forgoing document *DEFENDANT'S MOTION PURSUANT TO SCRPC RULE 60(B)-3 FOR RELIEF OF TEMPORARY RESTRAINING ORDERS AND SANCTIONS* was served on the following by email and U.S. Mail with sufficient postage affixed this 10th day of January 2022:

Stephan V. Futeral,
Attorney for Defendants
4005 Anna Knapp Blvd. Suite 3
Mt. Pleasant, South Carolina 29464
sfuteral@charlestonlaw.net.

A handwritten signature in black ink that reads "Janet L. Frisco". The signature is written in a cursive, flowing style with a horizontal line underneath the name.

Janet L. Frisco, Pro Se

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**

RECEIVED

Jan 14 2022

SC Court of Appeals

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:

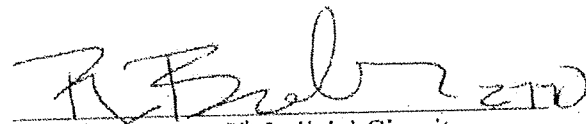
1. Until further order of the court, Defendant is temporarily restrained and enjoined from making defamatory statements, whether orally or in writing, that:
 - a. Plaintiff and its staff were cruel to Defendant's dog;
 - b. Plaintiff and its staff euthanized Defendant's dog;
 - c. Plaintiff and its staff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


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

Dated: 6/17/21
Charleston, South Carolina

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

**2nd ORDER FOR INJUNCTION
AND TEMPORARY
RESTRAINING ORDER**

RECEIVED

Jan 14 2022

SC Court of Appeals

Hearing Date:

June 29 2021

Presiding Judge:

The Honorable R. Kirk Griffin

Plaintiff's Attorney:

Stephan V. Futeral

Defendant's Attorney:

Pro Se

Court Reporter:

Circuit Court DCRP

THIS MATTER came before the Court on Plaintiff's 2nd Motion for Emergency/Ex Parte Restraining Order and Injunctive Relief filed on July 23, 2021. Defendant was properly served with notice of the hearing on July 26, 2021. At the time of the hearing, Defendant sent several emails to the Court and communicated with the Court regarding the virtual hearing courtroom. Both the Court and Plaintiff's counsel sent emails to Defendant providing access to the virtual courtroom. Moreover, both the Court and Plaintiff's counsel sent emails to Defendant providing her information to participate in the hearing by telephone. However, Defendant failed to appear in the virtual courtroom or participate in the hearing via telephone.

Having found that Defendant received proper notice of this hearing and that Defendant was provided with multiple ways to participate in this hearing, but failed to do so, this Court rules as follows:

The hearing upon this application for 2nd Restraining Order and Injunction shall be held in-person within ten (10) days after entry of this 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 _____ day of _____, 2021 at _____ o'clock, ____ m. A copy of this Order in this matter, inclusive of motions, shall be served upon Defendant.

The Defendant is hereby advised that a violation of this Order of the Court is punishable by fines and imprisonment for up to one year.

AND IT IS SO ORDERED!

The Honorable R. Kirk Griffin
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/Temporary Restraining Order

So Ordered

s/ R. Kirk Griffin 2768

Electronically signed on 2021-07-29 16:19:38 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

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

RECEIVED

Jan 14 2022

SC Court of Appeals

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!

Dated: _____
Charleston, South Carolina

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



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

RECEIVED

Pet Helpers Inc

Janet Frisco

Jan 14 2022

PLAINTIFF(S)

DEFENDANT(S)

SC Court of Appeals

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), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j), SCRCP; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other
- ☐ **STAYED DUE TO BANKRUPTCY**
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

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

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

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.

[Signature] 2760 11.5.21
Circuit Court Judge Judge Code 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-Fileers or who are appearing pro se. See Rule 77(d), SCRCP.

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
Stephen Futral.*

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

FORM 4

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's 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)
		\$
		\$



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

January 10, 2022

Janet L. Frisco
203 Cardinal Drive
Summerville SC 29485

Re: Pet Helpers, Inc., v. Janet Frisco
Appellate Case No. 2022-000021

Dear Ms. Frisco:

Upon reviewing your notice of appeal, the following deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter or your appeal will be dismissed:

- The filing fee amount submitted for the “Defendant’s Motion Pursuant to SCRCR Rule 60(b) 3 For Relief of Restraining Orders and Sanction” is incorrect. As noted in your cover letter dated January 8, 2022, filing fees for the notice of appeal and motion are forthcoming. You are advised that the motion fee is \$50.00 and not \$25.00 as stated in your letter.
- The notice of appeal fails to include a statement of when you received written notice of entry of the order or judgment from which this appeal is taken.

Very truly yours,

V. Claire Allen

CLERK

cc: Stephan Victor Futeral, Esquire

FORM 8
LETTER TO THE APPELLATE COURT CLERK
FILING THE NOTICE OF APPEAL
(AMENDED)

RECEIVED

Jan 14 2022

SC Court of Appeals

January 14, 2022

Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

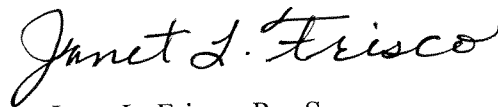
RE: Janet L. Frisco Appellant vs. Pet Helpers, Respondents, Case No. 2021-CP-10-2682 Pet Helpers, Inc. vs Janet Frisco

Dear Ms. Kitchings:

Enclosed for filing is an amended notice of appeal in the above case.
Also enclosed are the following:

- (1) Proof of service of the amended notice of appeal on the respondents.
- (2) A copy of the orders and judgments which are to be challenged on appeal that were originally filed on January 10, 2022.
- (3) A filing fee of \$250.00 and motion fee of \$50.00 enclosed.
- (4) Letter from South Carolina Court of Appeals concerning the deficiencies that needed to be corrected dated January 10, 2021.

Sincerely,



Janet L. Frisco, Pro Se

cc: Stephan V. Futeral,
Attorney for Respondent
1004 Anna Knapp Blvd., Suite 3
Mt. Pleasant, SC 29464
843-284-5500

From: Janet Frisco janetfrisco@yahoo.com
Subject: Re: Free Advertising
Date: July 26, 2021 at 7:40 PM
To: Stephan Futeral sfuteral@charlestonlaw.net



How am I supposed to identify them? Have you considered mental health intervention? Don't hold your breath for the discoveries. After the hearing on the Pet Helper's fraud, your complaint will be dismissed and consolidated. Soliciting donations on misrepresentation is a crime, but guess they didn't teach you that in law school.

[Sent from Yahoo Mail on Android](#)

Sent from Yahoo Mail on Android

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

From: "Janet Frisco" <janetfrisco@yahoo.com>
To: "Stephan Futeral" <sfuteral@charlestonlaw.net>
Sent: Fri, Dec 17, 2021 at 3:40 PM
Subject: Extortion
Me.Futeral,

I'm looking over your attorney fees and thinking you're nothing more than a thief who steals through the courts. I've already paid \$5434.32 for your bogus lawsuit fees that I shouldn't have had to pay. Do you realize that you had to come to the hearing today for your Motion for a Partial Summary Judgement so why are you trying to charge me for that? The same thing applies to Motion to Amend Complaint. You had to come for your own filing.

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 Ms.Smith maybe she and your wife can start a bordello. It's a lot more honest than what they're doing now for money.

Janet Frisco

Sent from Yahoo Mail on Android

Subject: Jury Trial

Date: Tuesday, January 18, 2022 at 7:09:07 PM Eastern Standard Time

From: Janet Frisco

To: Stephan Futeral, Stephanie Smith

Mr Futeral,

Your goal is to prevent a trial by impartial jury by crippling me financially through these unfair sanctions, but 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. It will all be exposed and the guilty will be held accountable for their crimes.

Janet Frisco

[Sent from Yahoo Mail on Android](#)

Subject: Re: Lawyers

Date: Thursday, January 20, 2022 at 7:50:44 PM Eastern Standard Time

From: Janet Frisco

To: Stephan Futeral

CC: Stephanie Smith

Do whatever you need to do in order to hide Pet Helper's fraud and your lcover up. My case was essentially dismissed when they granted you the Consolidation anyway. Psalm 125:3

[Sent from Yahoo Mail on Android](#)

On Thu, Jan 20, 2022 at 7:16 PM, Stephan Futeral
<sfuteral@charlestonlaw.net> wrote:

Ms. Frisco,

Your appeal does not stay your obligation to answer discovery. If we have not received your responses by tomorrow, we will file our motion to dismiss your case.

Best wishes,

Stephan Futeral

Stephan Futeral, Esq.

Civil & Family Court Mediator, Futeral & Nelson, LLC

843.284.5500

charlestonlaw.net

1004 Anna Knapp Ext, Mt. Pleasant SC 29464



IMPORTANT: The information contained in this distribution, or copy of this communication is strictly prohibited by both State and Federal communications laws. If you have received this communication in error, please immediately notify us by telephone at the above number and permanently delete the original message received by you. IRS CIRCULAR 230 NOTICE: Any federal tax advice contained in this communication (or in any attachment) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending any transaction or matter addressed in this communication.

[App Banner Image](#)

Exhibit D

On Jan 20, 2022, at 5:58 PM, Janet Frisco <janetfrisco@yahoo.com> wrote:

I can appeal the judgements because the case hasn't ended. Tomorrow it will be filed.

[Sent from Yahoo Mail on Android](#)

On Thu, Jan 20, 2022 at 5:55 PM, Janet Frisco
<janetfrisco@yahoo.com> wrote:

I can't download and I changed phones several times and lost messages etc. I'm going to appeal under rule 26C because I can't do the request for production.

[Sent from Yahoo Mail on Android](#)

On Thu, Jan 20, 2022 at 5:38 PM, Stephan Futeral
<sfuteral@charlestonlaw.net> wrote:

What about your answers to discovery?

Best wishes,
Stephan Futeral

Stephan Futeral, Esq.
Civil & Family Court Mediator, Futeral & Nelson, LLC

843.284.5500
charlestonlaw.net
1004 Anna Knapp Ext, Mt. Pleasant SC 29464



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[App Banner Image](#)

On Jan 20, 2022, at 1:25 PM, Janet Frisco <janetfrisco@yahoo.com> wrote:

Mr Futeral,

I appreciate your concern about my appeal, but I don't hire lawyers because they don't really represent their clients but are simply told what to do by court officials. I'm not sure why you're worried about it. If they recognize the judgements from the lower court that I'm appealing, then you can go on stealing my money and I will be out the \$300.00 for the fees. If they don't recognize the orders and judgements then I will be in a better position than I am now in the Court of Common Pleas where I have been treated so unfairly. The Appellate Court is my best chance to turn this around on you and Pet Helpers. You have circumvented due process and confirmed that lawyers are everything I believed and worse. They are liars and thieves who manipulate the laws and rules to shield the guilty and oppress the innocent and the poor. Everyone knows that.

Janet Frisco

[Sent from Yahoo Mail on Android](#)

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

**MEMORANDUM IN SUPPORT OF
MOTION FOR PARTIAL SUMMARY
JUDGMENT**

The grounds for this motion and relief sought are detailed in Plaintiff's Motion for Partial Summary Judgment. Plaintiff submits the Memorandum in Support of Partial Summary Judgment to expand upon events that have transpired and court rulings that have been made since Plaintiff filed its motion.

BACKGROUND

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 the adoption, Defendant published dozens of social media posts and videos, and protested in front of Plaintiff's business, falsely claiming that:

- a) Plaintiff and/or its staff killed her dog;
- b) Plaintiff and/or its staff euthanizes other animals in its shelter;
- c) Plaintiff and/or its staff was cruel to her dog;
- d) Plaintiff and/or its staff is cruel to other animals in its shelter; and
- e) Plaintiff faked/staged the dog's adoption.

Additionally, Defendant sent numerous emails to third parties, including the Post & Courier, making the same false claims regarding Plaintiff.

PROCEDURAL HISTORY

On June 16, 2021, Plaintiff filed its Motion for Partial Summary Judgment. Six months later, Plaintiff's Motion for Summary Judgment was scheduled to be heard on December 17, 2021. In her return to Plaintiff's Motion for Summary Judgment, Defendant claimed to need additional time to complete discovery. Therefore, to afford Defendant additional two months for her to engage in discovery, Plaintiff voluntarily moved to continue the summary judgment motion. However, since the original hearing date of December 17, 2021, Defendant has not engaged in discovery.

Plaintiff's Complaint & 1st Restraining Order Against Defendant

On June 9, 2021, Pet Helpers, Inc. initiated this action with the filing of a Summons, Complaint and Motion for Emergency *Ex Parte* Restraining Order. On June 11, 2021, this court issued an *Ex Parte* Restraining Order and Injunction against Defendant enjoining her from making the false claims set forth above. Thereafter, on June 17, 2021, the court issued and filed a Temporary Restraining Order and Injunction after a hearing was held the same day.

Defendant's Complaint and Consolidation

On June 17, 2021, Defendant filed a Summons and Complaint in the matter of Janet Frisco v. Pet Helpers, Inc., Case Number 2021-CP-10-2848. Upon the Motion of Pet Helpers, Inc., the matter of Frisco v. Pet Helpers, Inc. was consolidated with this action by order of this court filed January 6, 2022.

2nd Restraining Order Against Defendant

On October 12, 2021, this court issued a 2nd Order for Injunction and Temporary Restraining Order expanding the prohibitions listed in the 1st Order for Injunction and Temporary Restraining Order. Additionally, this court sanctioned Defendant in the amount of \$5,434.34.

Defendant's Contempt of Court

On November 5, 2021, this court held in contempt for violating the 1st and 2nd Restraining Orders more than eighty (80) times and sentenced her 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.

Defendant's Failure to Comply with Order of Discovery

For nine months, Defendant has 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 discover by January 17, 2022 and financially sanctioned Defendant for her unwarranted refusal to cooperate in the discovery process. On January 18, 2022, and several times thereafter, Plaintiff's counsel wrote to Defendant asking her to comply with the court order compelling Defendant's discovery responses. Defendant still refuses to comply with the order compelling discovery. Thereafter, on January 21, 2022, Plaintiff filed a Motion for Sanctions for Defendant's Failure to Comply with the Order Compelling Discovery.

Defendant's Appeal

Defendant untimely appealed an injunction/restraining order. Therefore, on March 2, 2022, the Court of Appeals dismissed her appeal.

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), SCRCP. "[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, to oppose a summary judgment motion, "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).

I. THE COURT SHOULD GRANT PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT REGARDING PLAINTIFF'S CLAIMS BECAUSE DEFENDANT SQUANDERED HER ADDITIONAL TIME TO ENGAGE IN DISCOVERY AND BECAUSE FURTHER DISCOVERY WILL NOT UNCOVER ADDITIONAL RELEVANT EVIDENCE.

On July 7, 2021, Defendant served Requests to Admit on Plaintiff, and Plaintiff answered on July 9, 2021. In the past nine months, Defendant has not sought any additional discovery. Nevertheless, during the hearing on December 17, 2021, Plaintiff voluntarily continued its Motion for Summary Judgment to give Defendant additional time to complete discovery. Instead of engaging in discovery, Defendant has spent her time repeatedly claiming that Plaintiff committed "fraud" and that Plaintiff's undersigned counsel "concealed evidence" and made "false statements in legal documents and during hearings," and that the court system is corrupt. Not only has Defendant failed to assert a claim or defense that is recognized under South Carolina law, Defendant has not produced even a scintilla of evidence to substantiate any of 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). Here, Defendant's allegations go beyond speculation and conjecture and are, in a word, irrational.

II. THE COURT SHOULD GRANT PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT REGARDING DEFENDANT'S CLAIMS BECAUSE THERE IS NO CAUSE OF ACTION ARISING FROM DEFENDANT'S TRANSFER OF OWNERSHIP OF THE DOG TO PLAINTIFF.

The gravamen of Defendant's claims and defenses can be summed up by the follow allegation - "I suffered severe depression and grief and am still suffering due to the separation [Plaintiff and Melissa Susko] needlessly created by not returning the dog to me." Essentially, Defendant is seeking damages because she is remorseful that she gave the dog to Plaintiff for which there is no legal claim under South Carolina law. Indeed, Defendant admits she transferred ownership of the dog to Plaintiff. Although Defendant refuses to answer interrogatories and requests for production, Defendant did answer Requests for Admission in July 2021 and responded "I admit I legally transferred complete ownership of the dog Toby/Slim Jim to Plaintiff" (emphasis added). **(Exhibit A – Defendant's Answers for Requests for Admission).**

Defendant also claims that she was unaware that the dog would be featured during a "low cost" adoption event. What Defendant is implying is that Plaintiff somehow acted wrongfully in lowering its typical adoption fees to encourage people to adopt several animals including the canine in issue. Stating another way, Defendant feels that people of less financial means should not own a dog. Regardless of Defendant's feelings, Defendant has neither standing to complain nor does she assert a recognizable claim under South Carolina law. As the owner of the dog, Plaintiff could make its own determination regarding potential adoptees for the dog.

Lastly, Defendant now claims that the adoption of the dog was "fraudulent." Defendant theorizes that Plaintiff allowed one of its employees to adopt the dog to thwart Defendant's request to reclaim the dog. In this case, the dog was adopted by a third party who is not one of Plaintiff's

employees. (**Exhibit B – Affidavit of Melissa Susko, Director of Pet Helpers** and **Exhibit C – Affidavit of John Blaine, Employee of Pet Helpers**). Assuming, *arguendo*, that Plaintiff permitted an employee to adopt the dog, Defendant still has not stated a viable cause of action under South Carolina law against Plaintiff.

As the legal owner of the dog, Plaintiff had the absolute right to exercise its own judgment and discretion to decide who could adopt the dog. Defendant was not an ideal candidate to reclaim/adopt the dog Defendant surrendered because Defendant already was overwhelmed with caring for seven other dogs and was considering surrendering an additional dog to Plaintiff. On Plaintiff's "Surrender Form," dated April 13, 2021, Defendant was asked "Please explain why you are surrendering this dog." Defendant replied "I have seven other dogs at this time. I don't have the time to give him attention or train." (**Exhibit B – Surrender Form**). Additionally, on April 30, 2021, Defendant emailed Plaintiff that she had a second dog she wished to surrender to Plaintiff. Specifically, Defendant wrote "I have a young small female beagle I rescued and need to surrender." (**Exhibit D – Email from Defendant**). Ultimately, Defendant was highly unsuitable to adopt/reclaim the dog she surrendered to Plaintiff.

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. Additionally, Defendant has not made any claims or defenses that are recognized under South Carolina law nor has she provided a scintilla of evidence to support any of her allegations. Therefore, Plaintiff respectfully requests that this court grant Plaintiff partial summary judgment as follows:

1. Dismissing Defendant's claims against Plaintiff and Melissa Susko, individually;
2. Issuing an order that, as a matter of law, Defendant's statements, both written and verbal, are defamatory statements regarding Plaintiff that are actionable per se;
3. Issuing an order establishing that Defendant is liable to Plaintiff for damages in an amount to be determined at trial;
4. Issuing a Permanent Restraining Order and Injunction as follows:
 - a) Prohibiting Defendant from making any statements, written or verbal, regarding this lawsuit, the parties involved, or their legal counsel, 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;
 - b) Prohibiting Defendant from contacting Plaintiff and its staff;
 - c) Prohibiting Defendant from coming onto Plaintiff's property; and
 - d) Prohibiting Defendant from attempting, directly or indirectly, to contact the dog's owner.

FUTERAL & NELSON, LLC

s/ Stephan V. Futeral
 Stephan V. Futeral
 S.C. Bar ID 66427
 1004 Anna Knapp Blvd, Suite 3
 Mt. Pleasant, South Carolina 29465
 Telephone (843) 284-5500
 Facsimile (843) 284-5501
 email to: sfuteral@charlestonlaw.net

Dated: April 12, 2022

Attorney for Plaintiff

CERTIFICATE OF SERVICE

The foregoing document *Memorandum in Support of Motion for Partial Summary Judgment* was served on the following by email and U.S. Mail with sufficient postage affixed, this 12th day of April, 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

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

PET HELPERS, INC.,

**DEFENDANTS ANSWERS TO PLAINTIFF'S
REQUESTS TO ADMIT.**

Plaintiff,

vs.

JANET L. FRISCO,

Defendant.

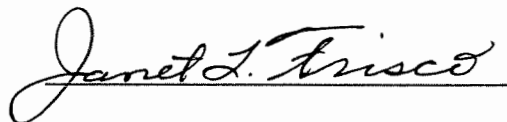
2021 JUL -7 PM 4:21
CLERK OF COURT

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 they 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

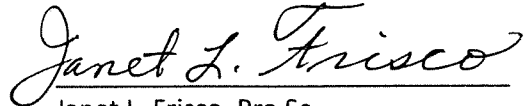


Janet L. Frisco, Pro Se
 203 Cardinal Drive
 Summerville, South Carolina 29485
 843-804-0875
 Email to: janetfrisco@yahoo.com

CERTIFICATE OF SERVICE

The foregoing document *Defendant's Answers to Plaintiff's Requests to Admit* was served on the following by email and U.S.Mail with sufficient postage affixed, this 7th day of July, 2021:

Stephan V. Futeral,
1004 Anna Knapp Blvd., 2nd Floor
Mount Pleasant, South Carolina 29464
sfuteral@charlestonlaw.net


Janet L. Frisco, Pro Se

2021 JUL -7 PM 4:21
CLERK OF COURT

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

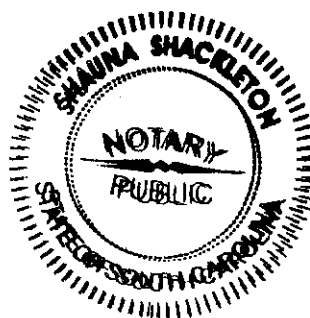
"Toby/Slim Jim" the attention that a pet deserves. In fact, on April 30, 2021, the Defendant sent an email to Pet Helpers seeking to surrender another one of her dogs to Pet Helpers. (Exhibit B)

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.

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 ever 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

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,

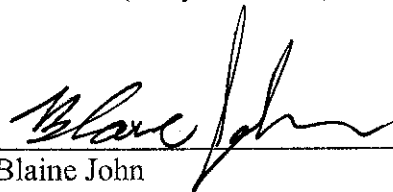
Defendant.

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

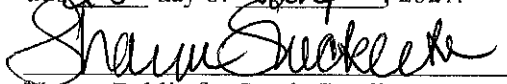
AFFIDAVIT OF BLAINE JOHN

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

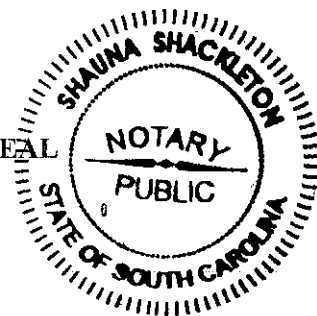
I am an employee at Pet Helpers, Inc. It is my understanding that the Defendant in this matter alleges that I adopted the canine (Toby/Slim Jim) which Defendant relinquished to Pet Helpers, Inc. on April 13, 2021. I did not adopt the canine (Toby/Slim Jim) as alleged by the Defendant.


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



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.

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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.

ELECTRONICALLY FILED - 2022 Apr 12 12:33 PM BY CHURLESTON - COMMON PLEAS - CASE#2021CP1002662

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

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

JANET FRISCO

Plaintiff,

Vs.

PET HELPERS, INC. AND MELISSA SUSKO

Defendants,

**OBJECTION TO
DEFENDANTS' MOTION TO
CONSOLIDATE**

FILED
2021 JUL 16 PM 3:53
JULIE J. ARMBRIST
CLERK OF COURT

I, Janet Frisco plaintiff in this case, object to the use of Rule 42(a) SCRCp, consolidating this action with Pet Helpers, Inc. v. Janet Frisco, 21-CP-10-2682 on the following grounds:

BACKGROUND

My actions that Pet Helpers is suing me for was facilitated by their own deception and wrongful actions after I surrendered my dog, Toby to them for adoption purposes. They misrepresented and did not give me pertinent facts concerning the surrender and his treatment afterwards. They did not inform me that there was a low-cost adoption event scheduled in approximately three weeks, or try to work with me to avoid having to surrender my dog as their website states they do. When I called and emailed them multiple times with concerns about my dog, they replied that there weren't any problems and the "dog was doing fine". (It is common knowledge that dogs suffer when abandoned at shelters by their owners.) When I said I wanted to reclaim the dog during these calls and emails (see EXHIBIT A), Katie in Intake, said I would have to discuss that with the manager, Melissa Susko, but she never contacted me. Katie sent me an adoption application on May 7th and I submitted it that evening, but when I called to follow-up on the application she lied and told me Toby had been adopted the morning of May 7th. The adoption by the other party was actually done on May 8th. (see Exhibit B). When I viewed the pictures of the adoption on their website, the adopter looked like one of their employees, John Blaine. I believe Ms. Susko ordered him to adopt the dog after I submitted my application because she didn't want to return my dog to me. If she had, Pet Helpers would not have been able to say they found him a home and solicit donations on Facebook and on their website. Ms. Susko also falsely accused me of violating the trespass notice using an employee to take pictures after another employee tried to lure me on to the property (see EXHIBIT C).

LAW/ANALYSIS

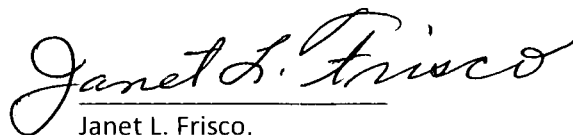
Pursuant to Rule 42(a) SCRCivP, "When actions involving a common question of law or fact are pending before the court, it may order a joint hearing or trial of any or all matters in issue in the action; it may order all actions consolidated, and it may make such orders concerning proceeding therein as may tend to avoid unnecessary costs or delay." The Defendants have not acknowledged their wrongdoing or

deception in their suit so not all the “same facts and circumstances” are contained in both suits as Pet Helpers alleges. The Plaintiffs are omitting in Pet Helpers v Janet Frisco, 21-CP-10-2682 that their wrongful actions facilitated my subsequent emotional reactions in the loss of my dog and concern for his welfare. If Pet Helpers had not consistently lied to me about the condition of the dog, the date of the adoption and used an employee to stage an adoption, there would be no need for either complaint. If I had not made the matter public, I believe they would have euthanized Toby after the fake adoption. I never would have protested or assumed they euthanized my dog and said so publicly if they had not behaved in the deceptive manner they did. Pet Helpers should be held accountable for their deception and exacerbating behavior that led to my reaction. A initiated their complaint in order to conceal their wrongful actions that led to me experiencing intense emotional distress. Without my complaint going forward, the truth of their deceptions will not come to the surface and that is exactly what they intend. I contend that their suit is wrongful and that Pet Helpers and Melissa Susko, their executive manager committed breach of trust and misrepresentation in the transaction. She was dishonest, malicious and conniving and attempted to do me harm by making false statements that I violated the trespass notice that could have resulted in my arrest. Pet Helper’s attorney, Stepan Futural, repeated these false charges in part to obtain the *EX PARTE INJUNCTION AND RESTRAINING ORDER* and subsequent permanent restraining order. He also stated that the adoption of the other individual was in progress when I submitted my adoption application on May 7th which was false.

CONCLUSION

Pet Helper’s complaint 21-CP-102682 should be dismissed or consolidated into Case No.2121-CP-10-2848 and I will make that motion to the courts forthcoming. My complaint is primary and should be heard before a jury to divulge the deception and wrongdoing they perpetrated against an unsuspecting customer who trusted them with her valued property, my dog Toby.

Dated: July 16, 2021



Janet L. Frisco,
Pro Se
203 Cardinal Drive
Summerville, South Carolina 29484
843-804-0875
janetfrisco@yahoo.com

Exhibit A

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

1111 37472 An Intimate Evening with Trey Taylor

Charleston, SC 29405

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

Get Trey Taylor Tickets at:

<https://charleston.boldtixpetickets.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



Pet Helpers

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 #: 982 091 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 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.

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 C

INCIDENT/INVESTIGATION
REPORT

I N C I D E N T D A T A	Agency Name <i>Charleston Police Department</i>		INCIDENT/INVESTIGATION REPORT		Case# <i>21-08399</i>					
	ORI <i>SC0100100</i>				Date / Time Reported <i>06/07/2021 16:28 Mon</i>					
	Location of Incident <i>1447 FOLLY RD, Charleston SC 29412</i>				Last Known Secure <i>06/05/2021 16:30 Sat</i>					
	Gang Relat NO				Premise Type <i>Parking Lot/parking</i>	Beat/Tract 323	At Found <i>06/07/2021 12:15 Mon</i>			
V I C T I M	#1	Crime Incident(s) <i>Trespass 90J</i>		(Com)	Weapon / Tools		Activity <i>N</i>			
		Entry			Exit		Security			
	#2	Crime Incident		()	Weapon / Tools		Activity			
		Entry			Exit		Security			
	#3	Crime Incident		()	Weapon / Tools		Activity			
		Entry			Exit		Security			
MO										
V I C T I M	# of Victims	<i>1</i>		Type:	<i>BUSINESS</i>				Injury:	
	V1	Victim/Business Name (Last, First, Middle) <i>PET HELPERS</i>		Victim of Crime #	<i>1,</i>	DOB		Race	Sex	
		Home Address <i>1447 FOLLY RD, Charleston, SC 29412-</i>			Age			Relationship To Offender	Resident Status	
		Employer Name/Address						Business Phone	Mobile Phone	
		VYR	Make	Model	Style	Color	Lic/Lis	VIN		
O T H E R S	CODES: V- Victim (Denote V2, V3) O = Owner (if other than victim) R = Reporting Person (if other than victim)									
	Type: <i>INDIVIDUAL/ NOT LAW ENFORCEMENT</i>				Injury:					
	Code	Name (Last, First, Middle) <i>SUSCKO, MELISSA</i>		Victim of Crime #		DOB		Race	Sex	
		Home Address			Age	<i>52</i>	<i>W</i>	<i>F</i>	Relationship To Offender	
		Employer Name/Address <i>Pet Helpers, 1447 FOLLY RD</i>						Business Phone	Mobile Phone	
I N V O L V E D	Type:					Injury:				
	Code	Name (Last, First, Middle)		Victim of Crime #		DOB		Race	Sex	
		Home Address			Age			Relationship To Offender	Resident Status	
		Employer Name/Address						Business Phone	Mobile Phone	
P R O P E R T Y	1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown ("OJ" = Recovered for Other Jurisdiction)									
	VI #	Code	Status	Frm/To	Value	OJ	QTY	Property Description	Make/Model	Serial Number
Officer/ID#	<i>BUREK, H. (PTL, TM3P) (2166)</i>									
Invest ID#	<i>BROWN, Y. D. (PTL, TM3I) (1191)</i>				Supervisor <i>TAI, M. P. (PTL, TM3P) (1070)</i>					
Status	Complainant Signature			Case Status <i>Pending Inactive</i>			<i>06/09/2021</i>		Case Disposition:	Page 1

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 <i>03/12/1954</i>	Age <i>67</i>	Race <i>W</i>	Sex <i>F</i>	Eth <i>N</i>	Hgt <i>502</i>	Wgt <i>140</i>	Hair <i>BLN</i>	Eye <i>BRO</i>	Skin <i>FAR</i>	Driver's License / State. <i>0004853415 SC</i>																																													
	Scars, Marks, Tattoos, or other distinguishing features																																																							
<table border="1"> <tr> <td colspan="2"><i>Reported Suspect Detail</i></td> <td colspan="2">Suspect Age</td> <td>Race</td> <td>Sex</td> <td>Eth</td> <td colspan="2">Height</td> <td colspan="2">Weight</td> <td colspan="3">SSN</td> </tr> <tr> <td colspan="2">Weapon, Type</td> <td colspan="2">Feature</td> <td colspan="2">Make</td> <td colspan="2">Model</td> <td colspan="2">Color</td> <td>Caliber</td> <td colspan="3">Dir of Travel Mode of Travel</td> </tr> <tr> <td colspan="3">VehYr/Make/Model</td> <td>Drs</td> <td colspan="2">Style</td> <td colspan="2">Color</td> <td colspan="2">Lic/St</td> <td colspan="4">VIN</td> </tr> </table>															<i>Reported Suspect Detail</i>		Suspect Age		Race	Sex	Eth	Height		Weight		SSN			Weapon, Type		Feature		Make		Model		Color		Caliber	Dir of Travel Mode of Travel			VehYr/Make/Model			Drs	Style		Color		Lic/St		VIN			
<i>Reported Suspect Detail</i>		Suspect Age		Race	Sex	Eth	Height		Weight		SSN																																													
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VehYr/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.....

Investigator Signature

96

Supervisor Signature

RECEIVED

Jul 26 2024

SC Court of Appeals

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that the *Appellant's Supplemental Record on Appeal* contains all materials proposed to be included by all parties and not any other material and complies with the court's order of July 8, 2024 on the specific matter to be added.



Janet L. Frisco, Pro Se Appellant
203 Cardinal Drive
Summerville, South Carolina 29485

DATED: July 25, 2024